

Honda takes on Mass. city in court over seizure of its alleged property

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BOSTON (Legal Newsline) – The U.S. Supreme Court's recent unanimous ruling limiting civil asset forfeiture may have bearing on Honda's similar civil rights lawsuit filed earlier this month against the city of Revere, Massachusetts.

American Honda Finance Corp., based in California, alleged in its lawsuit filed Feb. 12 in U.S. District Court for the District of Massachusetts that its constitutional rights were violated when a Honda Civic was seized in 2016 by Revere's police department.

"Plaintiff brings this action to remedy a deprivation of its long-settled and fundamental rights to be free from unreasonable seizures and to due process of law under the United States Constitution," American Honda Finance Corp. said in its [13-page complaint](#).

"It is beyond debate that the government cannot deprive plaintiff (or anyone) of property by unreasonable seizure and/or without first providing for notice and a hearing.

"Yet, that is exactly what occurred here, and exactly what is sanctioned by an outdated, facially unconstitutional Massachusetts State statute, which does not recognize that duly perfected security interest and lien in a vehicle is a constitutionally protected property right."



Honda Civic Honda

American Honda is suing Revere over the December 2016 seizure of a 2016 Honda Civic in which the finance company held a "recorded lien and security interest," the complaint said. It alleges the seizure violated state law and was unconstitutional.

Specifically, American Honda claims its "rights to procedural due process" and "rights to be free from unreasonable seizures" were violated, the complaint said.

In May of the following year, the vehicle was sold and retitled with American Honda's "lien not recorded on said title," the complaint said.

American Honda asked the district court, among other things, to declare Revere's seizure to be in violation of the Massachusetts and U.S. constitutions and to slap the city with a permanent injunction on "the above described unconstitutional practices."

American Honda's lawsuit was filed a little more than a week before the nation's highest court [ruled](#) on the U.S. Constitution's ban on excessive fines also applies to state and local governments. The decision is [widely seen](#) to have placed limits on state and local government's ability to raise revenue via fines to raise revenue. [Some also have argued](#) the ruling hasn't fully resolved the nation's civil asset forfeiture debate.

The case is assigned to U.S. District Court Judge Judith G. Dein.

The case was filed on behalf of American Honda by Michael Lushan of Lushan, McCarthy & Goonan in Brookline, Massachusetts under case number **1:19-cv-10266-JGD**

