

Federal Court Dismisses Plaintiff's Civil Rights Claims

***Marie Winfield v. Town of Andover*, _F. Supp. 3d _, 2018 WL 1627437 (D. Mass. 2018)**

United States District Court Judge William Young dismissed eleven of twelve civil right claims brought against the Town of Andover and several Town officials. PDP attorney Adam Simms represents all of the defendants.

The claims included First Amendment violations, unreasonable seizure, improper detention, unlawful arrest, false imprisonment, excessive force, civil conspiracy and violation of the Massachusetts Civil Rights Act (MCRA).

The District Court initially granted the Town's motion to dismiss for failure to state a claim with four counts being dismissed with prejudice and the remaining counts dismissed without prejudice. The plaintiff then filed an Amended Complaint which the Court agreed to review even though they were submitted after the 30-day submission period.

Attorney Simms argued the Amended Complaint failed to address the deficiencies of the original complaint and was therefore futile. Judge Young agreed dismissing all but one of the plaintiff's civil rights claims. The plaintiff's claim of excessive force against two members of the Andover Police Department survived the defendants' renewed Motion to Dismiss and remains ongoing.