TRAUB LIEBERMAN

NEWS & EVENTS

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Traub Lieberman Partner Patrick Carley and Associate Sean Kelly Prevail on Motions for Summary Judgment in Police Pursuit Cases

Related Attorneys: J. Patrick Carley, III, Sean E. Kelly

Traub Lieberman Partner Patrick Carley and Associate Sean Kelly obtained summary judgment dismissal of the complaints in three related lawsuits filed against the City of Yonkers (the “City”). The lawsuits were commenced by the estates of three teenagers tragically killed when their vehicle was struck by a vehicle operated by non-party Devon Haywood, and sought to hold the City liable for the accident. The plaintiffs alleged that the City’s police officers acted with reckless disregard in initiating and continuing a motor vehicle pursuit of Mr. Haywood’s vehicle prior to the accident. The Court disagreed, and ruled that the City proved, as a matter of law, that the evidence demonstrated that the officers did not recklessly initiate the pursuit of Mr. Haywood’s vehicle, which they had observed commit numerous traffic infractions. The Court then ruled that the City also proved that the officers did not cause the accident because the evidence, among other things, demonstrated that the officers terminated the pursuit of Mr. Haywood’s vehicle several blocks before the accident. According to the Court, it was the recklessness of Mr. Haywood, who was operating his vehicle at 101 mph when he disregarded a red traffic light and struck the teenagers’ vehicle, that bears sole responsibility for plaintiffs’ tragic losses.

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