

Correa v. Cullum, et al.

United States District Court for the Southern District of Ohio Case No. 1:17-cv-300

Judge Michael R. Barrett

Magistrate Stephanie K. Bowman

David J. Oberly obtained judgment on the pleadings on behalf of David's national food service corporation client in an inmate constitutional rights action venued in the United States District Court for the Southern District of Ohio involving allegations that the food service company violated the inmate's constitutional rights in connection with the food that was served by David's client to the inmate during the inmate's incarceration at an Ohio correctional facility.

In that case, David's national food service corporation client was responsible for running the food service operations at the Southern Ohio Correctional Facility. An inmate filed suit against David's client, setting forth several constitutional claims for purported violations of the inmate's First and Eighth Amendment rights in connection with the food that was served and prepared to him by the food service company. The inmate alleged that the food service company fed him meals containing foreign bodies on three occasions in violation of the Eighth Amendment. In addition, the inmate alleged that he suffered "retaliation" as a result of the complaints he lodged in connection with the three events in violation of the First Amendment. David moved for judgment on the pleadings, arguing that his client was entitled to judgment as a matter of law on both constitutional claims. In doing so, David argued that the inmate could not maintain his Eighth Amendment claim because: (1) courts have constantly held that isolated incidents of foreign bodies surfacing in the food served to prisoners do not constitute an Eighth Amendment violation; (2) the inmate failed to allege a sufficiently serious deprivation to trigger a violation of his Eighth Amendment rights; and (3) the inmate failed to demonstrate the requisite intent on the part of the food service company to violate the inmate's Eighth Amendment rights. In addition, David also argued that the inmate could not maintain his First Amendment retaliation claim because the record was devoid of any evidence that the inmate suffered any adverse treatment by any representative of the food service company. After the dispositive motion was fully briefed, the United States District Court for the Southern District of Ohio ruled in favor of David's client, granting judgment on the pleadings on all causes of action asserted against the food service company as a result of the inmate's inability to satisfy the requisite elements of his First and Eighth Amendment claims as a matter of law.