



Landon Authors Amicus Brief on Behalf of ACLU

March 8, 2015

MINNEAPOLIS (March 9, 2015) - GPM attorney Richard Landon recently authored an amicus curiae brief on behalf of the American Civil Liberties Union of Minnesota in a case pending before the Minnesota Supreme Court. The case, *Stresemann d/b/a Affiliated Counseling Center, LLC v. Jesson et al.*, involves a question about the scope of absolute immunity extended to officials investigating suspected Medicaid fraud. The Minnesota Court of Appeals granted an investigator absolute immunity from state tort law claims related to a Medicaid investigation because it reasoned her statutory authority to investigate and prosecute potential violations was comparable to that of a prosecutor.

The ACLU submitted an amicus brief in support of the appellant, arguing that the court of appeals decision was contrary to federal case law on the immunity for prosecutors and inconsistent with the common law approach to immunity in Minnesota. Extending absolute immunity to investigators, the ACLU argued, would deny individuals meaningful protection from tortious activity by government officials, and those officials should receive no more than the traditional good-faith immunity that is available to police officers rather than the absolute immunity of a public prosecutor.

The Minnesota Supreme Court heard argument on the case on March 4. More about the amicus brief can be found in a press release issued by the ACLU. Amanda Sicoli also helped Richard in researching arguments for the brief.

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