

NEWS RELEASES

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## Professionals

CHRISTINA PYLE ENGLE  
KANSAS CITY:  
816.983.8382  
CHRISTINA.ENGLE@  
HUSCHBLACKWELL.COM

LARRY L. MCMULLEN  
KANSAS CITY:  
816.983.8109  
LARRY.MCMULLEN@  
HUSCHBLACKWELL.COM

MICHAEL T. RAUPP  
KANSAS CITY:  
816.983.8324  
MICHAEL.RAUPP@  
HUSCHBLACKWELL.COM

# Husch Blackwell Prevails for U.S. Veteran's Family in Pro Bono Wrongful Death Suit

Husch Blackwell secured a favorable verdict for the family of a deceased U.S. veteran in a wrongful death action against the U.S. government. The family of Corporal William Draughon filed suit in the United States District Court for the District of Kansas under the Federal Tort Claims Act, alleging that the Veterans Health Administration (VA) was negligent in treating their son for severe PTSD after his honorable discharge from the military. The Court's decision, holding the VA accountable for its negligent treatment of Cpl. Draughon, followed a seven-day trial in January 2018.

Cpl. Draughon served in the U.S. Marine Corps from 2001 until his honorable discharge in 2005, receiving awards for heroic leadership in combat. During his time in the Marines, Cpl. Draughon served a seven-month tour of duty in Iraq in 2004, where he was exposed to fire fights, improvised explosive devices, grenades, and land mines. He experienced heavy combat, and several of his squad members perished. After his discharge from the Marines, Cpl. Draughon screened positive for post-traumatic stress disorder (PTSD) and sought medical care from the VA for PTSD and its accompanying symptoms, including nightmares, substance abuse, flashbacks, and violent outbursts. He also had a history of failed suicide attempts after his return from Iraq and screened positive in a suicide risk assessment performed by the VA. Ultimately, Cpl. Draughon took his own life in 2010.

In June 2015, Chief District Judge Julie Robinson appointed Husch Blackwell to represent the family of Cpl. Draughon pro bono after the family filed a *pro se* complaint. After defeating an early motion to dismiss, the Husch Blackwell team dug into the medical records, deposed healthcare professionals, and worked with expert witnesses to construct the case against VA. After

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successfully defeating the government's motion for summary judgment and motion to exclude expert testimony, the case proceeded to trial.

After the January 2018 trial, Judge Robinson determined that the VA departed from its standard of care in a manner that "directly contributed to...William's death by suicide" by removing Cpl. Draughon from a list of patients at high-risk for suicide without an adequate medical rationale or proper administrative oversight. Judge Robinson also found that "the VA's myriad breaches of the standard of care that applied to William's follow-up treatment" after discharge from a VA treatment program "directly contributed to cause his death."

As provided for by the Missouri Wrongful Death statute, following the filing of an affidavit regarding various notice provisions, an award of damages will be determined in a "supplemental order under Fed. R. Civ. P. 52, awarding and apportioning damages based on the evidence presented at trial." The decision is subject to potential appeal by the U.S. government.

The Husch Blackwell trial team was led by Larry McMullen and included associates Michael Raupp and Christina Pyle and paralegal Shawn Shipp.