

ready to

28-1779

Queen v City of Independence

Monell remitted

The Ct held a MC was a person U § 1983 & cd to sue - but left open + ? who entitled to a ST immunity. Morris v. Page, to + extent inconsistent, was OKed.

See Ct (Baker J)

A. Queen is entitled to notice & try

1. Criminals no imposed a stigma.
 2. Albany also decided to fire; $\therefore$ Roberts' stunts had no causal relationship to firing
 3. Council had no power to influence + fire dec by Albany
 4. Albany publicly stated no E + sustain crim allegs.
- B. Indians acted in ST & $\therefore$ immune if sued in official capacity (they were)
- C. City also & has + been v ST immune.

C8 $\pm$ 1 remitted

1. Petrus has a Queen's suit U 14th Am dirty
2. " was stigmatized - press stunk impugned honesty, referred to prosecutors, fired
3. Monetary award proper
4. No TP int in + job [issue is raised on cert]. But disposal is a lib int
5. ST is a defense for a MC to "obtain monetary relief"
a) deterrence to do a good job no spirit won City itself will bear + award

SVR rec U Monell

C8 about
right this time

78-1779 (2)

C8 #2 now + d + DCT

- OK 1. Deprived of a lib int sans DP
- OK? 2. No need for Bumens act since suit of 1983 goes.
3. But city entitled to qual's immu
- a) N " " abs " V Monell
- b) Implied " " so lth "
- c) Officials acted in B7.

I joined Monell.

I think C8 about right + let to

✓ The Pmt ? is in B7 us - not in petrie's presentation

✓ In Ct's past cases any official immu has depended on + c.l.

✓ So far as I can see to us no MC immu at c.l. (as sov immunity)

In S6 + end v t case

1871 - mcs lost for prop action, i.e. by stat, for state

✓ But if policy Qs r + apply, try support petrie

✓ 1. The deterrence (for governing) factor is impresso - MCs abs leab

in K + Tort

✓ 2. Constitutional wrongs deserve no less protection

3. Officials r + b enid to weigh constitutional wrongs

4. City's "policy" + "conduct" distinction is KG - latter is respondent super

5. MC lost here in unconsent w/ non-leab v t indiv

6. Ample protection to + MC we try in leab v resp super + thus in
leab only is + actus pursuant to official policy

7. Qual's immu with defect broad purpose v Ct's Act

5 Jan 80