

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Nadezda Steele-Warrick and Darryl Schultz, individually and on behalf of others similarly situated v. Microgenics Corporation, Thermo Fisher Scientific, Inc., Anthony Annucci, James O’Gorman, Charles Kelly, Richard Finnegan, and Corey Bedard

Steele-Warrick v. Microgenics Corporation, Case No. 1:19-CV-6558 (FB) (VMS) (E.D.N.Y. Feb. 6, 2025) · No. 1:19-CV-6558 (FB) (VMS) · Decided February 6, 2026

SUMMARY

The United States District Court for the Eastern District of New York denied the DOCCS defendants’ motions for summary judgment based on qualified immunity in a putative class action concerning allegedly unreliable drug tests used in New York prisons. The court held that triable issues existed as to whether four defendants were deliberately indifferent to complaints about false-positive results and whether another defendant acted conscience-shockingly in selecting and implementing the testing system. The action arises under 42 U.S.C. § 1983 and involves substantive due process rights.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Frederic Block
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	February 6, 2026
DOCKET	1:19-CV-6558 (FB) (VMS)
DISPOSITION	denied
PROCEDURAL POSTURE	Plaintiffs brought a putative class action under 42 U.S.C. § 1983 against manufacturers of drug-testing systems and five New York Department of Corrections and Community Supervision officials. The DOCCS defendants moved for summary judgment limited to qualified immunity.
STANDARD OF REVIEW	Summary judgment is proper when no genuine dispute of material fact exists and the movant is entitled to judgment as a matter of law. On qualified immunity at summary judgment, dismissal is proper only when the official shows that no rational jury could find both a

constitutional violation and violation of a clearly established right. The evidence of the nonmovant must be credited and reasonable inferences drawn in the nonmovant's favor.

PRECEDENTIAL VALUE

District court decision; persuasive authority only and not binding circuit precedent.

TOPICS

qualified immunity

section 1983

substantive due process

summary judgment

prisoners rights

PRACTICE AREAS

Civil rights litigation

Constitutional litigation

Federal courts

Prisoners' rights

Summary judgment

QUESTIONS PRESENTED

1. Whether Annucci, O’Gorman, Kelly, and Finnegan were entitled to qualified immunity because the developed record could not support a finding that their conduct was conscience-shocking or deliberately indifferent.
2. Whether Bedard was entitled to qualified immunity because the record could not support a finding that his role in selecting and implementing the Microgenics testing system violated substantive due process.
3. Whether the plaintiffs’ substantive due process rights were clearly established when the defendants allegedly permitted discipline based on unreliable drug tests without required confirmatory testing.

HOLDINGS

1. The four defendants were not entitled to qualified immunity at summary judgment because the record created triable issues as to whether their deliberate indifference to repeated complaints and evidence of unreliable testing constituted conscience-shocking conduct violating substantive due process.
2. Bedard was not entitled to qualified immunity because a reasonable jury could find that he engaged in conscience-shocking conduct by disregarding evidence of unreliable CEDIA testing and helping implement a directive that omitted the assay’s required confirmatory-testing instruction.
3. The right of incarcerated persons to be free from arbitrary punishment based on unreliable drug tests was clearly established, and the difference between a recommendation for confirmatory testing and an instruction requiring confirmatory testing could make reliance on the earlier testing precedent unreasonable.

KEY QUOTATIONS

“A right is ‘clearly established’ when the contours of the right are sufficiently clear that a reasonable official would understand that what he is doing violates that right.”

“The five DOCCS Defendants are not entitled to qualified immunity because a reasonable jury could conclude that they violated Plaintiffs’ well-established rights via their involvement in the rollout of the Indiko Plus testing system in 2019.”

FACTUAL BACKGROUND

DOCCS replaced its longstanding Siemens EMIT drug-testing system with Microgenics CEDIA Indiko Plus testing in January 2019. The new system generated substantial complaints and ultimately was found to have a 28% average false-positive rate for the relevant assays. Despite complaints, scientific information indicating elevated false-positive rates, and instructions stating that confirmatory testing must be used, DOCCS officials continued using the system and imposing discipline until testing and discipline were suspended or expunged. Plaintiffs alleged that the five DOCCS defendants' involvement in selecting, implementing, overseeing, and failing to correct the system violated substantive due process.

PROCEDURAL HISTORY

The court previously dismissed plaintiffs' Eighth Amendment claims with prejudice but allowed substantive due process claims against five DOCCS defendants to proceed and denied qualified-immunity arguments raised by four of them at the pleading stage. The Second Circuit remanded the qualified-immunity appeals for discovery because factual questions were intertwined with the legal issues. After discovery, the court denied all five DOCCS defendants' motions for summary judgment, holding that a reasonable jury could find conscience-shocking conduct violating clearly established substantive due process rights.

DISPOSITION

denied

REMAND INSTRUCTIONS

The qualified-immunity issue must be reserved until after trial. The jury should receive targeted special interrogatories concerning whether the defendants engaged in conscience-shocking conduct, after which the court may make the ultimate legal determination whether qualified immunity attaches.

CASES CITED

- Steele-Warrick v. Microgenics Corp., 671 F. Supp. 3d 229 (E.D.N.Y. 2023)
- Hurd v. Fredenburgh, 984 F.3d 1075 (2d Cir. 2021)
- X-Men Security, Inc. v. Pataki, 196 F.3d 56, 65 (2d Cir. 1999)
- Sabir v. Williams, 52 F.4th 51, 58 (2d Cir. 2022)
- Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982)
- Gonzalez v. City of Schenectady, 728 F.3d 149, 154 (2d Cir. 2013)
- Anderson v. Creighton, 483 U.S. 635, 639 (1987)
- Liverpool v. Davis, 442 F. Supp. 3d 714, 733 (S.D.N.Y. 2020)
- Coollick v. Hughes, 699 F.3d 211, 219 (2d Cir. 2012)
- Tangreti v. Bachmann, 983 F.3d 609, 618 (2d Cir. 2020)
- Francis v. Fiacco, 942 F.3d 126, 151 (2d Cir. 2019)

- Peranzo v. Coughlin, 675 F. Supp. 102, 105 (S.D.N.Y. 1987), aff'd per curiam, 850 F.2d 125, 126 (2d Cir. 1988)
- Daniels v. Williams, 474 U.S. 327, 338 (1986)
- Reyes v. Fischer, 934 F.3d 97, 103 (2d Cir. 2019)
- Stephenson v. Doe, 332 F.3d 68, 81 (2d Cir. 2003)
- Warren v. Dwyer, 906 F.2d 70, 76 (2d Cir. 1990)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 255 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986)

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