

MASSACHUSETTS SUPREME JUDICIAL COURT

Jones v. Boykan

464 Mass. 285 (2013) · No. Nos. 11095 and 11276 · Decided February 6, 2013

SUMMARY

The Massachusetts Supreme Judicial Court reviewed a default judgment arising from a 1999 altercation involving a Springfield police officer. The court held that the damages assessment lacked an adequate factual basis under Massachusetts Rule of Civil Procedure 55(b)(2), vacated the judgment, and remanded for a new hearing to assess damages against the officer and the city. The court also addressed attorney’s fees under 42 U.S.C. § 1988 and concluded that the Superior Court’s amended judgment was premature because appellate jurisdiction had not yet returned to that court.

CASE DETAILS

COURT	Massachusetts Supreme Judicial Court
WRITING FOR THE COURT	Botsford, J.
JURISDICTION	Massachusetts
DECIDED	February 6, 2013
DOCKET	Nos. 11095 and 11276
DISPOSITION	remanded
PROCEDURAL POSTURE	Limited further appellate review of the Appeals Court's reinstatement of a default judgment and direct appellate review of an amended default judgment correcting a clerical omission. The issues before the court included the adequacy of the damages assessment, entitlement to attorney's fees, and the Superior Court's authority to amend the judgment while further appellate review was pending.
STANDARD OF REVIEW	Review of the Superior Court's rule 60(b) ruling and damages assessment for legal error and abuse of discretion; review of the amended judgment for jurisdictional error.
PRECEDENTIAL VALUE	Published opinion of the Massachusetts Supreme Judicial Court; precedential.
PARTIES	Lucy Jones, Nicole Jones, William Owens, Sierra Jones v. Ronald Boykan, City of Springfield

TOPICS

default judgment

damages

attorney fees

appellate procedure

civil procedure

PRACTICE AREAS

civil procedure

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civil rights

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remedies

QUESTIONS PRESENTED

1. Whether the Superior Court properly vacated the damages award against the city and ordered a new hearing under Mass. R. Civ. P. 60(b) and 55(b)(2).
2. Whether a default judgment may award damages for multiple and varied injuries without factual findings or competent evidence establishing the amount of damages.
3. Whether a defendant whose default has entered may raise affirmative defenses or defenses under Mass. R. Civ. P. 12(b) for the first time during a postdefault damages hearing.
4. Whether the plaintiffs were entitled to appellate attorney's fees under 42 U.S.C. § 1988 despite failing to request them separately in their appellate brief.
5. Whether the Superior Court had jurisdiction to amend the default judgment while the defendants' application for further appellate review was pending.

HOLDINGS

1. When a court awards damages after entry of default under Mass. R. Civ. P. 55(b)(2), it must fairly determine that the amount has a reasonable basis in fact and must make factual findings appropriate to the circumstances. The \$1 million award was unsupported because it rested only on counsel's representations and the amount listed on the civil action cover sheet.
2. A default admits well-pleaded factual allegations but does not admit legal conclusions or establish entitlement to damages on a legally invalid claim. After entry of default, affirmative defenses and most Mass. R. Civ. P. 12(b) defenses cannot be raised for the first time at the damages hearing if they were not previously pleaded or asserted.
3. A party seeking appellate attorney's fees under § 1983 and § 1988 must specifically request those fees in the appellate brief. The plaintiffs' failure to make a separate request for attorney's fees waived their entitlement to have the Appeals Court consider the request.
4. When a timely application for further appellate review is pending and the application is granted, the Appeals Court's rescript does not issue and the lower court lacks jurisdiction to amend the judgment before the Supreme Judicial Court's rescript issues.

KEY QUOTATIONS

“when a judge awards damages after entry of default, the judge has an obligation fairly to determine that the amount of damages has a reasonable basis in fact.” (464 Mass. at 294)

“entry of a default precludes a defendant from raising affirmative defenses for the first time postdefault, because a defendant may not rely on an affirmative defense unless the defense was pleaded.” (464 Mass. at

“Accordingly, the Superior Court did not have jurisdiction to entertain a motion to amend the earlier default judgment, even to correct a clerical mistake, at the time the motion judge acted in March of 2012.” (464 Mass. at 299)

FACTUAL BACKGROUND

In 1999, Officer Ronald Boykan allegedly entered the plaintiffs' convenience store, forced his way into a restricted area, arrested Nicole Jones and William Owens, and beat all four plaintiffs. Nicole Jones and Owens were later acquitted of disorderly conduct and assault and battery on a police officer. The plaintiffs alleged physical and emotional injuries and loss of their business.

PROCEDURAL HISTORY

The plaintiffs filed suit in the Superior Court in 2003 after a 1999 altercation involving Springfield police Officer Ronald Boykan. The defendants failed to answer, participate in discovery, or attend noticed proceedings, and a default judgment awarding \$1 million entered in 2004. The Superior Court later vacated the judgment against Boykan and vacated the damages award against the city; subsequent Superior Court proceedings dismissed or resolved the claims, and the Appeals Court ultimately ordered reinstatement of the 2004 judgment. The Supreme Judicial Court granted limited further appellate review and direct appellate review, vacated the judgments, and remanded for a new damages hearing.

DISPOSITION

remanded

REMAND INSTRUCTIONS

Vacate the amended judgment dated March 30, 2012, and vacate the August 9, 2004, default judgment. Remand the matter to the Superior Court for a new hearing to assess damages against both the City of Springfield and Ronald Boykan consistent with Mass. R. Civ. P. 55(b)(2), including consideration of the legally valid claims, competent evidence, and appropriate factual findings. After the damages hearing, a new judgment should enter. The Superior Court may correct the clerical omission of Lucy Jones's name after the Supreme Judicial Court's rescript issues.

CASES CITED

- Jones v. Boykan, 74 Mass. App. Ct. 213 (2009)
- Jones v. Boykan, 79 Mass. App. Ct. 464 (2011)
- Soja v. T.P. Sampson Co., 373 Mass. 630, 631 (1977)
- Bowers v. Board of Appeals of Marshfield, 16 Mass. App. Ct. 29, 33 (1983)
- Ackermann v. United States, 340 U.S. 193, 202 (1950)
- Care & Protection of Georgette, 54 Mass. App. Ct. 778, 788 (2002)
- Sullivan v. Utica Mut. Ins. Co., 439 Mass. 387, 401 (2003)

- Franchi v. Stella, 42 Mass. App. Ct. 251, 258 (1997)
- Sheriff v. Gillow, 320 Mass. 46, 49 (1946)
- Hermanson v. Szafarowicz, 457 Mass. 39, 49 (2010)
- Bissanti Design/Build Group v. McClay, 32 Mass. App. Ct. 469, 470-471 (1992)
- National Grange Mut. Ins. Co. v. Walsh, 27 Mass. App. Ct. 155, 157-158 (1989)
- Kenney v. Rust, 17 Mass. App. Ct. 699, 704-705 (1984)
- Productora e Importadora de Papel, S.A. de C.V. v. Fleming, 376 Mass. 826, 834-835 (1978)
- Nancy P. v. D'Amato, 401 Mass. 516, 519 (1987)
- Marshall v. Stratus Pharms., Inc., 51 Mass. App. Ct. 667, 670-671 (2001)
- Abalan v. Abalan, 329 Mass. 182, 183 (1952)
- Clamp-All Corp. v. Foresta, 53 Mass. App. Ct. 795, 811-812 (2002)
- Monell v. Department of Social Servs. of the City of N.Y., 436 U.S. 658, 691-692 (1978)
- T & D Video, Inc. v. Revere, 450 Mass. 107, 114-115 (2007)
- Fabre v. Walton, 441 Mass. 9, 10-11 (2004)
- Beal Bank, SSB v. Enrich, 448 Mass. 9, 12 (2006)
- Waldman v. American Honda Motor Co., 413 Mass. 320, 321-322 (1992)
- Goldberg v. Curhan, 332 Mass. 310, 311-312 (1955)
- Burrage v. County of Bristol, 210 Mass. 299, 300 (1911)
- Foxworth v. St. Amand, 457 Mass. 200, 205-206 (2010)

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