

# **Bond Case Briefs**

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## **FIRST AMENDMENT - NEW YORK**

### **Dorsett v. County of Nassau**

**United States Court of Appeals, Second Circuit - October 18, 2013 - F.3d - 2013 WL 5663213**

Mother of murder victim and the mother's attorney brought § 1983 action against county, alleging the county delayed approving a settlement agreement arising out of the death of the mother's daughter in retaliation for their First Amendment activities, namely her allegations that the murder was the result of inadequate police protection.

To plead a First Amendment retaliation claim a plaintiff must show: (1) he has a right protected by the First Amendment; (2) the defendant's actions were motivated or substantially caused by his exercise of that right; and (3) the defendant's actions caused him some injury.

The Court of Appeals held that county legislature's delay in approving settlement did not constitute a concrete injury sufficient to confer standing to assert a First Amendment retaliation claim against the county. Mother and attorney had no right to have the settlement approved by a particular date, as the settlement did not include a time-is-of-the-essence clause, and the legislature's agenda was subject to its absolute discretion.