

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
LILYANN RYAN, Individually and as  
Administrator of the Estate of  
BARTHOLOMEW RYAN, deceased,

Plaintiff,

MEMORANDUM & ORDER  
12-CV-5343 (JS) (SIL)

-against-

COUNTY OF NASSAU, COUNTY OF  
NASSAU CORRECTIONAL CENTER,  
NASSAU COUNTY SHERIFF'S  
DEPARTMENT, ARMOR CORRECTIONAL  
HEALTH SERVICES, INC., and  
ARMOR CORRECTIONAL HEALTH  
SERVICES OF NEW YORK, INC.,

Defendants.

-----X  
APPEARANCES

For Plaintiff: Nicholas E. Warywoda, Esq.  
Parker Waichman  
6 Harbor Park Drive  
Port Washington, NY 11050

For the County  
Defendants: James R. Scott, Esq.  
Nassau County Attorney's Office  
1 West Street  
Mineola, NY 11501

For the Armor  
Defendants: John J. Doody, Esq.  
Sana Suhail, Esq.  
Lewis Brisbois Bisgaard & Smith, LLP  
199 Water Street, 25th Floor  
New York, NY 10038

SEYBERT, District Judge:

Plaintiff Lilyann Ryan ("Plaintiff"), individually and  
as administrator of the Estate of Bartholomew Ryan ("Ryan"),  
commenced this action against the County of Nassau, the Nassau

County Correctional Center, the Nassau County Sheriff's Department (together, the "County Defendants"), Armor Correctional Health Services, Inc., and Armor Correctional Health Services of New York, Inc. (together, the "Armor Defendants" or "Armor," and collectively, "Defendants") on October 22, 2012. (Compl., Docket Entry 1.) On November 14, 2012, Plaintiff filed an Amended Complaint asserting claims under 42 U.S.C. §§ 1981, 1983, and 1985 and state law claims for negligence and wrongful death. (Am. Compl., Docket Entry 7, ¶¶ 108-180.)

After the Court dismissed the claims under Sections 1981 and 1985, and the Section 1983 claim against the County Defendants, the remaining claims proceeded to trial. (See March 2016 Order, Docket Entry 62, at 25.) The case was tried from April 3, 2017 to April 12, 2017, and the following claims were submitted to the jury: (1) a Section 1983 claim for deliberate indifference to medical needs against the Armor Defendants, and (2) negligence and wrongful death claims against the Armor Defendants and the County Defendants. (Verdict Sheet, Court Ex. 3, Docket Entry 108, at 2-9.) On April 12, 2017, the jury reached a verdict in Plaintiff's favor on both claims and awarded \$370,000 for pain and suffering on the negligence claim, and \$520,000 for pain and suffering and \$7,000,000 in punitive damages on the Section 1983 claim. (Verdict Sheet 6(A)-(G).) As to the negligence pain and suffering award, the jury apportioned the fault as follows: twenty-five percent

(25%) to the County of Nassau, fifty-five percent (55%) to Armor, and twenty percent (20%) to Ryan. (Verdict Sheet 6(D).)

Currently pending before the Court is the Armor Defendants' motion for judgment as a matter of law pursuant to Federal Rule of Civil Procedure 50(b), or alternatively, for a new trial pursuant to Federal Rule of Civil Procedure 59(a)(A). (Armor Mot., Docket Entry 115.) The County Defendants have not moved for any post-trial relief. For the reasons that follow, the Armor Defendants' motion is GRANTED.

#### DISCUSSION

The Court assumes familiarity with its March 2016 Order resolving the parties' motions for summary judgment and will discuss the evidence presented at trial as necessary in its analysis. (See generally March 2016 Order.) Briefly, Ryan was remanded to the Nassau County Correctional Center ("NCCC") on February 23, 2012. (March 2016 Order at 4.) After his arrival, he was assessed by a corrections officer, two nurses employed by Armor, and Dr. Vincent Manetti ("Dr. Manetti"), a psychiatrist employed by Armor. (March 2016 Order at 5-8.) While Ryan relayed that he had a history of drug abuse and psychological disorders, he did not indicate that he was experiencing suicidal ideations or that he had previously attempted suicide. (March 2016 Order at 5-7.) However, he did indicate to Dr. Manetti that he had used heroin immediately prior to his arrival at NCCC. (March 2016 Order

at 7-8.) As a result, Dr. Manetti referred Ryan to the medical department for monitoring on an urgent basis, which according to Armor's guidelines, meant that Ryan would be seen within twenty-four hours. (March 2016 Order at 8, 21.) Unfortunately, just hours after his visit with Dr. Manetti, Ryan committed suicide. (March 2016 Order at 2, 9.)

I. The Armor Defendants' Motion for Judgment as a Matter of Law

A. Rule 50(b) Standard

If a party believes that "a reasonable jury would not have a legally sufficient evidentiary basis" to find for its adversary on a particular issue, it may move for judgment as a matter of law during trial under Federal Rule of Civil Procedure 50(a), and renew the motion after trial under Rule 50(b). FED. R. CIV. P. 50(a)-(b). In an order determining a Rule 50(b) motion, the district court may: "(1) allow judgment on the verdict, if the jury returned a verdict; (2) order a new trial; or (3) direct the entry of judgment as a matter of law." FED. R. CIV. P. 50(b).

The district court may only grant a Rule 50(b) motion when "'there exists such a complete absence of evidence supporting the verdict that the jury's findings could only have been the result of sheer surmise and conjecture, or the evidence in favor of the movant is so overwhelming that reasonable and fair-minded [persons] could not arrive at a verdict against [it].'" Protostorm, LLC v. Antonelli, Terry, Stout & Krauss, LLP, No. 08-

CV-0931, 2015 WL 3605143, at \*2 (E.D.N.Y. June 5, 2015) (quoting Kinneary v. City of N.Y., 601 F.3d 151, 155 (2d Cir. 2010)) (alterations in original). In other words, judgment as a matter of law is appropriate only when “‘a reasonable juror would have been compelled to accept the view of the moving party.’” Id. at \*2 (quoting This is Me, Inc. v. Taylor, 157 F.3d 139, 142 (2d Cir. 1998)). “When considering the evidence associated with a Rule 50(b) motion, the trial court may not weigh evidence, assess credibility, or substitute its opinion of the facts for that of the jury,” Rosioreanu v. City of N.Y., 526 F. App’x 118, 119 (2d Cir. 2013) (internal quotation marks and citation omitted), and must view the evidence “in the light most favorable to the nonmoving party,” Houston v. Cotter, No. 07-CV-3256, 2016 WL 1253391, at \*1 (E.D.N.Y. Mar. 30, 2016) (internal quotation marks and citation omitted).

B. Section 1983 Deliberate Indifference to Medical Needs

To establish a Section 1983 claim, a plaintiff must demonstrate that the defendant violated a “right, privilege, or immunity secured by the Constitution or laws of the United States . . . by a person acting under the color of state law.” Charles v. Cty. of Orange, N.Y., No. 16-CV-5527, 2017 WL 4402576, at \*6 (S.D.N.Y. Sept. 29, 2017); 42 U.S.C. § 1983. To establish a claim for deliberate indifference to medical needs under the Due Process Clause of the Fourteenth Amendment, a pre-trial detainee

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