

# Notice of Motion of Pfeil, United States District Court, Western District of New York in the matter of Akil Al-Jundi, et al. v. Karl Pfeil, et al.

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

AKIL AL-JUNDI, et al.,  
Plaintiffs,  
vs.  
KARL PFEIL, et al.,  
Defendants.

JUN 19 1997  
By: [Signature]  
NOTICE OF MOTION  
Pursuant to  
F.R.C.P. 52 AND 53  
Civil No. 75-132

Defendant Karl Pfeil ("Pfeil") hereby moves (at a date, time and place to be scheduled by the Court) pursuant to F.R.C.P. 50(b) and, in the alternative, F.R.C.P. 53(a) as follows:

**F. R. C. P. 52(b)**

1. Defendant Pfeil moves for judgment as a matter of law dismissing the claims of plaintiff Frank Smith ("Smith") against him on grounds that the evidence introduced at trial by plaintiff Smith in support of his claims was insufficient to establish that:
  - A. defendant Pfeil possessed the requisite culpable state of mind (i.e., sadistic and malicious for the very purpose of causing harm) towards plaintiff Smith;
  - B. defendant Pfeil's conduct actually or proximately caused the injuries complained of by plaintiff Smith;
  - C. defendant Pfeil is liable for the acts of law enforcement officers such as state troopers.

Notice of Motion Pursuant to F. R. C. P. 50 and 59, United States District Court, Western District of New York in the matter of Akil Al-Jundi, et al. v. Karl Pfeil, et al. The Notice of Motion, dated June 19, 1997, was submitted by Mitchell J. Banas, Jr., et al., attorneys for Defendant Karl Pfeil.

## Identifier

NYSA\_W0100-21\_00002736

## Alternate Identifier

Case Files: 75-132

## Source

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