

NEW JERSEY

SUMMARY JUDGMENT

FEDERAL COURT DISMISSES CIVIL RIGHTS SUIT AGAINST POLICE OFFICERS

Schenck Price

— SCHENCK PRICE SMITH & KING, LLP —

On April 26, 2023, the United States District Court for the District of New Jersey granted summary judgment and dismissed the plaintiffs' case against a municipality and six police officers represented by Schenck Price partners John D. (Jake) McCarthy and John E. Ursin. The plaintiffs alleged that their free speech rights under the First Amendment to the United States Constitution were violated. The plaintiffs also alleged that they were unlawfully arrested, subjected to excessive force and maliciously prosecuted. The plaintiffs further alleged constitutional violations against the municipality, as well as state law claims.

The federal court agreed with Schenck Price's arguments and dismissed the plaintiffs' entire complaint. The court found that the plaintiffs' free speech rights were not violated. The court also determined that there was probable cause to arrest both plaintiffs. The court held that the force used by the officers was reasonable, and not excessive. The court also rejected the plaintiffs' claims against the municipality and state law claims.

The plaintiffs sought compensatory, emotional distress and punitive damages against the municipality and officers. The decision avoided any exposure at trial to damages as well as attorney fees. If a verdict were entered in favor of the plaintiffs, the municipality would have been responsible for the plaintiffs' significant attorney fees pursuant to the federal Civil Rights Act.



John McCarthy

973.540.7320
JDM@SPSK.com



John Ursin

973.295.3673
JEU@SPSK.com