

neely ho

78-1779

Queen v City of Independence

Monell remanded

The Ct held a MC was a person U § 1983 & ch 6 sued - but left open + ? who entitled to a B7 immunity. Monroe v Pape, 5 + after incident, was OK.

See Ct (Booth J)

- A. Queen is entitled to notice & try
 1. Criminals no imposed a stigma
 2. Albery already decided to fire; ∴ Roberts' shots had no causal relation to firing
 3. Council had no power to influence + fire decision by Albery
 - ∴ Albery publicly stated no E + sustain crime alibys.
- B. Indwos acted in B7 & ∴ immune if such in official capacity (they were)
- C. City also & he + her v B7 immune.

CB ±, remarks

1. Petrus has a Queen suit U 14th disty
2. " was stigmatized - gross state impugned honesty, referred to prosecutors, fired
3. Monetary award proper
4. No TP int in + job [imm in remark on cert]. But approval & a lib int
5. B7 is a defense for a MC to "obtain monetary relief"
 - a) deterrence to do a good job no spirit w/ City itself w/ bear + award

SVK rec U Monell

CB about
right this is
Luna

C8 #2 now + L + DCT

- OK 1. Depend on a lib int sans DP
- OK? 2. No need for Bureau action since sent U 1983 pass.
3. But city entitled to govt's immn
- a) N " " abs " U Monell
- b) Implied " " so ltr "
- c) Officials notes in S7.

I guess Monell

I think C8 about right + L + L

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

✓ In Ct's past cases any official immn is dependent on + cl

✓ So far as I can see there is no MC immn at cl. (as for immunity)

In S6 + end v + case✓ But if policy is to apply, try support petrie✓ 1. The detriment (for governing) factor is impressive - MCs also lead
in K + L✓ 2. Constitutional wrongs deserve no less protection3. Officials + L + b avoid to weigh constitutional wrongs

4. City's "policy" + "conduct" distinction is XG - latter is respondent superior

5. MC lead here in inconsistent with non-lead v + indiv6. Simple protection to + MC we try in lead v respondent superior + thus in
lead only is not active participant to official policy

7. Local's immn. will defeat broad purpose of Cts Act

5 Jan 80