

# **Bond Case Briefs**

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## **LIABILITY - INDIANA**

### **Flores v. City of South Bend**

**United States Court of Appeals, Seventh Circuit - May 12, 2021 - F.3d - 2021 WL 1903225**

Personal representative of motorist who died when struck by patrol car driven by police officer filed action against officer and city under § 1983 and associated state laws, asserting that officer violated motorist's substantive due process rights and that the city was liable under Monell.

The United States District Court granted defendants' motion to dismiss for failure to state a claim and denied personal representative leave to amend. Personal representative appealed.

The Court of Appeals held that:

- Police officer's alleged conduct reflected deliberate indifference, as required to state claim for violation of substantive due process;
- Allegations did not support Monell claim based on de facto policy of city encouraging reckless speeding by officers; but
- Complaint plausibly alleged that city acted with deliberate indifference to known recklessness of officers, as required for Monell liability.