

September 2024

**RAZOR** eNewsletter FROM



**O'Connor  
Carnathan &  
Mack**

GIVING OUR CLIENTS AN EDGE



## ***Federal Court Reduces \$150,000 Nominal Damage Award to \$1***

In *Lawless v. Town of Freetown*, Plaintiff Diane Lawless (“Lawless”) brought suit against the Town of Freetown (“Freetown”), alleging it had breached a contract and violated her due process rights. After a nine-day trial, the jury awarded Lawless \$75,000 for her breach of contract claim. On her due process claim, the jury found no compensatory damages but awarded \$150,000 in nominal damages.

The United States District Court for the District of Massachusetts found that this nominal damage award could not stand and must be reduced to \$1. The court explained that, while nominal damages can be more than \$1, the amount must be “minimal,” and “even \$500 is too great for nominal damages.”

The court also rejected Lawless’ request that the court recategorize the nominal damages award as a compensatory award. The court explained that, “[w]hile the jury likely sought to register its disapproval with Freetown by assigning a large nominal damages award, that award

in no way suggests, however, that the jury found that Lawless had proven her claimed emotional distress damages . . . where the jury's compensatory damages award here was clear, 'recharacterizing' the jury's nominal damages award as compensatory damages would be a usurpation of the jury's role and contrary to the Seventh Amendment."

## About OCM

OCM is boutique litigation firm based in Burlington, Massachusetts, whose clients include Fortune 500 companies as well as closely held businesses and astute individuals. OCM's attorneys help their clients not only resolve disputes but also avoid them altogether. Whether you are facing a courtroom battle, arbitration, mediation, or negotiation, OCM can help.





[View Our Website](#)

[Unsubscribe](#)

OCM Law 10 Burlington Mall Road Suite 301 Burlington, Massachusetts 01803 United States (781) 359-9000