

Memorandum Decision and Order of the Honorable Robert M. Quigley concerning the Claim of Paul K. Kerber, State of New York Court of Claims, Claim 57619.

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STATE OF NEW YORK - COURT OF CLAIMS

PAUL K. KERBER,
Claimant

MEMORANDUM-DECISION
AND
ORDER

Agent
THE STATE OF NEW YORK,
Defendant

FILED
MAY 24 1978
STATE OF NEW YORK

Claim No. 57619
Session No. 7-18415
Cross-Motion No. 5-19443

BEFORE:

HONORABLE ROBERT M. QUIGLEY
Judge of the Court of Claims

APPEARANCES:

For the Claimant: JAMES G. Mc. GOWAN (Submitting)

For the State: HONORABLE LOUIS J. SEFKOWITZ,
Attorney General,
BY: JOHN E. STEVART,
Assistant Attorney General,
of Counsel

Claimant brings this motion (M-18415) for discovery and inspection of all records pertaining to claimant when he was confined to the Attica Correctional Facility and all records relating to the "retaking" of Attica during the so-called "Attica Insurrection". It is claimant's contention that because of the state's negligence, he was injured during the retaking of Attica by State employees. The State cross-moved (C-18443) to dismiss this motion and the claim. The main contention of the State is that this Court lacks jurisdiction because the acts of government in quelling a prison insurrection are a public function and do not impose liability on the state.

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Identifier

NYSA_W0100-21_00021664

Alternate Identifier

Case Files: Claim 57619

Source

"New York State Department of Law special investigation files relating to the Attica uprising, circa 1971-2001. W0100-21."

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