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# Hughes Hubbard & Reed

## Hughes Hubbard Secures Punitive Damages Award for Former Inmate

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**January 20, 2017** — Hughes Hubbard secured a \$5,000 punitive damages award for pro bono client Jarron Santos, who brought suit against a prison staff member after she stole his mail while he was incarcerated.

During his incarceration, Santos corresponded with his family primarily by mail. Although he was not subject to discipline or monitoring at the time, a prison staff member confiscated a letter addressed to Santos from his grandmother and kept the letter for herself. Santos did not receive or know about the existence of this letter until almost four years later, when the letter was sent to him by the New York State Department of Correctional Services following an investigation into the prison staff member for a broader pattern of mail theft.

Santos subsequently brought suit against the prison staff member and obtained a default judgment. HHR represented Santos in the damages inquest process that followed that judgment. Although Santos obtained the default judgment, he still had to demonstrate an independent basis for recovery of damages, which was complicated by the fact that only a single letter had been stolen and the Prison Litigation Reform Act bans compensatory damages for alleged mental or emotional injury suffered by prisoners absent any physical injury.

HHR prepared a pre-hearing submission explaining how the mail theft qualified as a violation of Santos's constitutional rights under § 1983, and how the defendant's conduct warranted a punitive damages award of \$5,000 based on prior rulings and criminal fines. Brett Collings then represented Santos at the damages hearing before SDNY Magistrate Judge James C. Francis IV. At the hearing, Santos testified about his time in prison, the significance of written correspondence with his family, his relationship with his grandmother and the psychological impact of having the letter stolen.

On Oct. 6, 2016, Magistrate Judge Francis issued a report and recommendation that judgment be entered in favor of Santos for the full amount requested in HHR's submission -- \$5,000 in punitive damages and \$10 in nominal damages. Judge Francis's recommendation was subsequently adopted and entered by Judge Katherine Polk Failla. HHR plans to assist Santos in enforcing the judgment against the prison staff member this year.

Collings and Daniel Nuzzaci are working on this matter with supervision from Bill Maguire.

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**William R. Maguire**