

## Simpson Thacher and NYLPI Secure Favorable Settlements on Behalf of Former Immigrant Detainees

11.20.19



Simpson Thacher, along with co-counsel New York Lawyers for the Public Interest (NYLPI), secured favorable settlements on behalf of two clients, Plaintiffs Michelet Charles and Carol Small, in connection with their claims against U.S. Immigrations and Customs Enforcement (ICE) and Orange County, New York and related entities (Orange County). Plaintiffs' claims arose from ICE's and Orange County's failure to provide discharge planning to them while they were held in immigration detention. Discharge planning is widely recognized by medical professionals as a basic and essential component of adequate mental health care, particularly in institutionalized settings.

Plaintiffs were both diagnosed with mental illnesses while confined to immigration detention and under ICE's and Orange County's custody. Plaintiffs alleged that ICE's failure to ensure the provision of discharge planning constituted (at a minimum) negligence in violation of the Federal Tort Claims Act. Plaintiffs' claims against Orange County were brought under Section 1983 of the Civil Rights Act for deliberate indifference to serious medical needs.

Simpson Thacher and NYLPI litigated these cases for more than three years, including obtaining a key decision from the Second Circuit in a case of first impression, establishing that a failure to provide discharge planning can constitute a violation of detainees' due process rights under the Fourteenth Amendment.

After months of negotiation, ICE and Orange County agreed to settle the cases for \$825,000 and \$900,000, respectively.

The Simpson Thacher team includes Tom Rice, Dan Stujenske, Esinam Agbemenu and Rick Walker.



