

TEAM WINS JURY VERDICT IN FEDERAL TRIAL OVER USE OF EXCESSIVE FORCE

Convincing a federal jury that a prison inmate should be awarded compensatory and punitive damages for violations of his constitutional rights ranks among the more difficult things to achieve in a courtroom. But after a six-day trial, a Hodgson Russ team accomplished this feat when a jury awarded our client compensatory and punitive damages totaling \$55,000. Stephen W. Kelkenberg and Reena Dutta represented the plaintiff, who had brought claims under 42 U.S.C. Section 1983, alleging that several New York State correctional officers and two sergeants at a correctional facility in upstate New York violated his Eighth Amendment right to be free from excessive force. The plaintiff initially represented himself in the case, but when it became evident the case was going to trial, the court assigned it to Hodgson Russ.

The plaintiff's claims stemmed from a severe beating he endured, during which he alleged that nine guards punched, kicked, and slashed him while he was in full mechanical restraints. Our client claimed the assault was in retaliation for a grievance he had filed following a previous altercation with two of the defendants. Stephen and Reena performed the intense work of arguing motions, questioning hostile witnesses, cross-examining the defendants, and arguing the case before the jury. Their challenge was to convince the jury that the defendants' assault was not merely a good-faith attempt to discipline an unruly inmate, but rather a premeditated action conducted with malicious intent.

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