

Lawsuit Abuse Fortnightly



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Real examples of how predatory trial lawyers profit by depriving victims of justice and undermining the Rule of Law in the United States.

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Hard to Swallow

An Illinois prison inmate who sued prison officials for refusing to feed him vegetarian meals won his lawsuit in a court ruling last month. A federal law prohibits prison officials from burdening an inmate's religious practices. This law applies even if the practice is not strictly required by the religion and even if the religion isn't an organized one. Personally concocted religions count as well.

The prisoner was a member of Ordo Templi Orientis, part of another religion which is quasi-Masonic, mystical, occult, and secret. Its motto is "Do what thou wilt." This religion does not require vegetarianism, but some of its followers choose this diet as part of their "divine mandate to discover their true purpose in life." Prison officials denied his request for meatless meals, so he sued and won a ruling from the federal 7th Circuit Court of Appeals.

The problem was in the language in the statute, one of the judges said, which "fosters the potential for mischief and game-playing." He noted the inmate will recover "about a dollar" in damages—under the statute, no damages are allowed unless the inmate is physically injured. Plus, the prisoner has since been released. The suit was "pretty close to a waste of time," the judge said.

Source: Koger v. Bryan, 2008 U.S. App. LEXIS 8825 (7th Cir. 2008)

Lo-Cal Sentence

An Arkansas inmate, jailed pending his murder trial, claims he's "literally being starved to death." He now weighs 308 pounds, down from 413 pounds, after eight months in the Benton County Jail, even though he did "next to nothing for physical exercise." So he's suing the county. The county says the meals contain about 3,000 calories per day, which is at the high end of the amount deemed necessary in a typical diet.

The county may be onto something here. Forget the grapefruit diet, the cabbage soup diet, the banana diet, etc. They all involve suffering. There's money in a diet involving 3,000 calories per day and almost no physical exercise. Call it the "Jailbird Diet."

Source: "300-pound inmate complains Ark. jail doesn't feed him well," Associated Press, April 28, 2008

No Sanity Clause

A former Dartmouth University English professor may sue her students because they caused her "emotional and intellectual distress" by their "anti-intellectualism," thereby violating her civil rights. The suit would also be brought against the college and other faculty members.

"My students were very bully-ish, very aggressive, and very disrespectful," she said. "They'd argue with your ideas," causing "subversiveness," she said. Their behavior was "fascist demagoguery."

One student disagreed, telling the student newspaper, "We didn't like her because she was not a good teacher, and she wasn't very open to others' ideas." Students also believe she lowered the grades of students who disagreed with her. She once cancelled class for a week due to her "intellectual distress" and has since left Dartmouth for Northwestern.

"Such conduct is hardly representative of the professoriate at Dartmouth, my alma mater," wrote Joseph Rago, an editorial writer at *The Wall Street Journal*. "Faculty members tend to be professional. They also tend to be sane." But not always.

Sources: Joseph Rago, "Dartmouth's 'Hostile' Environment," Wall Street Journal, May 5, 2008; Allyson Bennett, "Prof threatens lawsuit against her students," The Dartmouth, April 28, 2008

Sick Humor

Citizens Against Lawsuit Abuse's "Sick of Lawsuits" campaign is pointing out how ridiculous personal injury lawyer ads are, by holding a contest to find the best spoof of them. The winner of the \$1,500 prize will be announced May 21.

Some recent entries: "I got tricked into buying this green Saturn, but Robert C. English got me floor mats. For free. Thanks." And, "Other dog bite lawyers will get you cash settlements but will they get you the right to bite the dog back?"

Think you can do better? Go to <http://www.sickoflawsuits.org/news/MustSueTV.htm> to review contest rules and enter.

Source. www.sickoflawsuits.com

Clean-Up Hitter

A New York City judge has notified the city he's suing it and a city cleaning lady for "negligently using a mop

bucket and wringer” and “negligently using a mop and soapy water” after he slipped and fell on a wet floor in the courthouse and broke his knee. He seeks \$1 million in damages.

One courthouse source called it “pretty petty” to sue the cleaning lady. With the claim in the works, the city has asked the judge not to hear any cases involving the city. The judge routinely heard claims similar to his against the city. A political science professor defended the suit, saying, “If the city in some way was negligent, the fact that he is a judge shouldn’t preclude him from suing.” But that’s a big “if.”

Source: Elizabeth Hays, “Judge suing city for \$1M after fall on wet courthouse floor,” New York Daily News, April 14, 2008, via American Tort Reform Association

Plot Twist

A Texas woman is suing the cemetery where her husband is buried because she hasn’t been able find his grave since he died two years ago.

The woman said cemetery officials showed her one burial plot they said was his, but it was a different location than the family had been shown earlier. The suit alleges the cemetery’s “conduct was extreme and outrageous in character and so extreme in degree as to

go beyond all possible bounds of decency, to be regarded as atrocious and utterly intolerable in a civilized community.” The suit for unspecified damages includes claims for mental anguish, economic damages, exemplary damages, and attorney’s fees.

Sources: Scott Lawrence and Jennifer Heathcock, “Lawsuit Against Cemetery Alleges Family Can’t Find Relative’s Grave,” KFDM-TV, Beaumont, Texas, April 29, 2008 via iamlawsuitabuse.org, a project of the U.S. Chamber Institute for Legal Reform

Breaking the Language Barrier

A lawyer and his client have been penalized after the client unleashed 73 “F-bombs” during his 12-hour deposition. The penalty of more than \$29,000 was imposed on the lawyer as well as the client because the lawyer failed to curb his client’s language and allegedly snickered at it. “This is a serious matter and I will tell you that I’ve been around civil proceedings for 30 years, both as a lawyer and as a judge. I’ve never seen anything like this,” the judge said. The lawyer is asking the judge in U.S. District Court for the Eastern District of Pennsylvania to reconsider his sanctions ruling.

Source: Shannon P. Duffy, “Lawyer Hopes F-Word Means ‘Forgiven,’ Asks Court to Lift Sanctions,” The Legal Intelligencer, May 7, 2008

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