

# Corizon Settles on Inmate Death in Oregon for \$7 Million

This is a tragic case of a seriously mentally ill detainee who slammed his head into a concrete wall inside a courtroom of the Lane County Jail. After the catastrophic injury, Corizon and jail staff engaged in a series of blunders, omissions, and death enhancing maneuvers. Inmate Green died 10 months after he fractured his neck and became a ventilator-dependent quadriplegic. He was age 28.

On April 16, 2015 Magistrate-Judge Thomas M. Coffin essentially denied Defendants motion for summary judgment in **Johnson v. Corizon Health, Inc.**, Case No.: 6:13-CV-1855-TC, USDC, D. Oregon, April 6, 2015.

In July of 2015, an eye-popping settlement was announced with attorney Elden Rosenthal, who noted that this may be the largest ever in a wrongful death-civil rights case.

The core issues of deliberate indifference relate to a charge that the county and Corizon's practices of assessing mentally ill inmates were extremely inadequate and that after the injury officials purposely delayed providing hospital level medical care in order to save money.

Post-injury it would appear that Corizon and county officials understood that Green would be given a "courtesy drop" at the hospital ER after he was, in effect, either no longer facing charges or was in some fashion released on bail or personal recognizance. (It is not clear to me from the record which was the case.) What does come through Judge Coffin's opinion is there were shared understanding as to a discharge from custody to save money.<sup>1</sup>

## The Pre- and Post-Injury Issues

Green suffered with paranoid schizophrenia long before the arrest that ultimately led to his death. Months earlier, in a separate matter, Corizon conducted an intake receiving screening noting Green's mental illness. An officer had arrested Green on a warrant related to an earlier arrest and he reported Green talked of killing himself. The booking form indicated "suicidal."

Records show Green barely made it through the more current booking process. Why are we looking at these facts? We are looking for evidence of what was known to

Corizon and the county regarding Green's condition. Was there a point, even to here, where additional assessment was required? Special housing and observation precautions?

My tentative answer is yes to both questions.

The next morning at his arraignment, Green drove himself head first into the wall and Corizon medical staff were there to respond. Thus begins the post-injury scenario.

The issues now relate to what type of on-the-scene exams were done. What was done regarding the disputed transport to the jail and why wasn't Green taken straight to the hospital? Some staff said Green was "faking it"; the all too often encountered disbelief in inmate medical claims. Others thought the delay was to allow a jail discharge and a "courtesy"—he's your problem—drop off at the E.R.

Green ultimately was taken to the hospital and underwent spinal surgery for a fracture of his C-4 vertebrae. Plaintiff's expert swore that with immediate treatment his outcome would have improved and he would not have died from ventilator complications. There is evidence that medical records were tampered with, allowing Corizon staff to appear much better than other evidence supports.

## A Settlement Looms

The judge finds sufficient evidence to create a jury issue on gross negligence and deliberate indifference. He attached significance to the fact that there was no post event training on point suggesting that Corizon had no relevant policy to begin with.

There is delay, inadequate diagnostic procedures, dangerous movement of Green without standard spinal care, delay in hospitalization, and more. The court points to a picture of callous ineptitude and money-saving, and the employment of life-threatening options.

**Comment: The Eugene Oregon Register-Guard (August 2015) reported on the \$7 million settlement, including fees and settlement distribution, something not usually seen:**

**A total of \$2.8 million is to be paid to Rosenthal's Portland law firm, in accordance with a deal struck**

**between the attorneys and Green's divorced parents before the wrongful death lawsuit was filed.**

**Green's mother is to receive a cash payment totaling more than \$1.2 million, along with 60 monthly payments of \$4,000 and 20 quarterly payments of \$14,000.**

**His father will receive a \$1 million cash payment, 120 monthly payments of \$4,000 and 20 quarterly payments of \$14,000.**

**Rosenthal's firm will be reimbursed an additional \$150,034 for court costs, and Eugene attorney Derek Johnson will receive \$5,190 for his work as Green's court-appointed estate representative.**

**An additional \$504,945 is earmarked to be spent to pay off Green's medical expenses.**

**Rosenthal declined to comment on the settlement documents, saying they were supposed to have been sealed from public view. The documents, however, were publicly available through the court's electronic record system on Monday.**

**Officials with Corizon, which is based in Tennessee, did not return an emailed request for comment on the settlement.**

**Meanwhile, Lane County officials announced last month that the county had agreed to pay an additional \$500,000 to Green's family to settle the federal lawsuit, which had named both the county and Corizon as defendants.**

**But Rosenthal wrote in Friday's court filing that an attorney for the county had "attached an unacceptable condition to their offer" and that the deal is not yet finalized.**

**The county's Board of Commissioners is scheduled to meet in private with a federal judge on Wednesday to discuss the settlement.**

**For us, no further comment.**

## Endnote

1. Even this is a bit murky because the police then would likely be liable for hospital costs even if Corizon evaded them. ■



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