

**David J. Oberly obtained summary judgment 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 Northern District of Ohio 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 employment practices relating to the inmate's work as a member of the company's food service team.**

In that case, David's national food service corporation client was responsible for running the food service operations at the Richland Correctional Institution. An inmate filed suit against David's client, setting forth several constitutional claims in connection with the food that was served and prepared to him by the food service company, and the inmate's employment as a member of the company's food service team. The inmate alleged that the food service company served him and other inmates under "unsanitary conditions" in violation of the inmates' Eighth Amendment rights. In addition, the inmate also alleged that the company violated the Americans with Disabilities Act (ADA), the Fair Labor Standards Act (FLSA), and the inmate's Thirteen Amendment rights in connection with the inmate's food service work with the company. David moved for summary judgment, 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 his Eighth Amendment claim because: (1) the inmate failed to allege a sufficiently serious deprivation to trigger a violation of his Eighth Amendment rights; (2) the inmate could not satisfy the "cruel and unusual punishment" standard under the Eighth Amendment; and (3) the inmate could not demonstrate the requisite intent on the part of the company to violate the inmate's Eighth Amendment rights. In addition, David argued that the inmate could not establish his ADA, FLSA, and Thirteenth Amendment claims because, as an inmate, the plaintiff was not an employee of the company. The United States District Court for the Northern District of Ohio agreed with David's arguments, granting summary judgment on all causes of action asserted against the food service company.