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Ferreira v. City of Binghamton

United States Court of Appeals, Second Circuit - September 23, 2020 - F.3d - 2020 WL 5648230

Unarmed occupant of home subject to no-knock search warrant, who was shot in stomach by police officer during execution of search warrant, brought § 1983 and state-law action against city and officer who shot him, alleging violations of his constitutional rights by use of excessive force, negligence, and respondeat superior.

Following trial in which jury found in favor of plaintiff against city and awarded him $3 million in damages, but found in favor of officer, the United States District Court for the Northern District of New York granted city's motion for judgment as a matter of law and set aside the damage award and denied plaintiff's motion to overturn the verdict in favor of officer. Plaintiff appealed.

The Court of Appeals held that:

- District court's denial of motion for new trial filed by plaintiff was not subject to appellate review;
- Evidence was sufficient to support jury's verdict in favor of police officer;
- Evidence was sufficient to support jury verdict that city, through its police officers, violated acceptable police practice in planning and conducting raid of home, thus precluding city's discretionary immunity defense;
- Question of whether city's violation of acceptable police practice was a proximate cause of officer shooting plaintiff was for jury;
- Plaintiff's negligence claim against city was not foreclosed as an impermissible "negligent investigation" claim;
- Jury verdict finding city liable for negligence under theory of respondeat superior was not inconsistent with jury's finding that officer who shot plaintiff was not negligent; and
- Court would certify to New York Court of Appeals question of whether the special duty requirement for negligence actions against a municipality applies to cases of government-inflicted injury.

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