

JUSTICE REPORT

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INSIDE THIS ISSUE

**Settlement Highlights
Issue of Deliberate
Indifference Involving
Medical Need in Jails**

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- 3. SETTLEMENT HIGHLIGHTS ISSUE OF DELIBERATE INDIFFERENCE INVOLVING MEDICAL NEED IN JAILS**
- 6. MICHAEL REIF: FINDING A NEW PURPOSE IN PERSONAL INJURY LAW**
- 8. MASS TORT INVESTIGATIONS**
- 9. CASE UPDATES**
- 10. AWARDS | RECOGNITION**

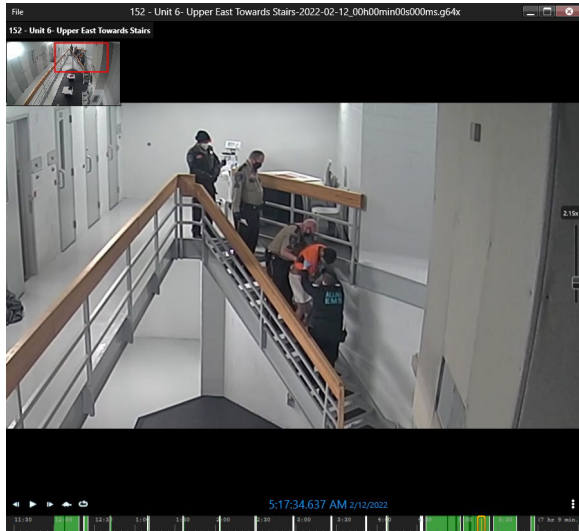
Past results are reported to provide the reader with an indication of the type of litigation in which we practice and does not and should not be construed to create an expectation of result in any other case as all cases are dependent upon their own unique fact situation and applicable law. This publication is not intended as, and should not be used by you as, legal advice, but rather as a touchstone for reflection and discussion with others about these important issues. Pursuant to requirements related to practice before the U. S. Internal Revenue Service, any tax advice contained in this communication is not intended to be used, and cannot be used, for purposes of (i) avoiding penalties imposed under the U. S. Internal Revenue Code or (ii) promoting, marketing or recommending to another person any tax-related matter.



Settlement Highlights Issue of Deliberate Indifference Involving Medical Need in Jails

A recent \$2.75 million settlement by Robins Kaplan LLP has drawn attention to a troubling case of deliberate indifference to medical needs at Anoka County Jail (the “Jail”). Deyonta Green, who struggled with addiction issues, entered the jail on February 5, 2022, shortly after his most recent drug use. Jail officials and medical staff were fully aware of the risks associated with opioid and stimulant withdrawal and the critical importance of properly utilizing and tapering medication-assisted treatment. Despite Green having a valid prescription for Suboxone, a medication critical for managing his withdrawal symptoms, Jail medical staff refused to provide him with the medication.

At the time of Green’s incarceration, Anoka County contracted with MEnD Correctional Care, a now-bankrupt healthcare company, to deliver medical services at the Jail. MEnD repeatedly failed to meet its contractual obligations, including providing adequate staffing at the Jail.



Green's repeated efforts to receive his medication, including numerous calls and emails from his family and probation officer, were ignored by Jail officials. As a result, Green endured severe withdrawal symptoms, including tremors, nausea, sleep disturbances, and eating problems. His deteriorating condition was well-documented by Jail staff, but no medical intervention was provided.

After several days of suffering without medical attention, Green's condition worsened. He fell from his bunk and was found lying in a disturbing position, partly under the bottom bunk. The fall, compounded by withdrawal, resulted in severe medical issues, including multifocal intraparenchymal hemorrhages, subdural and subarachnoid hemorrhages, an

occipital epidural hematoma, acute renal failure, and other critical injuries. In a final act of neglect, Jail staff forced Green to walk down a flight of stairs to the ambulance transporting him to the hospital.

Green's story, while particularly disturbing, is far from isolated. It underscores the alarming concern of deliberate indifference to the medical needs of incarcerated individuals .

THE ANATOMY OF DELIBERATE INDIFFERENCE

The term "deliberate indifference" was first introduced in *Estelle v. Gamble*, 429 U.S. 97 (1976), where the U.S. Supreme Court established the standard for what an incarcerated individual must prove in order to claim a violation of their Eighth Amendment rights¹

As later defined by the Supreme Court in *Farmer v. Brennan*, 511 U.S. 825 (1994), a prison official "may be held liable under the Eighth Amendment for acting with 'deliberate indifference' to inmate health or safety only if he knows that inmates face a substantial risk of serious harm and disregards that risk by failing to take reasonable measures to abate it." This includes ensuring inmates receive adequate food, clothing, shelter, medical care, and protection from violence involving other prisoners.²

A BROADER, SYSTEMIC PROBLEM

While the conduct at issue in Green's case was egregious, it does not appear to be unique. In 2024, *The New York Times* reported about the "broad civil rights abuses" taking place within a Georgia jail system. An investigation from the Department of Justice outlined issues including poor staffing, unsanitary living conditions, including infestations of lice and cockroaches, and excessive violent assaults of inmates.³

A 2020 *Reuters* report also revealed that when U.S. jails contract out their medical care, fatality rates are higher. An analysis of more than 500 jails between 2016 and 2018 revealed that facilities depending on one of the five major jail healthcare contractors experienced higher death rates compared to those where medical services were managed by government agencies.⁴

THE FIGHT FOR ACCOUNTABILITY

The civil-rights team representing Green, including Robins Kaplan attorneys Katie Bennett, Marc Betinsky, and Julie Moroney, worked tirelessly to ensure that the case was not only about securing compensation for Green's injuries but also about bringing attention to the larger issue of deliberate indifference.

"This case serves as a stark reminder of the need for reform in correctional healthcare systems," said lead attorney Katie Bennett. "The deliberate denial of necessary medical treatment not only violates basic human rights, but it also exposes individuals to preventable harm. This is not just a failure of one facility but a reflection of a much larger systemic issue within the correctional system. We must demand accountability and ensure that no one, regardless of their status, is subjected to this kind of inhumane neglect."



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KATIE BENNETT | PARTNER

Member of Executive Board; Deputy Chair, National Personal Injury, Medical Malpractice, and Civil Rights Group

¹ Estelle v. Gamble, 429 U.S. 97 (1976). <https://supreme.justia.com/cases/federal/us/429/97/>

² Farmer v. Brennan, 511 U.S. 825 (1994). <https://supreme.justia.com/cases/federal/us/511/825/>

³ Sullivan, E. (2024, November 14). *Justice Dept. reports broad civil rights abuses at Georgia jail system*. The New York Times. <https://www.nytimes.com/2024/11/14/us/politics/fulton-county-georgia-jail-justice-department.html>

⁴ Szep, J., Parker, N., So, L., Eisler, P., & Smith, G. (2020, October 13). *Special report: U.S. jails are outsourcing medical care — and the death toll is rising*. Reuters. <https://www.reuters.com/article/world/special-report-us-jails-are-outsourcing-medical-care-and-the-death-toll-is-idUSKBN27B1D6/>

Michael Reif:

FINDING A NEW PURPOSE IN PERSONAL INJURY LAW

After more than a decade of success in complex commercial litigation at Robins Kaplan, Michael Reif has found a new calling. This year, he made the transition to the firm's Personal Injury and Medical Malpractice Group, bringing with him years of litigation experience and a renewed sense of purpose.

FROM BUSINESS LITIGATION TO PERSONAL ADVOCACY

Mike's journey at Robins Kaplan began in 2005 as a summer associate. After graduating from law school in 2006, he clerked for two years in the U.S. District Court for the District of Minnesota before returning to the firm in 2008. While he initially started in insurance litigation and briefly returned to that practice during the pandemic, Mike quickly found his stride in complex business litigation, where he spent the majority of his career.

The turning point came during the landmark BMO trial, where Mike was part of the team that secured the largest verdict in Minnesota history. The trial, which lasted nearly seven weeks, provided Mike with the experience of being part of a trial team on a massive and complex case where he engaged in daily trial work.

"Although I had done trial work before, this was by far the longest and most intense," Mike said. "Being in court almost every day, I really enjoyed the experience and wanted to find a way to be in the courtroom more often."

A CASE THAT CHANGED EVERYTHING

This desire led Mike to connect with Philip Sieff on the "dusting" cases involving aerosol products, one of which culminated in a groundbreaking trial. In April 2024, Mike was part of the Robins Kaplan trial team that secured a \$7.75 million verdict against CRC Industries, Inc., a manufacturer of aerosol dust remover products. This case is believed to be the first against a dust remover manufacturer to result in a plaintiff's verdict.

The litigation stemmed from a tragic 2019 vehicle crash where a client's wife was killed after her car was struck by a driver impaired from huffing CRC Duster. The case focused on the company's responsibility for the foreseeable consequences of their products' misuse.

For Mike, the experience was transformative. "The impact of having our client with us the entire time in the courtroom—a man whose wife had been killed and was still processing the grief 4-5 years later—was powerful in a way that's hard to describe. Even if we hadn't gotten the result we did, it would have been a meaningful experience."

After the trial, there was a significant legislative change in Minnesota, with new regulations now requiring aerosol dusters containing 1,1-difluoroethane (DFE) to be sold behind the counter, with purchase limits and age restrictions. Products must also carry explicit warnings about the dangers of misuse.



A NATURAL TRANSITION

The transition to personal injury law has been surprisingly natural for Mike. “The way Robins approaches cases means it wasn’t as difficult a jump as it could’ve been elsewhere,” he said. “Based on our history, we try to find the angle of fighting for people who are seeking justice in all our cases. Whether it’s complex business litigation, intellectual property, or insurance—the mentality of righting a wrong works across disciplines.”

His experience with insurance companies in his previous work has also proved valuable. “From a practical standpoint, we’re often dealing with insurance companies on the other side. That insight into what’s happening on the other side has been extremely useful during this shift.”

FINDING FULFILLMENT IN CLIENT ADVOCACY

When asked what he finds most rewarding about personal injury and medical malpractice law, Mike points to the clients themselves.

“At its purest form, you are representing people that have nowhere else to turn, who had this huge event in their life and never wanted to be part of the legal process,” he said. “To play a role in this and help them in a way that makes them feel seen, heard, and valued—that’s about as high of a calling as you can have as an attorney.”

Mike also values the opportunity to work alongside experienced attorneys in the Personal Injury and Medical Malpractice Group. “Working with lawyers who are so good at what they do and believe so firmly in the mission of their work is inspiring, educational, and eye-opening. It’s a great opportunity to learn from them and improve my own skills.”

As he looks ahead, Mike is focused on continuing to grow in his new practice area and deepening his connections within Minnesota’s legal community. “I’m really excited about practicing more in Minnesota and getting to know more people in the Plaintiffs Bar and Minnesota Bar more broadly. I also look forward to being in our courts more often and doing the work that’s made Robins so well known for so long, keeping that legacy moving forward.”

MASS TORT INVESTIGATIONS

Learn More:



DEPO-PROVERA

Robins Kaplan LLP is investigating claims of women who received the birth control medication Depo-Provera and later developed tumors, known as meningiomas, around the brain or spine. In March 2024, a study published in the *British Medical Journal* found that women who consistently received Depo-Provera had a **555% increased risk** of developing tumors (meningiomas). While the tumors are usually benign and grow slowly, they can grow and exert pressure on the brain, leading to symptoms such as headaches, vision changes, hearing loss or tinnitus, memory loss or confusion, seizures and balance issues, and weakness in limbs or trouble speaking.

REPORTED CHILD SEX ABUSE

Robins Kaplan LLP is investigating instances of reported child sexual abuse by individuals associated in some capacity with the American Kennel Club (AKC), an organization that hosts thousands of dog show events a year and throughout the country. News publication *Business Insider* recently published an article which alleges some adults, including a former AKC employee and a dog breeder, were convicted of sexually abusing minors. After they were convicted, the perpetrators were not suspended by the organization or local clubs, giving them the ability to return to the sport.

BAUSCH & LOMB AREDS 2 PRESERVISION EYE VITAMINS

Robins Kaplan LLP is investigating a potential link between the use of this nonprescription product and serious injury. Bausch & Lomb AREDS 2 Preservision Eye Vitamins are typically used for eye health – specifically macular degeneration. However, the high levels of zinc in the product can result in copper deficiency. We are investigating a potential connection between copper deficiency and serious injury, including myelopathy and neuropathy.

OXBRYTA

Pharmaceutical giant Pfizer is voluntarily recalling Oxbryta (voxelotor) from the market and is ceasing distribution due to safety concerns. The drugmaker states in part that the “decision is based on the totality of clinical data that now indicates the overall benefit of Oxbryta no longer outweighs the risk in the approved sickle cell patient population.” The FDA notes side effects of Oxbryta in certain studies include more deaths in the treatment group compared to the placebo group, along with an increased rate of vaso-occlusive crisis (VOC) in patients, which is very painful and occurs when sickle-shaped red blood cells restrict blood flow and oxygen delivery to tissues.

CASE UPDATES

TARA SUTTON APPOINTED TO PLAINTIFFS' EXECUTIVE COMMITTEE IN MDL

Tara Sutton has been appointed to the Plaintiffs' Executive Committee (PEC) in the multidistrict litigation against Pfizer and other defendants, after the drug giants allegedly failed to adequately warn consumers of an increased risk of meningiomas with birth control shot Depo-Provera. As a member of the Plaintiffs' Executive Committee, Tara will play a critical role in overseeing strategy and guiding litigation efforts on behalf of plaintiffs across the U.S.

NEW AEROSOL DUSTER SALE REGULATION IN WAKE OF LANDMARK VERDICT

Coming on the heels of Robins Kaplan's landmark \$10.5 million post-verdict judgment in the first aerosol dust remover case to go to trial, Minnesota is now regulating the sale of aerosol dusters containing 1,1-difluoroethane (DFE). DFE is a chemical commonly found in products used to clean electronics but can also be abused for its intoxicating effects. Aerosol dusters containing DFE must now be sold behind the counter, no more than three cans can be sold to a customer in a single transaction, and the buyer must prove they are at least 21 years old. An aerosol duster manufactured after May 31, 2025, must also include the words, "DANGER: DEATH! Breathing this product to get high can kill you!" and include the phone number for poison control.

WORKPLACE INJURY SETTLEMENT

Philip Sieff and Michael Reif obtained a settlement with a total value of \$1,575,000 for a man whose foot was crushed in a workplace incident. The client has received several surgeries and is making a good physical recovery.

ROBINS KAPLAN SECURES \$600,000 SETTLEMENT FOR VICTIM OF DEREK CHAUVIN, MINNEAPOLIS POLICE DEPARTMENT

Robins Kaplan obtained a \$600,000 settlement with the City of Minneapolis for client Patty Day, who was subjected to excessive force and a wrongful arrest by former Minneapolis Police Department (MPD) officer Derek Chauvin and his then-partner, officer Ellen Jensen. In her Complaint, Ms. Day alleged that during an interaction with police in January 2020, she was violently jerked from her car by Chauvin and Jensen and thrown to the ground, despite being no threat to the officers. Her Complaint further alleged that Chauvin then assumed his signature pose, pressing his knee into Ms. Day's back while she was handcuffed. The officers' use of force resulted in Ms. Day suffering a fractured tooth, along with significant arm and shoulder injuries.

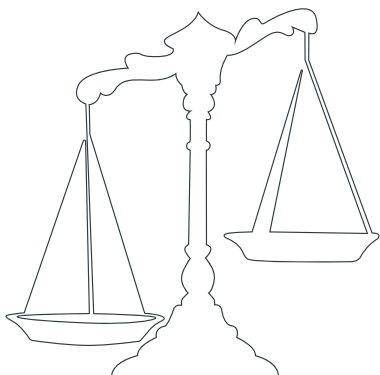
CASE UPDATES CONT.

FAVORABLE APPELLATE WIN FOR INSTITUTIONAL CHILD SEX ABUSE CASE AGAINST THE ARCHDIOCESE OF NEWARK

Robins Kaplan's New York Mass Tort team received a favorable decision in New Jersey's intermediate appellate court on December 31, 2024. Our client was sexually assaulted repeatedly in 1978 by a group of other students when she was in 8th grade, while the school principal witnessed the assaults and failed to intervene. In 2022, the Roman Catholic Archdiocese of Newark moved for dismissal on the grounds that our client's claims were time barred because they were the result of minor-on-minor sexual assault and thus were not revived by the 2019 law that allowed survivors of minor-adult sexual abuse to move forward. The trial court granted the motion to dismiss with prejudice and denied Plaintiff's motion for reconsideration. On December 31, 2024, the Appellate Division of New Jersey reversed the lower court's dismissal order and agreed with the plaintiff that her claims are revived. The Court found that the plain language of the 2019 Act encompasses claims resulting from minor-on-minor sexual assault, highlighting the broad legislative intent that should inform any interpretation of the Act moving forward. This decision is incredibly meaningful to survivors of child sex abuse, including our client, who can now continue her case against the institution that failed to prevent her abuse. The appeal was argued by Caroline McMahon.

WISCONSIN COURT OF APPEALS RULES STATUTE SHIELDING HEALTH CARE PROVIDERS IS UNCONSTITUTIONAL

The Wisconsin First District Court of Appeals ruled that Wisconsin Statute 895.4801, which granted health care providers immunity from malpractice claims during the early days of the COVID-19 pandemic, is unconstitutional. The decision stems from a lawsuit filed by Robins Kaplan, on behalf of a client against a hospital and two providers, alleging medical malpractice, wrongful death, and negligent infliction of emotional distress, following the death of the client's newborn. The hospital argued that the statute shielded them from liability and a Milwaukee Circuit Court initially ruled in the hospital's favor. Morgan Voight and Elizabeth Fors appealed, arguing the statute violated certain constitutional rights, including the right to a jury trial. On February 11, 2025, the Court of Appeals agreed, stating that individual rights secured by the constitution do not disappear during a public health crisis.



Katie Bennett, Robert Bennett, Rayna Kessler, Teresa Fariss McClain, Andrew Noel, Peter Schmit, Philip Sieff, Tara Sutton, and Brandon Vaughn were named to *Lawdragon's* "500 Leading Plaintiff Consumer Lawyers in America" list in 2025. This guide recognizes elite plaintiff attorneys across the U.S. who bring justice to those harmed by violations of consumer rights.

Philip Sieff, Tara Sutton, Michael Reif, Rashanda Bruce, and Julie Reynolds were named 2024 "Attorneys of the Year" by *Minnesota Lawyer*. They were recognized for securing a groundbreaking \$7.75 million verdict against CRC Industries, Inc., a manufacturer of aerosol dust remover products. Recently, the total judgment increased to nearly \$10.5 million after the court granted a post-trial motion for prejudgment interest and costs.



From left: Rashanda Bruce, Tara Sutton, Mandy Guttormson, Julie Reynolds, and Robin Dusterhoft.

PHOTO COURTESY: *Minnesota Lawyer / Finance & Commerce*

Robert Bennett was inducted into the prestigious *Lawdragon* "Hall of Fame" in 2025. This honor is reserved for a select group of attorneys whose contributions have profoundly shaped the law and the legal profession.

Robins Kaplan's Mass Tort, Personal Injury, and Medical Malpractice groups earned tier 1 rankings in the 2025 "Best Law Firms" list, compiled by *Best Lawyers*.

Tara Sutton was recognized for the tenth consecutive year in *Lawdragon's* "500 Leading Lawyers in America" guide, which spotlights the nation's top attorneys.

Rashanda Bruce was honored with *Profiles in Diversity Journal's* "Diverse Lawyers Making a Difference" award, recognizing prominent lawyers who have made significant contributions to diversity, inclusion, and equity within their law firms and communities.

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