United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 4/26/2019 at 4:31 PM EDT and filed on 4/26/2019

Case Name: Riley v. Massachusetts State Police et al

Case Number: 1:15-cv-14137-DJC

Filer:

WARNING: CASE CLOSED on 12/12/2018

Document Number: 265(No document attached)

Docket Text:

Judge Denise J. Casper: ELECTRONIC ORDER entered. D.[254] :In light of the motion of Plaintiff Orlando Riley ("Riley") to alter or amend the judgment, D. 254, the partial opposition of MA State Police ("MSP") to same, D. 260, and Rileys reply, D. 263, the Court rules as follows. Plaintiff seeks to be "instated" to the next RTT, prejudgment interest on the jury award (including the award of emotional distress damages) and post-judgment interest. D. 254 at 1. MSP opposes Riley being instated into the RTT, disagrees that prejudgment interest should apply to the emotional distress award or that any such interest should be at the state statutory rate (instead at the federal judgment rate), D. 260 at 1, but otherwise does not oppose the motion.

As to the single uncontested issue, the Court will impose post-judgment interest, from December 12, 2018, D. 249, the date of entry of judgment. 28 U.S.C. § 1961(a); Foley v. City of Lowell, 948 F.2d 10, 22 (1st Cir. 1991).

As to prejudgment interest, prejudgment interest is generally not awarded on emotional distress damages. Anderson v. Brennan, 254 F. Supp. 2d 253, 262 (D. Mass. 2017) (and cases cited); D. 260 at 7-8 (and cases cited); cf. Trainor v. HEI Hospitality, LLC, 2012 WL 119597, at *7 & n.4 (D. Mass.) (assuming, without deciding, that prejudgment interest applied to whole

award), aff'd in part and vacated in part, 699 F.3d 19 (1st Cir. 2012). Where prejudgment interest on back pay "is justified to make the plaintiff whole," Anderson, 254 F. Supp. 2d at 262-63, the same is not true for emotional distress damages and, accordingly, the Court agrees with MSP and prejudgment shall only apply to the backpay award of $79,000. D. 245 at 1.

For this prejudgment interest on the backpay amount, the Court adopts the federal rate of interest per annum referenced in 28 U.S.C. § 1961. Since Title VII is silent on the rate for prejudgment interest, the Court may, in its discretion, look to state law for guidance. Velez v. Puerto Rico Marine Mgmt., Inc., 957 F.2d 933, 941 (1st Cir. 1992), but may also consider whether the federal judgment rate is the appropriate measure of same. Eldred v. Consolidated Freightways Corp. of Delaware, 907 F. Supp. 26, 28 (D. Mass. 1995) (citing Denton v. Boilermakers Local 29, 673 F. Supp. 37, 51 (D. Mass. 1987)). The Court agrees that the appropriate rate shall be the "United States 52-week treasury bill rate, referred to in 28 U.S. § 1961, on the basis that it will ensure that 'the plaintiff is sufficiently, not overly, compensated.'" Luciano v. Olsten Corp., 912 F. Supp. 663, 676-77 (E.D.N.Y. 1996) (internal citation omitted); Eldred, 907 F. Supp. at 28; Denton, 673 F. Supp. at 51. Accordingly, the Court will apply this rate, compounded annually, to the backpay award. Luciano, 912 F. Supp. at 677.

Lastly, the Court orders the equitable remedy of instating Riley to the MSP's next RTT. Such equitable remedies are contemplated by Title VII as a means to make a plaintiff whole. Selgas v. American Airlines, Inc., 104 F.3d 9, 12 (1st Cir. 1997). Moreover, such remedy is a preferred method for remedying Title VII violations since it "accomplishes the dual goals of providing full coverage for the plaintiff and of deterring such conduct by employers in the future." Id.; see Valentin-Almeyda v. Municipality of Aguadilla, 447 F.3d 85, 105 (1st Cir. 2006) (citing Selgas, 104 F.3d at 12). Such remedy is warranted where there is no dispute that Riley had already passed the other tests and examinations for admission and but for the background investigation, which a jury has now ruled resulted in his denial to the 80th RTT because of his race, he would have been admitted.

Moreover, MSP's reliance upon the "after acquired" evidence of the Stallings investigation (i.e., a basis, MSP contends, for which it would have later terminated Riley from the MSP) is not any more effective here in arguing that instatement is not appropriate than it was in convincing the jury that it should limit any back pay to Riley based on the premise that the MSP would have later terminated him if he had admitted to the 80th RTT. D. 263 at 8; see Troy v. Bay State Computer Grp., 141 F.3d 378, 383 (1st Cir. 1998).

The jury's consideration of front pay and its declination to award any such damages does not, as MSP contend, foreclose the equitable relief that Riley now seeks. First, front pay and instatement are not necessarily mutually exclusive. See Selgas, 104 F.3d at 15-16. Second, it is also not reasonable to interpret the jury's decision not to award front pay as any signal of whether the remedy of instatement was warranted, where such remedy was not before the jury and is for the Court to determine. Selgas, 104 F.3d at 12 n.2. Riley also cannot be said to have waived such remedy since he has sought this remedy throughout this litigation. D. 263 at 14.

Accordingly, for the aforementioned reasons and to the extent noted above, the Court ALLOWS IN PART Riley's motion to alter or amend the judgment. By May 3, 2019, Riley shall submit a revised amended judgment, reflecting this ruling, for the Court's review.

(McKillop, Matthew)