
Hughes Hubbard & Reed

Firm Wins Appeal Upholding Dismissal of Civil Rights Claims

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Hughes Hubbard successfully defended the City of New York and an NYPD detective against an appeal by a woman seeking to overturn a jury verdict and summary judgment dismissing her civil rights claims of false arrest and malicious prosecution.

On Sept. 14, a three-judge panel of the Second Circuit Court of Appeals issued a unanimous decision affirming the jury verdict and a district court judgment in favor of the City and Det. Raymond Brockmann.

In 2006, Det. Brockmann arrested Alla Bernshtein for carrying a fake EMT badge into 26 Federal Plaza. After she was held in Central Booking for 38 hours, she sued Det. Brockmann and the City for false arrest and malicious prosecution under Section 1983, which allows plaintiffs to bring lawsuits for federal civil rights violations. Prior to the firm's representation, Judge Alvin Hellerstein had dismissed both claims, but determined that the case should go to trial based on the allegation of excessive detention.

Hughes Hubbard undertook the case pro bono as part of a series of trials conducted for the City. In January 2011, following a three-day trial in district court, Hughes Hubbard secured dismissal of the claim against the City, and won a jury verdict clearing Det. Brockmann of any culpability for the detention of Bernshtein at Central Booking.

Hughes Hubbard continued its representation of the City and the detective after Bernshtein appealed all judgments. Neil Oxford handled the oral argument on May 21. Sarah Cave and Mei Li Zhen also represented the City and Det. Brockmann in the appeal. George Davidson provided invaluable assistance in preparation for oral argument.

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