

Gerald v. Allaman, et al.

Summit County Common Pleas Court No. CV-2017-08-3302

Judge Jill Lanzinger

David J. Oberly obtained judgment on the pleadings on behalf of David's national food service corporation client in an inmate constitutional rights action involving allegations that the food service company violated the inmate's constitutional rights in connection with the food served by David's client to the inmate during the inmate's incarceration at an Ohio correctional facility, as well as various practices regarding the correctional facility's commissary.

In that case, David's national food service corporation client was responsible for running the food service operations at the Summit County Jail. An inmate filed suit against David's client, setting forth several constitutional claims in connection with the food that was prepared and served to him by the food service company. The inmate alleged that the food service company served the inmate meals that failed to comport with his religious beliefs. In addition, the inmate claimed that the food service company improperly priced items in the Jail's commissary, sold commissary products without sufficient labeling information, and engaged in other improper practices in connection with the sale of commissary goods. David moved for judgment on the pleadings, arguing that his client was entitled to judgment as a matter of law on the entirety of the inmate's constitutional claims. In doing so, David argued that the inmate could not maintain a cognizable cause of action under the First, Fifth, Eighth, or Fourteenth Amendments in connection with the food served to the inmate, or any matter relating to the Jail's commissary. The Summit County Court of Common Pleas agreed with David's arguments, granting judgment on the pleadings on all causes of action asserted against the food service company.