

For the International Municipal Lawyer's Association - IMLA's 5 things to know for November 29th

1. Yesterday the 3rd Circuit decided that the estate of a police officer killed during training had a viable Section 1983 claim against the training office who shot and killed him. The trainer failed to perform rudimentary safety and violated his own protocols when he used what he thought was an unloaded gun in the exercise and shot the other officer in the chest. The case offers a very good analysis regarding a determination of when immunity applies and also an interesting discussion of "state created danger" and the Due Process Clause. But why have we allowed workplace accidents to become constitutional torts vitiating the workers compensation laws?

KEDRA v SHROETER <http://www2.ca3.uscourts.gov/opinarch/161417p.pdf>

2. In Austin, Texas a trial continues over the question of whether dogs that mauled and killed a young woman should be put down. For code enforcement members of IMLA, this case identifies the consequences of allowing a person to maintain large numbers of dogs without sufficient supervision. The woman was serving papers at the home, when the dogs mauled her. She was only 36. Drafting tip: An animal control ordinance should require the owner of dogs to pay the costs of hosing dogs seized under circumstances such as these and upon failure to do so, to forfeit their ownership.

<http://www.kvue.com/news/local/jury-to-decide-if-dogs-who-mauled-austin-woman-should-be-put-down/494973996>

3. In Los Angeles, City Attorney Mike Feuer has filed suit against the owner of an apartment facility that has been a source of gang activity and a burden on the community. In addition to requiring a number of changes to help eliminate the problems, Feuer has sought to require the owner of the apartments to live there until the corrections have been made. The owner is willing to correct the problems, but not live there. Tools such as injunctions and chronic nuisance laws can be vital in protecting communities from abusive residents.

<http://www.latimes.com/local/lanow/la-me-ln-baldwin-village-lawsuit-20171127-story.html>

4. Yesterday, the DC Circuit concluded that the federal campaign limitations that limit a contribution to \$2600 per candidate per election survived a challenge. The law limits the amount of contributions to a candidate in each election, the primary, the general and the run-off by candidate and by election. The challengers claimed they should be allowed to donate up to \$5200 to a candidate if they did not donate to that candidate in a primary election. The court disagreed.

HOLMES v FEC

[https://www.cadc.uscourts.gov/internet/opinions.nsf/35C161ABA2CEBAAC852581E60054ED3B/\\$file/16-5194-1706238.pdf](https://www.cadc.uscourts.gov/internet/opinions.nsf/35C161ABA2CEBAAC852581E60054ED3B/$file/16-5194-1706238.pdf)

5. In IMLA programming on December 6th- We'll discuss *King County v. Vinci/Parsons RCI/Frontier-Kemper, JV and Liberty Mutual et al.*, King County won a contract dispute returning to it over \$130 Million and \$15 Million in attorneys' fees. Learn how they did so and learn how the construction contract provisions enabled this win. When construction contracts go well, no one seems to notice but when they break bad, they're in the news. A loss can be disastrous, put yourself in a position to win.

Members get regular case updates by joining our workgroups. Sign up at www.imla.org. Not a member? Contact us. Have a great day and make it an inspirational one.