

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

Ecclesiastical Washington v. Larry Denney

Ecclesiastical Washington v. Larry Denney, 900 F.3d 549 · No. No. 17-2747 · Decided August 13, 2018

SUMMARY

In this Eighth Amendment deliberate indifference case, the Eighth Circuit affirmed a jury verdict that prison officials violated an inmate’s rights by failing to take reasonable steps to abate the risk of harm from secondhand smoke, given his asthma and chronic bronchitis. The court held that sufficient evidence supported the jury’s finding that each defendant knew of the serious medical need and deliberately disregarded it, but vacated the punitive damages award because the officials’ conduct—relying on the existing smoking policy and denying grievances—did not rise to the level of outrageous, intentional, or malicious conduct required for punitive damages. The court also declined to address the qualified immunity defense because the officials failed to preserve it by raising it in their Rule 50 motions.

CASE DETAILS

COURT	United States Court of Appeals for the Eighth Circuit
WRITING FOR THE COURT	Smith, Chief Judge; Wollman; Loken
JURISDICTION	Federal
DECIDED	August 13, 2018
DOCKET	No. 17-2747
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from the United States District Court for the Western District of Missouri - St. Joseph, after a jury verdict in favor of the plaintiff.
STANDARD OF REVIEW	We review de novo a district court’s denial of a motion for judgment as a matter of law, viewing the evidence in the light most favorable to the verdict. We review a motion for a new trial for abuse of discretion.
PRECEDENTIAL VALUE	Published
PARTIES	Larry Denney, Warden, Ronda Pash, Deputy Warden, Cynthia Prudden, Deputy Division Director, Cheryl Richey v. Ecclesiastical Denzel Washington, also known as Willie Simmons

TOPICS

civil rights

section 1983

cruel and unusual punishment

qualified immunity

punitive damages

PRACTICE AREAS

Civil Rights

Prison Litigation

QUESTIONS PRESENTED

1. Whether the corrections officials were entitled to qualified immunity because Washington failed to prove they violated his clearly established Eighth Amendment rights
2. Whether sufficient evidence supported the jury's award of punitive damages

HOLDINGS

1. We hold that sufficient evidence exists that the officials violated Washington's Eighth Amendment rights.
2. We conclude that insufficient evidence justifies an award of punitive damages.

KEY QUOTATIONS

"We hold that sufficient evidence exists that the officials violated Washington's Eighth Amendment rights, but we conclude that insufficient evidence justifies an award of punitive damages." (at 549)

"To prove deliberate indifference, Washington had to show that he suffered from an objectively serious medical need and that the corrections officials 'acted with a 'sufficiently culpable state of mind,' namely, that they actually knew of, but deliberately disregarded, [his] medical need[.]'" (at 550)

"It is not enough merely to find that a reasonable person would have known [about the risk], or that the defendant should have known" (at 550)

"a prison official cannot be found liable under the Eighth Amendment for denying an inmate humane conditions of confinement unless the official knows of and disregards an excessive risk to inmate health or safety." (at 550)

"Punitive damages punish a defendant for outrageous, intentional, or malicious conduct, and deter similar extreme conduct in the future." (at 551)

"A finding of deliberate indifference to a serious medical need, while establishing liability under § 1983, does not necessitate a finding of callous indifference warranting punitive damages." (at 551)

FACTUAL BACKGROUND

Washington suffers from chronic asthma and bronchitis, which is exacerbated by exposure to secondhand smoke. He was transferred to Crossroads Correctional Center in 2010, where over 85% of prisoners smoke. Despite a smoking policy prohibiting indoor smoking, it is routinely violated. The medical staff ordered that Washington be housed with nonsmoking cellmates and provided a mask, but these were not enforced. Washington filed multiple grievances and appeals to the defendant officials, but they denied them, citing the smoking policy.

PROCEDURAL HISTORY

The plaintiff filed a § 1983 action alleging Eighth Amendment deliberate indifference. The defendants moved for summary judgment on qualified immunity grounds, which was denied. The case proceeded to trial, and the jury found for the plaintiff, awarding compensatory and punitive damages. The defendants moved for judgment as a matter of law and for a new trial, which were denied. They appealed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate the award of punitive damages and remand for further proceedings consistent with this opinion.

CASES CITED

- Farmer v. Brennan, 511 U.S. 825 (1994)
- Krout v. Goemmer, 583 F.3d 557 (8th Cir. 2009)
- Coleman v. Rahija, 114 F.3d 778 (8th Cir. 1997)
- Schaub v. VonWald, 638 F.3d 905 (8th Cir. 2011)
- Ortiz v. Jordan, 562 U.S. 180 (2011)
- Payne-Owens, 845 F.3d 868 (8th Cir. 2017)