

First Circuit Affirms Summary Judgment Motion in Case Involving School Shooting Threats

Skrabec v. North Attleborough, United States Court of Appeals, First Circuit, No. 17-1385

PDP obtained a favorable Summary Judgment decision, which was affirmed on appeal, in a case involving a high school student who told classmates that he wanted to “shoot up the school.”

After alarmed classmates informed school administrators and parents about the alleged shooting threat, the police were contacted. The student was arrested and prosecuted after a thorough investigation in which he admitted to Detectives that he made the statement at issue. However, he claimed that he was “only joking.” The criminal case against the student ultimately resulted in an acquittal. The student and his parents then brought a civil action against the Town of North Attleborough and several of its police officers. PDP attorney Jason W. Crotty represented the Town and its police officers in the case.

Counsel for the plaintiffs brought suit against the defendants seeking recovery under theories of: 42 U.S.C 1983 (Count I); 42 U.S.C 1983 (Count II); Conspiracy (Count III); Negligence (Count IV); Intentional Infliction of Emotional Distress (Count V); Malicious Prosecution (Count VI) and Loss of Consortium (Count VII). After vigorously defending the case throughout discovery, the defendants moved for summary judgment on all counts of plaintiffs’ Complaint. Plaintiffs inquired about settlement prospects around the time their Opposition to the Motion for Summary Judgment was due. Despite the fact that no settlement offer was ever made, plaintiffs failed to file a timely Opposition to the Summary Judgment motion. The Court granted the summary judgment motion as unopposed. Plaintiffs’ counsel then moved to set aside the judgment on the ground that the settlement discussions should have stayed their opposition to the pending Motion for Summary Judgment. PDP successfully argued against the plaintiffs’ efforts to set aside the judgment, and the plaintiffs’ appealed.

The U.S. Court of Appeals for the First Circuit affirmed the Summary Judgment decision. In its decision, the Court of Appeals discussed, at some length, the “excusable neglect” standard under Rule 60(b), and concluded that the District Judge did not abuse his discretion in denying plaintiffs’ motion for relief from judgment based on their attorney’s “understanding” (actually, “misunderstanding”), that he would have additional time to oppose defendants’ Motion for Summary Judgment if settlement discussions proved unsuccessful.