

Bond Case Briefs

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Advanced Technology Bldg. Solutions, L.L.C. v. City of Jackson, Miss.

United States Court of Appeals, Fifth Circuit - March 14, 2016 - F.3d - 2016 WL 1009754

Limited liability company (LLC) and its owner brought § 1983 action against city, alleging that mayor, through certain city employees, retaliated against plaintiffs, in violation of First Amendment, by influencing Joint Redevelopment Authority (JRA) to withdraw support for project that LLC proposed after owner made public statements claiming corruption in city government.

After jury verdict in favor of plaintiffs and award of \$600,000, the United States District Court granted city's motion for judgment as a matter of law. Plaintiffs appealed.

The Court of Appeals held that city council, rather than mayor, was final policymaker with respect to funding decisions, thus precluding § 1983 claim against city by limited liability company (LLC) and its owner, alleging that mayor, through certain city employees, retaliated against them, in violation of First Amendment, by influencing Joint Redevelopment Authority (JRA) to withdraw support for LLC's proposed development project after owner made public statements claiming corruption in city government, even if mayor held personal sway over JRA through appointment power, and even though, under Mississippi law, mayor had authority to veto any council resolution to approve funding for project, where council retained authority to override such veto, such that council ultimately had final review.