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MUNICIPAL LIABILITY - LOUISIANA

Webb v. Town of Saint Joseph

United States Court of Appeals, Fifth Circuit - May 24, 2019 - F.3d - 2019 WL 2238415

Alderman filed § 1983 action alleging that town and its mayor violated his federal and state constitutional rights by seeking—and then seeking to collect on—judgment that he owed for violating local ordinance.

After alderman died and his heirs were substituted as plaintiffs, the United States District Court denied heirs' motion to disqualify town attorney and entered summary judgment in defendants' favor. Alderman appealed.

The Court of Appeals held that:

- Town attorney was not final policymaker for town;
- Town was not subject to liability under § 1983 based on its three-month delay in returning wages to alderman after judgment was annulled;
- Town was not subject to liability under § 1983 for mayor's decision to undertake efforts to collect on judgment;
- Mayor was not subject to liability under § 1983 for undertaking efforts to collect on judgment; and
- District court did not abuse its discretion in declining to disqualify town attorney.

Town attorney was not final policymaker for town, and thus town was not subject to *Monell* liability under § 1983 based on town attorney's actions in seeking, and then seeking to collect on, judgment that town resident owed for violating local ordinance, even though town attorney had discretion to make certain decisions about how to pursue town's judgment; town attorney was authorized by statute to act in representative—not policymaking—capacity, and there was no evidence that state or local custom imbued town attorney with general policymaking authority, that mayor was deliberately indifferent in failing to control town attorney, or that mayor ratified town attorney's actions.

Town was not subject to liability under § 1983 based on its three-month delay in returning wages to alderman that had previously been withheld to satisfy town's judgment against him after judgment was overturned on appeal, absent evidence that delay was result of anything but simple oversight by mayor's office.

Town was not subject to liability under § 1983 for mayor's decision, as final policymaker, to undertake efforts to collect on judgment that alderman owed for violating town ordinance by withholding his alderman's wages without formal garnishment procedures, even though judgment was later annulled, where judgment was rendered final by alderman's failure to perfect his appeal, and there was no indication that town policy—rather than poor decisions and bureaucratic dysfunction—was moving force behind violation of any constitutional right.

Mayor was not subject to liability under § 1983 for undertaking efforts to collect on judgment that alderman owed for violating town ordinance by withholding his alderman's wages without formal garnishment procedures, even if mayor made initial decision to pursue collection on final judgment

against alderman, which was later annulled, absent evidence that mayor was personally involved in challenged conduct, or that alderman asked mayor for his wages to be reinstated and was denied.

District court did not abuse its discretion in declining to disqualify town attorney in alderman's § 1983 action alleging that town and its mayor violated his federal and state constitutional rights by seeking—and then seeking to collect on—judgment that he owed for violating local ordinance, even though it was town attorney who sought judgment and acted to collect on it, where town attorney's motivations and reasoning were irrelevant to fundamental question of whether complained-of conduct emerged from municipal policy established by authorized policymaker.