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City asks judge to reject Hickey verdict

Attorneys cite insufficient evidence, excessive award

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Attorneys for the city of Columbus on Monday requested a federal judge reject a recent \$306,000 jury verdict awarded to a po-

lice officer who sued the city for retaliation in the workplace.

In court filings, the attorneys argued that “no reasonable jury could have found a legally sufficient evidentiary basis” that Cpl. By-

ron Hickey was retaliated against after he spoke up for a former police officer who also sued the city for discrimination.

The motion alternatively requests U.S. District Judge Clay D. Land grant

the city a new trial or reduce the awarded damages to \$8,400 if the verdict is not overturned.

“Even with plaintiff’s limited testimony concerning his emotional harms, the jury’s award far exceeds the ‘maximum recovery’ he could hope to recover and, therefore, should be remit-

ted,” attorney Kirsten C. Stevenson said in the motion. Stevenson explained that \$8,400 would account for \$7,000 in “alleged mental anguish” and \$1,400 in actual losses.

The motion marked the most recent development

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in a case that has spanned more than three-and-a-half years. Hickey filed suit against the city in June 2007, claiming his superiors retaliated against him after he spoke up for former Officer Alicia Davenport. Hickey claimed he was transferred out of the Vice and Narcotics Division, given a negative job review and placed on extended leave.

Hickey was placed on administrative assignment after he chased and shot at a vandal in January 2006.

Hickey testified at trial last month that he feared for his safety after speaking up for Davenport, and that he was humiliated when he was transferred out of the division. Davenport, who is black, had claimed she was discriminated against on the basis of her race and gender. A jury in September 2008 recommended she receive \$5,000 after finding

she was subjected to gender discrimination within the department.

The city raised a number of issues in its 23-page motion for “judgment as a matter of law.” The attorneys claimed, for instance, that Hickey failed to follow the Fair Treatment Process and did not exhaust administrative remedies before filing suit.

“As a matter of law, the city should not be liable for allegedly retaliatory actions which the city was not given the opportunity to remedy,” Stevenson argued.

Hickey’s attorney Gwyn Newsom said she anticipated the motion and was preparing a response.

“It’s really nothing that surprises us,” Newsom said. “Basically, these are arguments they made during the trial, and the judge had denied their motions before. We feel that the verdict we got was a good, solid verdict, and we feel confident that the court will uphold it.”