

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

GUY LARKINS,)	
Plaintiff)	
)	
v.)	Civil Action 11-CV-30001-MAP
)	
JULIO TOLEDO, ET AL,)	
Defendants)	

ORDER RE: ENTRY OF JUDGMENT

May 8, 2013

PONSOR, U.S.D.J.

This case was originally filed offering allegations of police misconduct against a number of individual officers, as well as Police Commissioner William Fitchett and the City of Springfield. Prior to trial, the counts against Defendants Fitchet and Springfield were severed. Plaintiff's attorney voluntarily dismissed certain counts before commencement of the trial against several of the remaining defendants. During the trial, the court granted Motions for Judgment as a Matter of Law with regard to all defendants and causes of action, except Defendant Julio Toledo and the counts for infliction of excessive force under § 1983 and for assault and battery. The jury returned a verdict in favor of Defendant Toledo on these two remaining counts.

Based on the authority of City of Los Angeles v. Heller,

475 U.S. 796, 799 (1986), the court hereby orders entry of judgment in favor of the severed Defendants Fitchett and the City of Springfield. The failure of the jury to find any actionable misconduct by any of the individual officers eliminates any possibility of judgment against a supervisor or municipality.

Entry of judgment with regard to these two remaining defendants disposes of all claims offered in this case. This case may therefore now be closed.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR
United States District Judge