

# **Bond Case Briefs**

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## **LIABILITY - PENNSYLVANIA**

### **Donahue v. Borough of Collingdale**

**United States District Court, E.D. Pennsylvania - February 1, 2024 - F.Supp.3d - 2024 WL 387455**

Bystander injured and administratrix of estate of bystander killed when vehicle of which bystanders were occupants was struck by vehicle being chased by police in high speed pursuit, as well as decedent bystander's sister, brought action against individual police officers and boroughs, asserting claims under § 1983 for due process violations and municipal liability and under state law.

Officers and boroughs moved for summary judgment.

The District Court held that:

- Individual officers were not liable on substantive due process claim under state-created danger theory;
- Fact issues existed as to whether boroughs' allegedly defective customs and training related to pursuits were moving force of constitutional violations, precluding summary judgment on claims for municipal liability; and
- Bifurcation of § 1983 claims and state law claims was appropriate.