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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

MEGAN SHEEHAN,
Plaintiff,

v.

BAY AREA RAPID TRANSIT, et al.,
Defendants.

Case No.14-cv-03156-LB

**SUMMARY OF HOLDINGS ON
PENDING RULE 56 MOTIONS**

[ECF Nos. 73, 75, 77]

SUMMARY OF HOLDINGS

Each party has moved for summary judgment. (ECF Nos. 73, 75, 77.) The court indicated its intended ruling on these motions at the recent summary-judgment hearing — save for the question of what might be called “de facto policy” liability under *Monell v. New York City Dept. of Social Svcs.*, 436 U.S. 658 (1978). The court has now reached final decisions on all the issues presented. To inform the parties’ upcoming settlement conference, this order summarizes the court’s holdings. A full order will follow by Monday, February 29, 2016.

The court denies Ms. Sheehan’s motion. The court grants Officer Stolzman and the City of Oakland’s motion. The court partly grants and partly denies Officer Pianta and BART’s motion. The court specifically holds as follows:

- A jury question exists on whether Officer Pianta used excessive force. The record does not permit a decision as a matter of law for either Ms. Sheehan or BART and Officer Pianta.

ORDER (No.14-cv-03156-LB)

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- A genuine dispute of material fact prevents the court from deciding whether Officer Pianta is entitled to qualified immunity; the parties’ summary-judgment motions are therefore denied on this issue.
- Officer Stolzman, as a matter of law, was not an “integral participant” in the “takedown” that injured Ms. Sheehan.
- BART and the OPD cannot be held liable on a Monell ratification theory merely because their post-incident investigations exonerated Officers Pianta and Stolzman.
- There is no evidence that the OPD maintained an unconstitutional policy or custom for Monell purposes.
- The plaintiff has not adduced sufficient evidence to raise a triable claim that BART maintained an unconstitutional policy or custom for Monell purposes.
- The plaintiff’s claims under the Fourteenth Amendment and California’s Bane Act (Cal. Civ. Code § 52.1) track the disposition of her Fourth Amendment excessive-force claim.

The court will therefore dismiss with prejudice all claims against Officer Stolzman and BART. The court will dismiss with prejudice Ms. Sheehan’s Monell claims . Her claims against Officer Pianta will go forward.

Dated: February 26, 2016



LAUREL BEELER
United States Magistrate Judge