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1999 Decisions

Opinions of the United  
States Court of Appeals  
for the Third Circuit

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5-11-1999

## Hurley v. Atl Cty Pol Dept

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Filed May 11, 1999

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

Nos. 96-5633, 96-5634, 96-5661, 96-5783

SERGEANT DONNA M. HURLEY; PATRICK K. HURLEY,  
husband and wife,

v.

THE ATLANTIC CITY POLICE DEPARTMENT,  
a subdivision of the City of Atlantic City;  
HENRY MADAMBA, NICHOLAS V. RIFICE,  
JOHN MOONEY; JOHN DOES 1 THROUGH 50  
inclusive, fictitious name defendants, jointly,  
severally, and in the alternative

(Camden New Jersey District Civil No. 93-260)

SERGEANT DONNA M. HURLEY; PATRICK K. HURLEY,  
wife and husband

v.

THE ATLANTIC CITY POLICE DEPARTMENT,  
a subdivision of the City of Atlantic City;  
HENRY MADAMBA; NICHOLAS V. RIFICE;  
JOHN MOONEY; JOHN DOES 1 THROUGH 50,  
inclusive, jointly, severally, and in the alternative

(Camden, New Jersey District Civil No. 94-1122)

Atlantic City Police Department,  
Appellant No. 96-5633

SERGEANT DONNA M. HURLEY; PATRICK K. HURLEY,  
husband and wife

v.

THE ATLANTIC CITY POLICE DEPARTMENT,  
a subdivision of the City of Atlantic City;  
HENRY MADAMBA; NICHOLAS V. RIFICE;  
JOHN MOONEY; JOHN DOES 1 THROUGH 50,  
inclusive, fictitious name defendants, jointly,  
severally, and in the alternative

(Camden New Jersey District Civil No. 93-260)

SERGEANT DONNA M. HURLEY; PATRICK K. HURLEY,  
wife and husband

v.

THE ATLANTIC CITY POLICE DEPARTMENT,  
a subdivision of the City of Atlantic City;  
HENRY MADAMBA; NICHOLAS V. RIFICE;  
JOHN MOONEY; JOHN DOES 1 THROUGH 50,  
inclusive, jointly, severally, and in the alternative

(Camden, New Jersey District Civil No. 94-1122)

Henry Madamba,  
Appellant No. 96-5634

SERGEANT DONNA M. HURLEY; PATRICK K. HURLEY,  
husband and wife

v.

THE ATLANTIC CITY POLICE DEPARTMENT,  
a subdivision of the City of Atlantic City;  
HENRY MADAMBA; NICHOLAS V. RIFICE;  
JOHN MOONEY; JOHN DOES 1 THROUGH 50,  
inclusive, fictitious name defendants, jointly,  
severally, and in the alternative

(Camden New Jersey District Civil No. 93-260)

SERGEANT DONNA M. HURLEY; PATRICK K. HURLEY,  
wife and husband

v.

THE ATLANTIC CITY POLICE DEPARTMENT,  
a subdivision of the City of Atlantic City;  
HENRY MADAMBA; NICHOLAS V. RIFICE;  
JOHN MOONEY; JOHN DOES 1 THROUGH 50,  
inclusive, jointly, severally, and in the alternative

(Camden, New Jersey District Civil No. 94-1122)

Donna M. Hurley, and Patrick K. Hurley,  
Appellants No. 96-5661

SERGEANT DONNA M. HURLEY; PATRICK K. HURLEY,  
husband and wife

v.

THE ATLANTIC CITY POLICE DEPARTMENT,  
a subdivision of the City of Atlantic City;  
HENRY MADAMBA; NICHOLAS V. RIFICE;  
JOHN MOONEY; JOHN DOES 1 THROUGH 50,  
inclusive, fictitious name defendants, jointly,  
severally, and in the alternative

(Camden New Jersey District Civil No. 93-260)

SERGEANT DONNA M. HURLEY; PATRICK K. HURLEY,  
wife and husband

v.

THE ATLANTIC CITY POLICE DEPARTMENT,  
a subdivision of the City of Atlantic City;  
HENRY MADAMBA; NICHOLAS V. RIFICE;  
JOHN MOONEY; JOHN DOES 1 THROUGH 50,  
inclusive, jointly, severally, and in the alternative

(Camden New Jersey District Civil No. 94-1122)

Donna M. Hurley, and Patrick K. Hurley,  
Appellants No. 96-5738

On Appeal from the United States District Court  
for the District of New Jersey  
(D.C. Nos. 93-cv-00260, 94-cv-01122)

Argued May 4, 1998  
Reargued October 5, 1998

BEFORE: BECKER, Chief Judge, SCIRICA and COWEN,  
Circuit Judges

(Filed March 18, 1999)

ORDER AMENDING OPINION

The slip opinion in the above case filed on March 18,  
1999 is hereby amended as follows:

1. The last sentence of Section IV.B, at page 52 of the slip opinion, "We will therefore vacate the judgment in favor of Rifice and the district court's order striking plaintiff's punitive damage claim against Rifice," is amended to strike the words following "in favor of Rifice." The sentence will read: "We will therefore vacate the judgment in favor of Rifice."

2. After the amended sentence, a new footnote is added: "We intimate no view as to whether a punitive damages claim against Rifice will be viable under the principles articulated today. In view of the standard of liability we have articulated, we think it better to leave this issue to the District Court on remand."

BY THE COURT:

/s/ Edward R. Becker  
Chief Judge

DATED: May 11, 1999

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Teste:

Clerk of the United States Court of Appeals  
for the Third Circuit