

United States Court of Appeals For the First Circuit

No. 25-1541

KELECHI LINARDON, an individual and on behalf of all others
similarly situated if a class is determined,

Plaintiff, Appellant,

v.

KATE WALSH, in the individual and official capacities;
MONTACHUSETT REGIONAL TRANSIT AUTHORITY, (MART) in the
individual and official capacities; EXECUTIVE OFFICE OF HEALTH
AND HUMAN SERVICES, in the individual and official capacities;
JERRY MCDONALD, in the individual and official capacities; DOES
1 THROUGH X, INCLUSIVE, AND ROE BUSINESS ENTITIES I THROUGH X
INCLUSIVE, presently unknown,

Defendants, Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

[Hon. William G. Young, U.S. District Judge]

Before

Gelpí, Montecalvo, Dunlap,
Circuit Judges.

Kelechi Linardon, pro se, on brief for appellant.
Jennifer R. O'Shea, Lane T. Dubreuil, and Winget, Spadafora
& Schwartzberg, LLP on brief for appellees.

September 11, 2026

PER CURIAM.

Plaintiff-Appellant Kelechi Linardon

("appellant") appeals from the judgment entered in the underlying matter. We conclude that affirmance is in order as to the district court's dismissal of certain claims but that partial vacatur and remand are in order as to the district court's disposition of other claims, the latter conclusion guided by Seventh Amendment concerns.

In the operative complaint, appellant invoked multiple federal statutes and common law causes of action, and she sought, among other things, preliminary and permanent injunctive relief, declaratory relief, and compensatory damages. At the heart of the matter were allegations of disability discrimination related to appellant's access to and use of transportation services. Appellant demanded a jury as to all issues so triable, both in the operative complaint and in subsequent filings.

The district court disposed of the claims against Defendant-Appellee Executive Office of Health and Human Services ("EOHHS"), as well as the claims against EOHHS official Kate Walsh, by granting a motion to dismiss invoking Federal Rules of Civil Procedure 12(b)(1) and (b)(6). As for the remainder of the case, appellant's claims against Defendant-Appellee Montachusett Regional Transit Authority ("MART") and MART official Jerry McDonald, the district court conducted a series of hearings that

it ultimately treated as a bench trial. The district court seemingly proceeded under Federal Rule of Civil Procedure 65(a)(2), which allows a court to consolidate preliminary injunction proceedings and trial on the merits under some circumstances. At the conclusion of the bench trial, the district court made certain findings of fact and conclusions of law and concluded that judgment should enter against appellant as to all of her remaining claims and requests for relief. The district court proceeded to enter such a judgment on the docket, and appellant timely noticed this appeal, which has seen full briefing.

We have considered carefully the arguments appellant develops in briefing concerning dismissal of the claims against EOHHS and Kate Walsh, and we conclude that appellant has failed to demonstrate any error as to that ruling. See Douglas v. Hirshon, 63 F.4th 49, 54-55 (1st Cir. 2023) (setting out standard of review for dismissal based on Federal Rule of Civil Procedure 12(b)(6) and discussing plausibility pleading standard prescribed in decisions like Ashcroft v. Iqbal, 556 U.S. 662 (2009)). Accordingly, we conclude that affirmance is in order as to the district court's dismissal of the claims against EOHHS and Kate Walsh.

Appellant's arguments concerning the district court's handling of her claims against MART and Jerry McDonald lead us to conclude that partial vacatur and remand are in order due to the

district court's handling of appellant's demands for a trial by jury.

"The Jury Trial Clause of the Seventh Amendment provides that '[i]n Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved.'" Full Spectrum Software, Inc. v. Forte Automation Sys., Inc., 858 F.3d 666, 675 (1st Cir. 2017) (quoting U.S. Const. amend. VII). "The phrase 'suits at common law' refers not only to causes of action that existed in 1791, when the Seventh Amendment was adopted, but also to new causes of action created by statute, as long as those statutes 'create[] legal rights and remedies, enforceable in an action for damages in the ordinary courts of law.'" Id. (first quoting U.S. Const. amend. VII; and then quoting Curtis v. Loether, 415 U.S. 189, 192 (1974)).

"The Supreme Court has long counseled that '[m]aintenance of the jury as a fact-finding body is of such importance and occupies so firm a place in our history and jurisprudence that any seeming curtailment of the right to a jury trial should be scrutinized with the utmost care.'" Lamex Foods, Inc. v. Audeliz Lebron Corp., 646 F.3d 100, 106 (1st Cir. 2011) (quoting Dimick v. Schiedt, 293 U.S. 474, 486 (1935)). Thus, "once a party files a proper demand for a jury trial on its legal claims, see Fed. R. Civ. P. 38, that demand must be honored unless the parties expressly consent to withdraw the demand, or subsequently waive their jury trial right

by either expressly or implicitly agreeing to a bench trial." Id. (some citations omitted). As noted above, Federal Rule of Civil Procedure 65(a)(2) allows a district court to combine preliminary injunction proceedings and trial on the merits, but that provision specifically states that "the court must preserve any party's right to a jury trial."

Again, appellant's complaint included a mix of common law and statutory causes of action and included a prayer for, inter alia, an award of compensatory damages based on those causes of action. Thus, the Seventh Amendment was implicated. As noted at the outset, appellant demanded a jury in the operative complaint and reiterated that demand in multiple subsequent filings. The district court concluded that what remained of the case following motion-to-dismiss proceedings, including appellant's prayer for an award of compensatory damages as to remaining claims, was fit for trial, but, despite appellant's invocation of her right to a jury trial, the district court ultimately conducted only a bench trial. Cross-referencing the foregoing with relevant precedent leads us to conclude that partial vacatur and remand are in order, as appellant unambiguously invoked her right to trial by jury and, on this record, cannot be said to have waived the right to a jury trial, either expressly or implicitly.

We have reviewed relevant transcripts carefully, with an eye toward the district court's interactions with appellant on the

matter of a potential jury. To wit, at a May 13, 2025, hearing, appellant asked, "Does it require a judge? A jury?"; the district court responded, "Well you don't have a jury, all you want is an injunction." Then, at a May 20, 2025, hearing, appellant stated, "It feels like we're in a jury, but when there's no jury," and the district court responded, "Well, you understand very well that when what you seek is an injunction, you're not, under the -- under the Constitution, you're not entitled to the jury. I'm [] the factfinder and I take that very seriously." Relevant transcripts reflect additional exchanges along these lines.¹

These exchanges reveal a certain pattern. Appellant would invoke her right to a jury, and the district court would counter that appellant had no right to a jury because only the matter of preliminary injunctive relief was being addressed; the district court then would make statements suggesting that relevant proceedings were meant to address all that remained of the case. Appellant seemed confused during relevant exchanges, and, in light of that confusion and other factors, we reject any argument that

¹ A final round of bench-trial proceedings was conducted on June 2, 2025. At the outset of those proceedings, the district court stated, "This is the final argument in this jury-waived matter." It is unclear what might have led the district court to describe the matter as "jury-waived." In any event, it does not appear that the matter of a potential jury was discussed at the June 2 hearing. However, appellant did make comments at the June 2 hearing regarding the pace and form of proceedings, stating at one point, "I'd like to address the Court on the concern that I have in my due process right."

appellant should be viewed as having waived her jury rights implicitly by continuing to participate in proceedings. There were too many contradictory statements during relevant exchanges and too many indicia of confusion for this court to conclude that appellant's continuing participation in the proceedings entailed an understanding on her part that all the remaining claims and requests for relief from her complaint, including claims for compensatory damages, would be addressed by way of the relevant jury-free proceedings. See Lamex, 646 F.3d at 110-11 (looking to specifics of complaining party's litigation conduct to determine whether that party "implicitly waived its right to a jury trial" by "participat[ing] in what it understood to be a bench trial on all the remaining legal issues").

This case bears a strong resemblance to the case addressed by this court in the above-cited Lamex decision. There, the court vacated and remanded because the district court had made opaque statements as to what all claims and requests for relief would be resolved by way of a bench trial and because, as a result of those statements, the complaining party could not be said to have implicitly waived the right to a jury by continuing to participate in proceedings. See id. For similar reasons, we conclude that vacatur and remand are in order here insofar as the district court's disposition of the claims for compensatory damages against

MART and Jerry McDonald is concerned.²

However, we deny appellant's request that the action be ordered reassigned to a different district court judge. Further, we express no opinion at this time as to the merits of the case or as to the proper procedural course on remand. The district court, of course, is not required to send a case to a jury if the case properly may be resolved at an earlier juncture. See Singh v. Blue Cross/Blue Shield of Mass., Inc., 308 F.3d 25, 36 (1st Cir. 2002) (explaining that, if there is no triable issue of fact to place before a jury, "the entry of summary judgment does no violence to the plaintiff's right to a jury trial"). Thus, this partial vacatur and remand should not be construed to mean that appellant is automatically entitled to place relevant claims before a jury on remand. Rather, the vacatur and remand are meant to roll the case back to where it was just after the district court dismissed the claims against EOHHS and Kate Walsh, and, from there, the district court may direct any course of proceedings consistent with relevant rules and statutes and consistent with the constitutional rights of the parties. Put another way, the district court ultimately may be in a position to adjudicate the matter without holding any trial at all, but, if the district court ultimately does send to trial

² We do not disturb the district court's denial of preliminary injunctive relief. See Full Spectrum, 858 F.3d at 675 (describing scope of Seventh Amendment and need to consider whether relief sought is legal or equitable in nature).

any portion of the matter implicating appellant's jury rights, those rights should be taken into account unless and until the record reflects a valid waiver. See Lamex, 646 F.3d at 106 (discussing options to withdraw or waive jury demand). Nothing herein is meant to preclude the district court from putting to an appropriate use testimony or evidence received in prior proceedings. Because we are vacating the district court's disposition of relevant claims for the reasons set out above, we need not address any additional arguments appellant has briefed as to those claims.

In accordance with the foregoing, we affirm in part and vacate and remand in part.