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STATEMENT

Summary Judgment Issued in Favor of the City of Framingham by a Former and Current Member of the Framingham Police Department

FRAMINGHAM, MA- Today Judge Talwani of the US District Court in Boston entered summary judgment in favor of the City of Framingham in two separate lawsuits by a former and a current member of the Framingham Police Department, dismissing both officers' claims in their entirety. *Stuart v. Framingham*, USDC Civil Action No. 1:16-cv-12559-IT, and *Gutwill v. Framingham*, 1:16-cv-12191-IT. The officers in both cases alleged that they suffered disciplinary actions, one officer being terminated and the other suspended, because of their alleged exercise of First Amendment rights. Framingham contended that the actions in question were valid disciplinary actions taken to address improper conduct by the officers. The Court disagreed with the officers' contentions, finding that they did not present sufficient evidence that their protected speech was a substantial and motivating factor in the disciplinary actions against them, which had been upheld by hearing officers in both cases. Former Police Chief Kenneth Ferguson and current Assistant to the Chief, Brian Simoneau, were also named defendants in the suits, and the claims against them were dismissed as well. It is important to note that the factual record underlying both decisions were taken as required by the applicable court rules "in the light most favorable" to the officers. Had the cases proceeded to trial, different or additional facts exonerating the City and its officials would have been offered at trial. The officers have the opportunity to appeal the decisions to the First Circuit Court of Appeals.

Reviewing the decisions, City officials, while they believe the Court ruled correctly and are pleased with the outcome, noted that both cases harken back to a period of significant mistrust and strife between management and labor within the Police Department, a climate which has greatly improved in recent years in particular with the 2018 study of the Police Department conducted by Flagg Consulting, the recently signed contract between the City and the Framingham Police Officers Union that was approved by the City Council in fall 2019, and ongoing constructive negotiations with the Framingham Police Superior Officers Association for a new collective bargaining agreement. The City looks forward to moving past these two cases and continuing to build a positive relationship between the City, the Police administration, both police unions, and the many dedicated and hardworking employees of the Police Department.

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Copies of both decisions:

[Stuart v. Framingham, USDC Civil Action No. 1:16-cv-12559-IT](#)

[Gutwill v. Framingham, USDC Civil Action No. 1:16-cv-12191-IT](#)