

FEDERAL JUDGE DISMISSES WRONGFUL DEATH LAWSUIT IN FAVOR OF HODGSON RUSS CLIENT

U.S. District Judge Charles J. Siragusa granted summary judgment and dismissed a wrongful death lawsuit brought against one of Hodgson Russ's municipal clients. The lawsuit was brought by the widow of a man who died of a heart attack after being taken into police custody for trying to prevent officers from entering his home to arrest his son on a warrant. The widow alleged that the police officers used excessive force and caused her husband's death. She also accused the town of neglect in training and hiring its police force. The court ruled that the police department acted properly and vindicated the police officers. Hodgson Russ attorneys filed a motion for summary judgment, asserting that the police officers acted reasonably in their use of force, were responsive to the now-deceased's medical needs, and did not proximately cause his death. To support the defense's argument, Hodgson Russ obtained a neighbor's surveillance video, which captured the entire incident. Hodgson Russ had the video converted to real time by a certified videographer, which was then submitted to the court as evidence. After viewing the video numerous times, the court concluded that it contradicted many crucial points of the plaintiff's argument. Specifically, it failed to show the officers using excessive force to restrain the plaintiff's husband. Furthermore, it showed the officers performing CPR on the plaintiff's husband when it was clear he was in distress, refuting the son's claim that the officers did not assist his father.

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