

UNLAWFUL ARREST CASE DISMISSED

January 12, 2017 | Case Summaries, News



Hennessy v. Apache County, et al – Jones, Skelton & Hochuli Partner [Michele Molinaro](#) successfully moved for a

dismissal in an unlawful arrest case against an Arizona County, and various County law enforcement officers. Prior to filing suit, the Plaintiff mailed a Notice of Claim pursuant to A.R.S. 12-821.01 to the Sheriff's Office P.O. Box, as opposed to the mailing it to the officers' home addresses or serving the officers in person. The legal question was whether service of a Notice of Claim by mail was valid at the officers' workplace.

The Superior Court Judge found that the Plaintiff did not properly serve the Notice of Claim upon the County officers in accordance with Rule 4(d), Ariz. R. Civ. P., which requires service upon an individual to be done personally, or by leaving a copy of the summons and complaint at the individual's residence. Further, service of a Notice of Claim is mandatory, and the failure to do so in the appropriate manner results in the dismissal of the claims against the County officers.

As a trial attorney since 2000, Partner [Michele Molinaro](#) has tried state and federal jury and bench trials and administrative law hearings. Ms. Molinaro concentrates her civil litigation practice on governmental entity defense with an emphasis on civil rights matters. She has defended public entities/municipalities and private prisons in Section 1983 claims that include police-related non-lethal and lethal force incidents, SWAT raid/breaching tactics, failure to protect incidents, failure to render medical care, and various search and seizure incidents.