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Florida Justice Institute and Freidin Brown Reach \$730,000 Settlement with Miami-Dade County for Man Who Suffered Kidney Failure Because of Deficient Jail Medical Care

December 13, 2017. MIAMI – The Florida Justice Institute, Inc. (FJI) and the law firm Freidin Brown, P.A., have reached a settlement with Miami-Dade County and the Public Health Trust (PHT) for \$730,000, resolving claims that deficiencies in the Miami-Dade Jail’s medical system caused an incarcerated man to suffer kidney failure and eventual loss of his kidney. The Plaintiff, Pascual Diaz-Plasencia, had previously received a kidney transplant and was taking critical anti-rejection medications when he entered the jail. Despite this, medical staff repeatedly failed to give him these medications for weeks, causing numerous hospitalizations, the failure of his transplanted kidney, years of painful dialysis, and another transplant operation.

After settlement was reached, Mr. Diaz-Plasencia sadly passed away of unrelated causes. A Miami-Dade County Probate court approved the settlement yesterday.

“Mr. Diaz-Plasencia suffered for weeks while in jail, and then his life was permanently altered because of this mistreatment,” said attorney Jonathan Freidin, of Freidin Brown. “Despite the fact that he repeatedly notified medical staff that he urgently needed his anti-rejection medications, he didn’t get them, and as a result he lost his kidney.”

FJI and Freidin Brown brought negligence claims against the County and PHT, as well as civil rights claims alleging deliberate indifference to serious medical needs under the Fourteenth Amendment against three jail medical staff members, including the former medical director. Significantly, a civil rights claim was also brought against the County and PHT, alleging a widespread policy and practice of deficient medical care, putting all incarcerated people at risk of serious harm.

“Mr. Diaz-Plasencia’s case is just one human face on Miami-Dade’s pattern of unconstitutional medical care,” said attorney Randall C. Berg, Jr. of FJI. “It shows the catastrophic consequences of the jail’s dysfunctional medical system.”

The civil rights claim against the County and PHT largely relied on a U.S. Department of Justice (DOJ) investigation into jail conditions, which culminated in an August 2011 findings letter identifying unconstitutional medical practices. The DOJ and the County entered into a Consent Decree in April 2013, with the County pledging to reform its practices. But four years later, full compliance has still not been achieved, according to monitoring reports.

An independent monitor periodically inspects each Miami-Dade jail facility and has filed seven reports, each noting some form of noncompliance. The reports are filed in federal court under Case Number 13-21570 in the Southern District of Florida. In a May 18, 2016, filing, the parties stipulated that the County was still not in full compliance with many of the provisions despite the fact that many completion deadlines had passed. The Seventh Report, filed April 4, 2017, noted

that, although progress had been made, full compliance has still not been achieved. The report specifically noted that conditions at the Pretrial Detention Center continue to deteriorate despite ongoing maintenance, and expressed concern that the director position for the Corrections Department had not been filled. U.S. District Judge Beth Bloom then required the County to provide monthly reports.

“Four years of noncompliance is unacceptable,” said Mr. Berg. “We urge the County to take aggressive action to ensure full compliance, so that other victims don’t have to suffer the way Mr. Diaz-Plasencia did.”

Mr. Diaz-Plasencia was represented by attorneys Philip Freidin and Jonathan Freidin of Freidin Brown, P.A., and Randall C. Berg, Jr. and Dante P. Trevisani from the Florida Justice Institute. The case is *Diaz-Plasencia v. Public Health Trust, et al.*, Case No. 16-CV-23033 in the Southern District of Florida. It was assigned to Judge Robert Scola. For more information or copies of the Complaint, please contact Randall C. Berg, Jr. at Rberg@FloridaJusticeInstitute.org or 888-358-2081, ext. 225.

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The Florida Justice Institute is a non-profit, civil rights law firm that, since 1978, has primarily represented incarcerated people challenging conditions of confinement in Florida’s prisons and jails.

Freidin Brown, P.A. is a leading personal injury law firm dedicated to representing victims of catastrophic injuries and medical malpractice.