**NONPRECEDENTIAL DISPOSITION**
To be cited only in accordance with FED. R. APP. P. 32.1

# United States Court of Appeals

**For the Seventh Circuit**
**Chicago, Illinois 60604**

Submitted January 4, 2024*
Decided January 10, 2024

***Before***

ILANA DIAMOND ROVNER, *Circuit Judge*

DIANE P. WOOD, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

No. 22-1104

JAMES SYNNOTT,
*Plaintiff-Appellee*,

*v.*

PAUL BURGERMEISTER and IAN NORTHRUP,
*Defendants-Appellants*.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

No. 16 C 9098

Matthew F. Kennelly,
*Judge*.

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* After the defendants/appellants, Paul Burgermeister and Ian Northrup, appealed the judgment, Synnott cross-appealed other orders from the district court. We consolidated all appeals and later dismissed Synnott's appeals, Nos. 22-1270, 22-1893, and 22-2447, after he did not timely file his appellee/cross-appellant brief. We thus decide the defendants' appeal without a brief by Synnott. Further, we have agreed to decide the case without oral argument because the brief and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

**O R D E R**

James Synnott sued two police officers, Paul Burgermeister and Ian Northrup, for unlawfully entering his home and using excessive force. A jury awarded Synnott $0 in compensatory damages and $85,000 in punitive damages. Burgermeister and Northrup moved for a new trial or, in the alternative, a remittitur of the punitive damages, and the district court denied their motion. Because a reasonable jury could find that the officers acted with callousness or reckless indifference, and the award was not excessive or otherwise improper, we affirm.

We view the facts in the light most favorable to Synnott, the prevailing party at trial. *Sommerfield v. Knasiak*, 967 F.3d 617, 619 (7th Cir. 2020). In 2016, Synnott and two of his sisters were at his home when a process server arrived. Without speaking to anyone there, the process server phoned 911, and Burgermeister and Northrup, two police officers with the DuPage County Sheriff's Department, came to Synnott's home. It was undisputed at trial that the officers lacked a warrant, a reason to suspect criminal wrongdoing, and, from the outside of the home, anything to suggest that anyone inside was in danger. Although the officers said that an "open" door at the home concerned them, Synnott testified that the door was closed. The officers entered the home without ringing the doorbell, knocking, or (as one of Synnott's sisters testified) "say[ing] who they were," despite knowing that entering the home in this manner without an emergency is prohibited. *See United States v. Jones*, 208 F.3d 603, 609 (7th Cir. 2000). Once inside, Northrup drew his gun and pointed it at Synnott and his sisters—even though he knew, as he admitted at trial, that "one of the safety rules" was not "to point at anything you're not intending to kill." Synnott presented evidence that Burgermeister, too, aimed his gun at Synnott. This one-sided, armed confrontation inside Synnott's home lasted a half hour.

Synnott sued Burgermeister, Northrup, and others, and the case was tried twice. The first trial occurred after the district court dismissed all of Synnott's claims except for those against Burgermeister and Northrup for unlawful entry and excessive force. *See* 42 U.S.C. § 1983. A jury in 2019 returned a verdict in favor of Synnott, awarding him $100,000 in punitive damages ($30,000 against Burgermeister and $70,000 against Northrup) and $250,000 in compensatory damages. The defendants moved for a new trial or, alternatively, a remittitur of the damages award. The district court granted the motion in part, allowing Synnott either to proceed to a new trial or to accept the award of punitive damages with a reduced amount of compensatory damages. After Synnott declined the remittitur, the parties proceeded to a second trial only on damages.

The second jury awarded Synnott no compensatory damages but $85,000 in punitive damages ($10,000 against Burgermeister and $75,000 against Northrup), and the defendants once again moved for a new trial or a remittitur of damages. The district court denied this motion. It ruled that the evidence at trial—that the defendants "recklessly disregarded" the "sanctity" of the home and unjustifiably endangered Synnott—supported the award, that Synnott could be awarded punitive damages even without compensatory damages, and that no bias infected the award. The defendants then took this appeal. We review the district court's decision generally for abuse of discretion, but we review de novo its ruling about the constitutional limits on the amount of punitive damages. *Kunz v. DeFelice*, 538 F.3d 667, 678 (7th Cir. 2008).

The appellants first contend that Synnott did not present evidence that they acted with callousness or reckless indifference, the showing required for punitive damages. *Smith v. Wade*, 461 U.S. 30, 51 (1983). But the appellants' argument rests on a view of the evidence in their favor, not Synnott's. When we construe the evidence most favorably to Synnott, as the district court did in rejecting this argument, the jury could find callous or reckless conduct based on the following: Without reason to think that a probable crime or emergency justified a warrantless entry into Synnott's home, the defendants barged in through a closed door without warning and aimed their loaded guns at the family despite knowing that this behavior was unlawful. Such evidence of callous or reckless indifference to Synnott's rights supports an award of punitive damages. *Hakim v. Safariland, LLC*, 79 F.4th 861, 868 (7th Cir. 2023); *Smith*, 461 U.S. at 51. The district court thus did not abuse its discretion in rejecting this argument.

Next, the appellants make several arguments that the punitive damages were unconstitutionally excessive, citing the guideposts outlined in *BMW of North America, Inc. v. Gore*, 517 U.S. 559, 574–75 (1996). In reviewing this challenge de novo, we agree with the district court that the jury's award comports with *Gore*'s guideposts.

First, appellants argue that $85,000 in punitive damages does not properly reflect the required degree of reprehensibility because Synnott suffered no physical injury and the officers acted out of concern for the family's welfare. But physical injury is just one of five factors relevant to reprehensible conduct. *See State Farm Mut. Auto. Ins. Co. v. Campbell*, 538 U.S. 408, 419 (2003). Among the other factors (reckless disregard for health or safety, financial vulnerability of the victim, repetition of misconduct, and malice) Synnott supported at least two. First, far from showing genuine concern for the family's welfare, trial evidence shows that Burgermeister and Northrup recklessly disregarded Synnott's health and safety by aiming their loaded guns at him and his family without

justification. And the officers showed malice by entering Synnott's home without a warning, warrant, probable cause, or reasonable belief of an emergency, while aware that they were prohibited from doing so. Because all five factors must be absent to render a punitive award suspect, *id.*, the jury permissibly found the required degree of reprehensibility.

Next, appellants argue that the disparity between the lack of compensatory damages and the punitive damages award is excessive. Although courts usually require only a single-digit ratio between punitive and compensatory damages, that ratio is not mandatory where the compensatory damages are low or the constitutional rights at issue protect dignitary harms. *See Saccameno v. U.S. Bank Nat'l Ass'n*, 943 F.3d 1071, 1088–89 (7th Cir. 2019); *see also Sommerfield*, 967 F.3d at 624 ("Punitive-damages awards, however, are not conditioned upon the presence of compensatory damages."). Further, a higher ratio does not automatically violate due process but merely requires special justification. *Saccameno*, 943 F.3d at 1089. Here, in properly allowing the higher ratio, the district court cited the need to deter through meaningful punitive damages the loss of privacy, the fright, and the peril that an unjustified, armed home invasion can cause.

Appellants further argue that the difference between the damages in this case and comparable cases cannot be explained or justified. We disagree. For one thing, it is not clear that Synnott's award is particularly different: although the appellants cite some older cases (and do not adjust for inflation) where juries awarded lower punitive damages, they also reference awards comparable to Synnott's. *See, e.g.*, *Marshall ex rel. Gossens v. Teske*, 284 F.3d 765, 769 (7th Cir. 2002) ($30,000 in compensatory and $100,000 in punitive damages for false arrest); *Hendrickson v. Cooper*, 589 F.3d 887, 890 (7th Cir. 2009) ($75,000 in compensatory and $125,000 in punitive damages for excessive force). And the potential harm in this case—which we may consider, *see Saccameno*, 943 F.3d at 1088—can explain the upward variation: Northrup's firearm could have accidentally or intentionally discharged, causing greater harm than in cases involving less force. An upward deviation is also appropriate where, as here, the jury reasonably found that the officers' actions were "completely unjustified." *See Hendrickson*, 589 F.3d at 894.

Finally, the appellants contend that the jury's award of damages incorrectly (1) incorporated the harm inflicted on Synnott's sisters, (2) included consideration of Synnott's ongoing child custody dispute, and (3) reflected biases against law enforcement. The appellants did not make the first two arguments in the district court; therefore, they have waived them on appeal. *See Love v. Vanihel*, 73 F.4th 439, 449 (7th Cir. 2023). But we would also reject all three arguments on the merits: the district court

admonished the jury to consider only Synnott's injuries, within the context of his unlawful entry and excessive force claims, and to decide the case without bias. We presume that the jurors followed the court's instructions. *See Epic Sys. Corp. v. Tata Consultancy Servs. Ltd.*, 980 F.3d 1117, 1138 (7th Cir. 2020). And Synnott did not inflame anti-law enforcement sentiment by mentioning any contemporaneous news events.

AFFIRMED