

Argument: Wednesday, Oct. 7 (9)

SECTION 1983

Joe

SOC

SEC1983-1

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86-772 CITY OF ST. LOUIS V. PRAPROTNIK

Ruling below (CA8, 798 F2d 1168):

Employee who alleged in 42 USC 1983 action that his transfer and layoff were improperly motivated, in violation of his First Amendment and due process rights, may recover against city even though jury exonerated individually named city officials; city employee's supervisors are policymakers with "final authority" in respect to personnel actions, like transfer and layoff, for which civil service commission appears to give substantial deference to original decisionmaker, and therefore city may be held liable for its supervisors' retaliatory conduct against employee.

Question presented: (1) Do principles of causation applicable to actions brought against officials and local governments pursuant to 42 USC 1983 differ such that judgment may be rendered against local government despite return of verdict exonerating local official who was alleged to have promulgated unconstitutional policy and acted pursuant to policy? (2) Does failure of local government to establish appellate procedure for review of officials' decisions that do not defer in substantial part to original decisionmaker's decision constitute delegation of authority to establish final government policy such that liability may be imposed on local government on basis of decisionmaker's act alone, when act is neither taken pursuant to rule of general applicability nor is decision of specific application adopted as result of formal process?

Petition for certiorari filed 11/13/86, by James J. Wilson and Julian L. Bush, both of St. Louis, Mo.

CERT. GRANTED: 1/12/87

Cross References: Amendment, First
Cities and Counties
Civil Rights
Due Process

Wash & Killeen not
improperly motivated
w/ making lay-off
transfer by H...
did lose made him
liable & if not city can't
be.

Instructions awful
& proposed by City & not
obeyed to

Reversal