

**IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT**

SHANE MCGUIRE ON BEHALF OF	:	No. 177 WAL 2021
COLBY NEIDIG,	:	
	:	
Petitioner	:	Petition for Allowance of Appeal
	:	from the Order of the
	:	Commonwealth Court
v.	:	
	:	
	:	
CITY OF PITTSBURGH,	:	
	:	
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 16th day of November, 2021, the Petition for Allowance of Appeal is **GRANTED**. The issues, as stated by petitioner are:

- (1) Is a federal jury’s finding that a police officer acted “under color of state law” a “judicial determination” that the officer acted within the “scope of his office or duties” for purposes of indemnification where the defense that the officer acted as a private citizen was rejected by the jury’s verdict and where the municipality participated in the officer’s defense and did not assert that the officer’s use of force was “outrageous” or rose to the level of willful misconduct?
- (2) Must the criteria for indemnification under the [Political Subdivision Tort Claims Act, 42 Pa.C.S. §§ 8541-8542,] be judicially determined in the damages action brought against the employee?
- (3) In a declaratory judgment action brought by an employee, is the issue of whether the criteria for indemnification under the [Political Subdivision Tort Claims Act] were “judicially determined” in the underlying action for damages a question of law for the court to decide?