

Bond Case Briefs

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LIABILITY - NEW YORK

Scott v. City of New Rochelle

Supreme Court, Westchester County, New York - May 21, 2014 - N.Y.S.2d - 2014 N.Y. Slip Op. 24131

Suspect's sister brought action against city and individual police officers to recover damages for personal injuries she allegedly sustained when the city's police officers searched her home. Defendants moved to dismiss.

The Supreme Court held that:

- Sister was not required to name the individual officers in her notice of claim;
- Sister provided sufficient notice that a claim for civil assault was being asserted;
- Relation-back doctrine permitted sister to add individual officer as a defendant;
- Fact issues precluded summary judgment on sister's false arrest/false imprisonment claims;
- Officer who did not have any physical contact with sister aside from removing her handcuffs was not liable for assault and battery;
- Fact issue precluded summary judgment on sister's intentional infliction of emotional distress claim against officers; and
- Fact issue precluded summary judgment on officers' qualified immunity defense.