



PIERCE DAVIS & PERRITANO LLP

Our familiarity with local government and with the numerous procedural and substantive defenses available to our clients — both statutory and common law — enables us to protect police departments and their officers as well as fire departments and other first responders against the myriad lawsuits and administrative proceedings currently facing them in the public sector.

From claims of excessive police force and civil rights violations to employment-related federal and state laws, we have a successful record of defending police and fire departments across Massachusetts.



LITIGATION EXPERIENCE

PDP has successfully defended the following claims:

Negligence – Defending municipalities and first responders under the Massachusetts Tort Claims Act (MTCA) and asserting the numerous immunities under the Act.

Wrongful Convictions – A plaintiff granted a new trial in 2015 alleged his conviction in 1983 for sexual assault of a minor was due to the police improperly withholding evidence.

Fire Department Inspections – Representing municipalities and first responders under the MTCA Section 10(e), which protects a public employer from any claim “based upon the issuance, denial, suspension or revocation or failure or refusal to issue, deny, suspend or revoke any permit, license, certificate, approval, order or similar authorization.”

Search & Seizure – Defending police sued for alleged violations of First Amendment rights for arrest made after traffic stop in neighboring municipality.

Medical Malpractice Claims – Defending a publically-employed nurse against medical malpractice claims under the MTCA Section 2 provides immunity to public employees who cause injury or death by their negligence while acting within the scope of their employment.

Second Amendment Claims – Claims brought by gun owners or applicants for gun licenses.

Disability Discrimination – A police captain passed over for promotion claimed disability discrimination due to his cancer treatments.

Same-Sex Harassment – A male police dispatcher subjected to jokes, bantering and other horseplay within the police station, claimed he was the victim of a sexually hostile work environment.

EXCESSIVE POLICE FORCE

We have extensive experience representing municipalities, police departments and individual employees in police misconduct claims alleging excessive force, wrongful arrest, unreasonable search and seizure and wrongful conviction.

- ▶ Representing a police officer in a civil rights suit brought by a teen in which the plaintiff alleged the officer unlawfully detained him without reasonable suspicion and by means of excessive force resulting in a broken leg in violation of his Fourth Amendment and Fourteenth Amendment rights. A federal court jury in favor of the police officer on all counts. *McDonald v. Saunders*
- ▶ A favorable decision from First Circuit Court of Appeals in which a pair of police officers were accused of several tort and civil rights violations and unreasonable seizure in violation of the Fourth Amendment. *Eldredge v. Town of Falmouth*

PIERCE DAVIS & PERRITANO LLP

We have defended more than 300 cities, towns, counties and school districts in Massachusetts and Rhode Island, as well as their officers and employees in actions arising out of the performance of public duties, including those duties involving land management, zoning, planning, public works, police protection and student discipline.

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