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U.S. 1ST CIRCUIT COURT OF APPEALS

Insurance Law

### **First American Title Insurance v. Lane Powell PC, No. 13-2012**

Summary judgment in favor of plaintiff title insurance company is affirmed, where: 1) plaintiff denied defendant coverage upon foreclosure of liens that were superior to those of defendant; and 2) because defendant was aware of prior mortgages, it could not expect to receive coverage it did not bargain for.

Criminal Law & Procedure, Evidence

### **US v. Arthur, No. 13-1892**

Denial of defendant's motions to suppress evidence is affirmed, where: 1) the generic physical description of the suspects in this case, when considered in light of all the attendant circumstances, was constitutionally sufficient to justify an investigatory stop; and 2) the admission of a store clerk's eyewitness identification testimony did not threaten unfairness so egregious as to demand suppression.

Criminal Law & Procedure

### **Penn v. Escorsio, No. 13-2309**

In this qualified immunity action involving a pre-trial attempted suicide, denial of motion by defendant-officers for summary judgment is affirmed, where: 1) a district court's pretrial rejection of a qualified immunity defense is not immediately appealable to the extent that it turns on an issue of fact; 2) clearly established law requires that officers must take reasonable measures to thwart a known, substantial risk that a pre-trial detainee will attempt suicide; 3) the district court's factual analysis found that a reasonable jury could conclude that defendants failed to take any action to forestall the attempted suicide risk; and 4) defendants cannot show that they are entitled to qualified immunity at the summary judgment phase.