

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

1. The Supreme Court granted certiorari this morning in an important case for state and local government. *Knick vs Township of Scott* is a case pushed by the Homebuilders and the Pacific Legal Foundation to reverse the *Williamson County* rule that requires parties to pursue compensation remedies in state court before pursuing a takings claim in the federal courts. The Fifth Amendment clearly protects people from a government taking property, but only uncompensated takings. Where as in *Williamson County*, a person has not sought recourse through the state comity demands that they not be allowed to bring their suit in federal court. Both Justices Kennedy and Thomas have previously expressed doubts about the *Williamson County* rule, so we seem to have an uphill climb on this one.

<http://www.scotusblog.com/case-files/cases/knick-v-township-scott-pennsylvania/>

2. In Seattle, a judge has ruled that a homeless man living in his truck can lay claim to protections for his truck as it is his "home" under the state's Homestead Act. The city has not decided whether to appeal.

<https://www.seattletimes.com/seattle-news/homeless/judge-rules-seattle-homeless-mans-truck-is-a-home/>

3. The 2<sup>nd</sup> Circuit recently reversed a decision against the city of East Hartford in a case where it denied a pawn broker's license renewal. The lower court had concluded that the city and its officers had denied the store owner due process, but the Circuit concluded that a license under the Connecticut scheme was not a protected property interest. The decision means the award of attorney's fees also falls.

[http://www.ca2.uscourts.gov/decisions/isysquery/f95bbce7-8256-4714-a288-393d89e153e5/4/doc/14-3831\\_opn.pdf#xml=http://www.ca2.uscourts.gov/decisions/isysquery/f95bbce7-8256-4714-a288-393d89e153e5/4/hilite/](http://www.ca2.uscourts.gov/decisions/isysquery/f95bbce7-8256-4714-a288-393d89e153e5/4/doc/14-3831_opn.pdf#xml=http://www.ca2.uscourts.gov/decisions/isysquery/f95bbce7-8256-4714-a288-393d89e153e5/4/hilite/)

4. The 8<sup>th</sup> Circuit dealt with an appeal from a decision to deny officers qualified immunity in a shooting that left the victim a paraplegic. The court concluded that the District Court's conclusion that the facts as to whether the victim posed a threat to the officers when he was shot were in dispute and the video evidence was not conclusive, thus the denial of immunity involved a dispute of facts that could not be appealed on an interlocutory basis.

<http://media.ca8.uscourts.gov/opndir/18/03/164141P.pdf>

5. In another 8<sup>th</sup> Circuit case, the court affirmed dismissal of claims against various officers based on facts that if true are very disturbing. The problem for the plaintiff in this case, however, was that none of the officers were sued in their individual capacities and in an

official capacity suit the issue is whether the governmental entity has acted to create the unconstitutional harms. In this case the court found insufficient basis in the pleadings to reach that conclusion.

<http://media.ca8.uscourts.gov/opndir/18/03/171644P.pdf>

Did you listen to our podcast on South Dakota vs Wayfair? Make sure you do. Also, don't forget our Seminar in DC provides a great opportunity to learn and gain CLE credits while you do. The seminar and hotel are filling up quickly and could sell out, so don't wait to register. Make sure you consider registering for our Supreme Court practice track. Get more from IMLA by joining. Not a member? Contact us. Sign up at [www.imla.org](http://www.imla.org) . Have a great day and make it an inspirational one.