

Civil Rights - Because of a clerical error, the plaintiff's name was listed as having a felony warrant issued against her – in a task force to serve the warrant, she was arrested (in front of television cameras) and taken to jail – the charges were dismissed a week later when the mistake became clear

Milligan v. Metro Government,

3:07-1053

Plaintiff: Andy L. Allman, *Kelly Kelly & Allman*, Hendersonville and Andre Clarke, *Borod & Kramer*, Memphis

Defense: Allison L. Bussell and James

W.J. Farrar, *Metro Legal Department*, Nashville

Verdict: Defense verdict

Federal: **Nashville**

Judge: Aleta Trauger

2-3-10

Paula Staps of North Carolina committed bank fraud in July of 2005. She presented stolen checks to a Regions Bank in Tennessee. Staps identity was well-known – investigators had her picture, identification and even a warrant for her arrest. She had been indicted in May of 2006.

In October of 2006, a joint task force of law enforcement officials executed Operation Falcon III. It was designed to serve felony warrants. Because of a clerical error, the warrant for Staps was improperly inputted. Instead of identifying Staps, it instead was marked for Paula Milligan. Milligan of Nashville is not a criminal and had not passed the stolen checks.

But the system said she did and the police came to her home to arrest her. She was taking her children to daycare, but her husband was home. He was naturally alarmed and put a police officer on the phone with his wife. The officer instructed her to return home. She did so, believing she would be able to explain that she was not the culprit.

The police were in no mood for an explanation and with television cameras from local Fox 17 on hand, Milligan was led away. [The police also posed her for the cameras to make Operation Falcon III even more cinematically appealing.]

Milligan was taken in shackles to a filthy holding cell. She bonded out later that day and was released. Just a week later, the criminal charges were dismissed. The whole thing had just been a mistake, her name being improperly entered in a computer.

That explanation did not satisfy Milligan and she sued Metro Government alleging its systematic deficiencies in the Warrant Department (including understaffing) led to her arrest. The government defended and explained that Milligan had improperly attempted to create a constitutional claim from what was no more than a clerical error. It didn't dispute that there was an error, but explained being sloppy and incompetent were not constitutional violations.

The court's instructions asked if Metro Government violated Milligan's constitutional rights. The answer was no and the plaintiff took nothing. A defense judgment was entered.