

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION AT COVINGTON

Anthony Holt,
David Weber,
James Stull,
Anthony Lane,
Cynthia Inabnitt,
Jeffery Clint Turner,
Arvil Pennington,
Elizabeth Doud,
Kelcey Benzinger,
Robin Dunaway and Alama Jarman
as Co-Administrator of the Estate of
Ernest Dunaway,

Case No. 2:09-CV-00082

Judge William O. Bertelsman

Magistrate Judge: J. Gregory Wehrman

SECOND AMENDED CLASS ACTION
COMPLAINT WITH REQUEST FOR
DAMAGES, DECLARATORY AND
INJUNCTIVE RELIEF, AND WITH
JURY DEMAND

and

Elmer Ray Turner

Plaintiffs

vs.

CAMPBELL COUNTY, KENTUCKY,
24 West Fourth Street
Newport, Kentucky 41071

and

CAMPBELL COUNTY FISCAL COURT,
24 West Fourth Street
Newport, Kentucky 41071

and

GREG BUCKLER,
Campbell County Jailer
601 Central Avenue
Newport, KY 41071

and

UNKNOWN DEPUTY JAILERS 1-10 ,

Campbell County Jail
601 Central Avenue
Newport, KY 41071

and

SOUTHERN HEALTH PARTNERS,
INC., 811 Broad Street, STE 500
Chattanooga, TN 37402

and

STEVE MULLINS, Individually and as an
employee of Southern Health Partners, Inc.
5179 Christopher Drive
Independence, KY 41051

and

AMANDA PANGALLO, Individually and
as an employee of Southern Health
Partners, Inc.
32 Parkview Avenue
Newport, KY 41071

and

TRACY EVANS, Individually and as an
employee of Southern Health Partners, Inc.
601 Buena Vista
Aurora, IN 47001

and

JAMES TODD COLLINS, Individually
and as an employee of Southern Health
Partners, Inc.
120 East Main Street # 2108
Lexington, KY 40507

and

JOHN or JANE DOES 1-10, Individually
and as an employee, agents, servants or
contractors of Southern Health Partners,
Inc.

and

JOSH ERNEST, Individually and as an
employee of Southern Health Partners, Inc.
120 East Main Street # 2108
Lexington, KY 40507

and

DR. RON WALDRIDGE, Individually and
as an employee of Southern Health
Partners, Inc.
120 East Main Street # 2108
Lexington, KY 40507

and

BETTY DAWES, Individually and as an
employee of Southern Health Partners, Inc.
120 East Main Street # 2108
Lexington, KY 40507

and

JIM DALEY, individually and in his
official capacity as
Former Chief Deputy Jailer
600 Columbia St.
Newport, KY 41071

and

NURSE JAMIE WINTERS, Individually
and as an employee of Southern Health
Partners, Inc.
120 East Main Street # 2108
Lexington, KY 40507

and

MS. TAYLOR, individually
And as an employee of Southern Health
Partners, Inc
120 East Main Street # 2108
Lexington, KY 40507

and

LIEUTENANT FLETCHER, individually
Campbell County Jail
601 Central Avenue
Newport, KY 41071

and

KAREN CASTLE, individually
Campbell County Jail
601 Central Avenue
Newport, KY 41071

and

DAVE FICKENSCHER, individually
Campbell County Jail
601 Central Avenue
Newport, KY 41071

Defendants

I. Introduction

1. Plaintiffs Anthony Holt, David Weber, James Stull, Anthony Lane, Cynthia Inabnitt, Jeffery Clint Turner, Arvil Pennington, Elizabeth Doud, Kelcey Benzinger, The Estate of Ernest Dunaway, and Elmer Ray Turner file this action in their individual capacities and on behalf of all persons who, while incarcerated at the Jail ("the Jail"), have been denied medical attention for their serious medical needs and appropriate and necessary medication prescribed by recognized medical authorities, and subjected to cruel and unusual punishment all as a consequence of Defendants' neglect and deliberate indifference.

2. On information and belief, numerous inmates of the Jail have been denied medical attention for their serious medical needs and appropriate and necessary medication prescribed by recognized medical authorities as a consequence of Defendants' neglect of and deliberates

indifference to such inmates' medical needs. On information and belief numerous inmates of the Jail have been subjected to cruel and unusual punishment as a consequence of Defendants' neglect of and deliberate indifference to such inmates' constitutional rights. There are questions of law and fact in this case that are common to all affected present and former inmates at the Jail. Plaintiffs' claims are typical of those of the class, and they will fairly and adequately protect the interests of the class.

II. Jurisdiction and Venue

3. Plaintiffs, and all others similarly situated, seek recovery of actual and punitive damages from Defendants under the Civil Rights Act of 1871, 42 U.S.C. §1983, for gross and unconscionable violations of the rights, privileges and immunities guaranteed them by the Fifth, Eighth and Fourteenth Amendments to the Constitution of the United States. Accordingly, this Court has jurisdiction of this case pursuant to the provisions of 28 U.S.C. §1331 and §1343. Plaintiffs and the other members of the class also seek declaratory and injunctive relief, as well as damages under the pendent jurisdiction of this Court, for negligence, gross negligence and intentional infliction of emotional distress. As Campbell County, Kentucky is the location of all acts pertinent to this suit, venue is proper in this Court.

III. Class Action

4. Plaintiffs bring this action as a class action pursuant to Rules 23(b) (1), (2) and (3) of the Federal Rules of Civil Procedure. The class consists of all persons who, while incarcerated at the Jail (both prior to and after an adjudication of guilt), have been denied medical attention for their serious medical needs and appropriate and necessary medication prescribed by recognized medical authorities as a consequence of Defendants' neglect and deliberate indifference.

5. Plaintiffs will fairly and adequately protect the interests of all class members. They are members of the class and their claims are typical of the claims of all class members. Plaintiffs will

aggressively pursue the interests of the entirety of the class. Plaintiffs' interest in obtaining injunctive relief and actual and punitive damages for the violations of their constitutional rights and privileges are consistent with and not antagonistic of those of any other person within the class.

6. Given the circumstances of their incarcerations, as detailed below, Plaintiffs allege that Defendants have a policy, custom and/or practice of denying inmates medical attention for their serious medical needs and appropriate and necessary medication prescribed by recognized medical authorities as a consequence of Defendants' deliberate indifference to such inmates' medical needs.

7. Such conduct violates such inmates' rights under the Fifth, Eighth and Fourteenth Amendments to the Constitution of the United States, 42 U.S.C. §1983, KRS 441.025, 501 KAR 3:060, and 501 KAR 3:090(20). The only question that remains to be resolved is whether Plaintiffs and the members of the class are entitled to declaratory and injunctive relief, and to an award of compensatory and punitive damages and, if so, the extent of such an award.

8. A class action is superior to other available methods for the fair and efficient adjudication of this controversy because:

a. A multiplicity of suits with consequent burden on the courts and Defendants should be avoided.

b. It may be virtually impossible for all class members to intervene as parties-plaintiff in this action.

c. Upon adjudication of Defendants' liability, claims of the class members can be determined by this Court.

IV. Parties

9. Plaintiff Anthony Holt is a citizen and resident of Campbell County, KY.

10. Plaintiff David Weber is a citizen and resident of Campbell County, KY.

11. Plaintiff Cynthia Inabnitt is a resident and citizen of Campbell County, KY.

12. Plaintiff Jeffery Clint Turner was detained at the Jail in Campbell County, KY.

13. Plaintiff Arvil Pennington is a resident and citizen of Campbell County, KY.

14. Plaintiff Elizabeth Doud is a resident and citizen of Grant County, KY and was detained at the Jail for all times relevant for this Complaint.

15. Plaintiff James Stull is a resident and citizen of Campbell County, KY.

16. Plaintiff Anthony Lane is a resident and citizen of Kenton County, KY and was housed in the Jail for all times relevant for this Complaint.

17. Plaintiffs' decedent Ernest Dunaway was a resident of Worthville, KY.

18. Alma Jarma and Robin Dunaway have been appointed as Co-administrators of Ernest Dunaway's estate.

19. Plaintiff Kelcey Benzinger is a resident of Alexandria, KY.

A. Defendant Campbell County

20. Defendant Campbell County, at all times mentioned herein, employed, and was responsible for the establishment of policies, customs, and practices governing the employment, training, supervision, and conduct of the officers and employees of the Jail.

21. Defendant Campbell County, at all times mentioned herein, had a responsibility to establish policies, procedures, and customs that ensured the rights of individuals detained at the jail were protected, to ensure that measures were put in place to correct any known violations of inmate rights, and to not acquiesce to violations of inmate rights that were ongoing at the Jail.

22. Defendant Campbell County, at all times mentioned herein, failed to ensure the rights of individuals detained at The Jail were protected, failed to ensure that measures were put in place to correct any known violations of inmate rights, and willingly acquiesced to violations of inmate rights

that were ongoing at the Jail.

23. Defendant Campbell County, at all times mentioned herein, had actual knowledge of inmate rights violations stemming from numerous media reports, the volume of violations committed by its employees, agents, or servants, the severity of injuries inmates endured and continue to endure at the Jail, and the frequent reports made by its employees, agents, or servants concerning inmate rights violations to supervisors and other appropriate bodies.

24. Defendant, Campbell County, violated its ministerial responsibilities including the training of deputy jailers in intake of prisoners, overseeing careful and informed medical screening of incoming prisoners, implementing the medical safety procedures enumerated in 501 KAR 3:090, supervising mandatory in person surveillance of every inmate pursuant to 501 KAR 3:060, supervising administration of necessary medications to inmates pursuant to 501 KAR 3:060, and providing a safe and habitable jail but which duties the Defendant breached all to the pain, suffering, detriment, and damage of the Plaintiffs.

B. Defendant Campbell County Fiscal Court

25. Defendant Campbell County Fiscal Court, at all times mentioned herein, was responsible for providing and maintaining safe, secure, and clean conditions in the Jail, and for providing a facility that complied with Ky. Rev. Stat. § 441.055 and regulations enacted pursuant thereto but which duties the Defendant breached to the detriment and damage of the plaintiff class.

26. Defendant Campbell County Fiscal Court, at all times mentioned herein, had a responsibility to establish policies, procedures, and customs that ensured the rights of individuals detained at the Jail were protected, to ensure that measures were put in place to correct any known violations of inmate rights, and to not acquiesce to violations of inmate rights that were ongoing at the Jail.

27. Defendant Campbell County Fiscal Court, at all times mentioned herein, failed to ensure the rights of individuals detained at the Jail were protected, failed to ensure that measures were put in place to correct any known violations of inmate rights, and willingly acquiesced to violations of inmate rights that were ongoing at the Jail.

28. Defendant, Campbell County Fiscal Court, violated its ministerial responsibilities including the training of deputy jailers in intake of prisoners, overseeing careful and informed medical screening of incoming prisoners, implementing the medical safety procedures enumerated in 501 KAR 3:090, supervising mandatory in person surveillance of every inmate pursuant to 501 KAR 3:060, supervising administration of necessary medications to inmates pursuant to 501 KAR 3:060, and providing a safe and habitable jail but which duties the Defendant breached all to the pain, suffering, detriment, and damage of the Plaintiffs.

29. Defendant Campbell County Fiscal Court, at all times mentioned herein, had actual knowledge of inmate rights violations stemming from numerous media reports, the volume of violations committed by its employees, agents, or servants, the severity of injuries inmates endured and continue to endure at the Jail, and the frequent reports made by its employees, agents, or servants concerning inmate rights violations to supervisors and other appropriate bodies.

C. Defendant Greg Buckler

30. Defendant Greg Buckler was at all times mentioned herein acting individually and/or in his official capacity as Jailer of Campbell County, and as such established policies either formally or by custom and practice, and was responsible for the employment, training, supervision, and conduct of the officers and employees of the Jail.

31. Defendant Greg Buckler, at all times mentioned herein, had a responsibility to establish policies, procedures, and customs that ensured the rights of individuals detained at the Jail were

protected, to ensure that measures were put in place to correct any known violations of inmate rights, and to not acquiesce to violations of inmate rights that were ongoing at the Jail.

32. Defendant Greg Buckler, at all times mentioned herein, failed to ensure the rights of individuals detained at the Jail were protected, failed to ensure that measures were put in place to correct any known violations of inmate rights, and willingly acquiesced to violations of inmate rights that were ongoing at the Jail.

33. Defendant Greg Buckler, at all times mentioned herein, had actual knowledge of inmate rights violations stemming from numerous media reports, the volume of violations committed by employees, agents, or servants, the severity of injuries inmates endured and continue to endure at the Jail, and the frequent reports made by employees, agents, or servants concerning inmate rights violations to him personally, to supervisors and to other appropriate bodies.

34. Defendant, Greg Buckler, violated his ministerial responsibilities including the training of deputy jailers in intake of prisoners, overseeing careful and informed medical screening of incoming prisoners, implementing the medical safety procedures enumerated in 501 KAR 3:090, supervising mandatory in person surveillance of every inmate pursuant to 501 KAR 3:060, supervising administration of necessary medications to inmates pursuant to 501 KAR 3:060, and providing a safe and habitable jail but which duties the Defendant breached all to the pain, suffering, detriment, and damage of the Plaintiffs.

D. Defendants Unknown Deputy Jailer 1-10

35. Defendants Unknown Deputy Jailers 1-10 were at all times mentioned herein acting individually in their capacities as Deputy Jailers of Campbell County, and as such established or implemented policies either formally or by custom and practice, and were responsible for the employment, training, supervision, and conduct of the officers and employees of the Jail, or for the

ministerial execution of said policies.

E. Defendants Southern Health Partners, Inc.

36. Defendant Southern Health Partners, Inc. is a Delaware corporation duly organized and authorized to conduct business in the Commonwealth of Kentucky and whose principal office address is 811 Broad Street, STE 500, Chattanooga, TN 37402 and whose registered agent is the CT Corporation 4169 Westport Road, Louisville, Kentucky 40207.

37. Defendant Southern Health Partners, Inc. employs the medical professionals responsible for attending to the medical needs of inmates of the Jail, and as such established policies either formally or by custom and practice, and was responsible for the employment, training, supervision and conduct of persons responsible for medical care of inmates at the Jail, and participated in the mistreatment of Plaintiffs as described below.

38. Defendant Southern Health Partners, at all times mentioned herein, had actual knowledge of inmate rights violations stemming from numerous media reports, the volume of violations committed by its employees, agents, or servants, the severity of injuries inmates endured and continue to endure at the Jail, and the frequent reports made by its employees, agents, or servants concerning inmate rights violations to supervisors and other appropriate bodies.

F. Defendant Steve Mullins

39. Defendant, Steve Mullins, resides at 5179 Christopher Drive, Independence, Kentucky 41051, was an agent and was an employee of Defendant, Southern Health Partners, Inc., and was charged with various duties to provide care for inmates in the Campbell County Jail.

G. Defendant Amanda Pangallo

40. Defendant, Amanda Pangallo, resides at 32 Parkview Avenue, Newport, Kentucky 41071, was an agent and is an employee of Southern Health Partners, Inc., and was charged with

various duties to provide care for inmates in the Campbell County Jail.

41. Defendant, Amanda Pangallo, worked as a nurse at the Jail and was responsible for providing medical care to inmates, reporting inmate medical issues to the staff doctor at the Jail, and supervising medical staff with inferior responsibilities.

42. Defendant, Amanda Pangallo, knowingly withheld medical care, refused to perform duties vital to inmates receiving proper medical attention, and used her personal relationship with a deputy jailer to suppress any inmate complaints or grievances against her for improper medical care. Specifically, inmates that complained about Amanda Pangallo or commented on Amanda Pangallo were placed in the “hole” or punished in other methods.

H. Defendant Tracy Evans

43. Defendant, Tracy Evans, resides at 601 Buena Vista, Aurora, Indiana 47001, was an agent and is an employee of Southern Health Partners, Inc. as medical team administrator, and was charged with various duties to provide care for inmates in the Campbell County Jail.

44. Defendant, Tracy Evans, repeatedly disregarded the dire medical conditions of inmate Lisa Jones. Specifically, Lisa Jones exhibited signs of severe respiratory issues that were obviously life threatening including sweating profusely, being blue in the face, and coughing up chunky substance believed to be lung tissue.

45. Defendant, Tracy Evans, refused to provide necessary healthcare to prevent Lisa Jones from dying despite having knowledge of her dire medical conditions.

46. Lisa Jones died shortly after these events transpired.

I. Defendant James Todd Collins

47. Defendant, James Todd Collins, was employed at 120 East Main Street #2108, Lexington, Kentucky 40507, was an agent and was an employee of Southern Health Partners, Inc.

and was charged with various duties to provide care for inmates in the Campbell County Jail.

J. Defendants Unknown John or Jane Does 1-10

48. Defendants Unknown John or Jane Does 1-10, were an agent, servant, employee or contractor of Southern Health Partners, Inc. and were charged with various duties to provide care for inmates in the Campbell County Jail.

K. Defendant Josh Ernest

49. Defendant, Josh Ernest, was employed at 120 East Main Street # 2108, Lexington, KY 40507, was an agent and an employee of Southern Health Partners, Inc. for all times relevant, and was charged with various duties to provide care and to ensure care was provided for inmates in the Campbell County Jail.

50. Defendant, Josh Ernest, was a medical team supervisor and was aware of problems with medical charts not being filled out to ensure that inmates received proper medication.

51. Defendant, Josh Ernest, was aware that employees who were not trained, licensed, or authorized to fill out medical charts were filling out medical charts.

52. Defendant, Josh Ernest, was also aware that individuals responsible for medical charts were not filling out the charts yet disregarded the violation of regulation, policy, and procedure.

53. As a result of Josh Ernest's failure to ensure that medical charts were properly kept inmates received improper medications, suffered overdose, did not receive medications, or suffered other serious medical complications.

54. Defendant, Josh Ernest, also altered medical charts when inmates suffered complications stemming from failures of medical staff to act in accordance with the law, policy, or procedure. Specifically, Josh Ernest altered the medical charts of an inmate believed to be

Chris Miracle when he suffered an overdose caused by medical staff. Josh Ernest altered the medical charts to cover up any wrong doing on his part or on the part of medical staff that he supervised.

55. Defendant, Josh Ernest, was aware that medical staff members were giving wrong medications to inmates at the Jail, that inmates had become ill from receiving the wrong medications, that inmates were denied prescribed medications, that inmates were refused access to medical treatment, that doctors orders were disregarded or altered, and that individuals had suffered physical harm yet continued to allow the violations to occur.

56. Defendant, Josh Ernest, was made aware of an inmate's severe medical condition by an employee he supervised and only after his supervisor was contacted did the inmate receive medical care. However, it was too late and the inmate died two days later.

L. Dr. Ron Waldridge

57. Defendant, Dr. Ron Waldridge, is employed at 120 East Main Street # 2108, Lexington, KY 40507, was an agent and an employee of Southern Health Partners, Inc. for all times relevant, and was charged with various duties to provide care for inmates in the Campbell County Jail.

58. Dr. Ron Waldridge frequently reviewed and signed off on over 200 medical charts in under 40 minutes without thoroughly reviewing inmate medical records.

59. Dr. Ron Waldridge told other Southern Healthcare employees to stop contacting him about inmates who frequently sought medical care despite knowing that the inmates were in serious need of medical treatment.

60. Dr. Ron Waldridge denied medical care to inmates despite having knowledge that a medical condition existed and cited the Jail policy and procedure as a rational for denying

medical care he knew to be medically necessary. Specifically, Dr. Ron Waldrige denied a mammogram to an inmate known to have a lump in her breast despite the inmate's numerous requests for medical attention. Dr. Ron Waldrige cited the Jail policy and claimed that it restricted access to a mammogram until 40 years of age.

61. Dr. Ron Waldrige oversaw medical care and is believed to be the head physician at the Jail responsible for ensuring the Plaintiff class received medical care and medications.

62. Dr. Ron Waldrige had supervisory responsibility over medical staff with inferior qualifications and he had knowledge of ongoing issues with medical care, inmate rights violations, inmate deaths from deprivation of medical care, and inmates whose medical conditions worsened from deprivation of medical care. Despite Dr. Ron Waldrige's knowledge he acquiesced to the ongoing issues with medical care.

M. Defendant Betty Dawes

63. Defendant, Betty Dawes, is employed at 120 East Main Street # 2108, Lexington, KY 40507, was an agent and an employee of Southern Health Partners, Inc. for all times relevant, and was charged with various duties to ensure care was provided for inmates in the Campbell County Jail.

64. Defendant, Betty Dawes, supervised Josh Ernest, Tonya Maxwell, and other medical staff members with the knowledge that improper medications were dispensed to inmates, that medical care was withheld from inmates in serious need of treatment, that improper medical care was provided to inmates, and that other violations had occurred.

65. Defendant, Betty Dawes, acquiesced to, approved, or implemented the violations that employees under her supervision committed.

66. Defendant, Betty Dawes, participated in, approved, directed, or implemented

retaliation against employees who reported violations of inmate rights. Specifically, Betty Dawes altered or directed employees under her supervision to alter termination reports of employees that reported inmate right violations.

67. Defendant, Betty Dawes, at all times mentioned herein, had actual knowledge of inmate rights violations stemming from numerous media reports, the volume of violations committed by employees, agents, or servants, the severity of injuries inmates endured and continue to endure at the Jail, and the frequent reports made by its employees, agents, or servants concerning inmate rights violations to supervisors and other appropriate bodies.

N. Defendant Jamie Winters

68. Defendant, Jamie Winters, is employed at 120 East Main Street # 2108, Lexington, KY 40507, was an agent and an employee of Southern Health Partners, Inc. for all times relevant, and was charged with various duties to provide care for inmates in the Campbell County Jail.

69. Defendant, Jamie Winters, was aware of the severe condition of Elizabeth Doud, was aware that Elizabeth Doud was in risk of losing her unborn child, and was aware that Elizabeth Doud had continuous bleeding for several days.

70. Defendant, Jamie Winters's actions so grossly departed from standards of medical care that they were intentional in nature.

71. Defendant, Jamie Winters, intentionally disregarded a doctor's orders concerning medical care for Elizabeth Doud with knowledge that the doctor's orders were to protect Elizabeth Doud's health and an unborn child's health. Specifically, Nurse Jamie refused to allow Elizabeth Doud to return to the hospital or to see a doctor despite clear orders from a doctor.

O. Defendant Jim Daley

72. Defendant, Jim Daley, was employed at Campbell County Jail, 601 Central Avenue, Newport, KY 41071, was an agent and an employee of The Jail and was required to abide by United States law and regulation, Kentucky law and regulation, the United States Constitution, and the Kentucky Constitution when executing duties as a Chief Deputy Jailer. Jim Daley is currently the Campbell County Attorney and his office is located at 600 Columbia St. Newport, KY 41071.

73. Defendant, Jim Daley, was aware of inmate abuses such as withholding basic necessities for inmate hygiene for a period of three months and numerous inmate deaths over an extended time.

74. Based on information and belief Jim Daley ordered Jail staff not to speak of issues concerning inmate treatment at the Jail in an attempt to suppress information concerning inmate rights violations.

75. Defendant, Jim Daley, at all times mentioned herein, failed to ensure the rights of individuals detained at the Jail were protected, failed to ensure that measures were put in place to correct any known violations of inmate rights, and willingly acquiesced to violations of inmate rights that were ongoing at the Jail.

76. Defendant, Jim Daley, at all times mentioned herein, had actual knowledge of inmate rights violations stemming from numerous media reports, the volume of violations committed by employees, agents, or servants, the severity of injuries inmates endured and continue to endure at the Jail, and the frequent reports made by his employees, agents, or servants concerning inmate rights violations to supervisors and other appropriate bodies.

77. Defendant, Jim Daley, violated his ministerial responsibilities including the training of deputy jailers in intake of prisoners, overseeing careful and informed medical screening of incoming

prisoners, implementing the medical safety procedures enumerated in 501 KAR 3:090, supervising mandatory in person surveillance of every inmate pursuant to 501 KAR 3:060, supervising administration of necessary medications to inmates pursuant to 501 KAR 3:060, and providing a safe and habitable jail but which duties the Defendant breached all to the pain, suffering, detriment, and damage of the Plaintiffs.

P. Defendant Lieutenant Fletcher

78. Defendant, Lieutenant Fletcher, is employed at Campbell County Jail, 601 Central Avenue, Newport, KY 41071, is an agent and an employee of the Jail and is required to abide by United States law and regulation, Kentucky law and regulation, the United States Constitution, and the Kentucky Constitution when executing duties as a Deputy Jailer.

79. Defendant, Lieutenant Fletcher, shut off phone access to Elizabeth Doud despite having knowledge that the medical care Elizabeth Doud was provided was inadequate and that Elizabeth Doud was reliant on phone access to obtain adequate medical care.

80. Defendant, Lieutenant Fletcher, intentionally and knowingly furthered the denial of adequate medical care provided to Elizabeth Doud.

81. Defendant, Lieutenant Fletcher, violated his ministerial responsibilities including the training of deputy jailers in intake of prisoners, overseeing careful and informed medical screening of incoming prisoners, implementing the medical safety procedures enumerated in 501 KAR 3:090, supervising mandatory in person surveillance of every inmate pursuant to 501 KAR 3:060, supervising administration of necessary medications to inmates pursuant to 501 KAR 3:060, and providing a safe and habitable jail but which duties the Defendant breached all to the pain, suffering, detriment, and damage of the Plaintiffs.

Q. Defendant Karen Castle

82. Defendant, Karen Castle, is employed at Campbell County Jail, 601 Central Avenue, Newport, KY 41071, is an agent and an employee of the Jail and is required to abide by United States law and regulation, Kentucky law and regulation, the United States Constitution, and the Kentucky Constitution when executing her duties.

83. Defendant, Karen Castle, was notified both in writing and orally by deputy jailers of specific issues concerning the treatment of inmates at the Jail.

84. Based on information and belief Karen Castle was notified on an electronic system believed to be called "Equal" of prisoner rights violations.

85. Based on information and belief Karen Castle was notified that inmates were being deprived of medications by the Jail staff to incite poor inmate behavior and for the amusement of the Jail employees.

86. Based on information and belief Karen Castle had supervisory responsibility to ensure that proper policies and procedures were enacted and enforced at the Jail and to ensure that inmate's rights were not violated. Based on information and belief Karen Castle ignored information that suggested that staff behavior violated the rights of individuals detained at the Jail.

87. Defendant, Karen Castle, at all times mentioned herein, had actual knowledge of inmate rights violations stemming from numerous media reports, the volume of violations committed by employees, agents, or servants, the severity of injuries inmates endured and continue to endure at the Jail, and the frequent reports made by its employees, agents, or servants concerning inmate rights violations to supervisors and other appropriate bodies.

R. Defendant Dave Fickenscher

88. Defendant, Dave Fickenscher, was the First Chief Deputy Campbell County Jailer, is

employed at Campbell County Jail, 601 Central Avenue, Newport, KY 41071, is an agent and an employee of the Jail and is required to abide by United States law and regulation, Kentucky law and regulation, the United States Constitution, and the Kentucky Constitution when executing duties as a Jailer.

89. Defendant, Dave Fickenscher, was at all times mentioned herein acting individually and/or in his official capacity as a jailer of Campbell County, and as such established policies either formally or by custom and practice, and was responsible for the employment, training, supervision, and conduct of the officers and employees of the Jail.

90. Defendant, Dave Fickenscher, at all times mentioned herein, had a responsibility to establish policies, procedures, and customs that ensured the rights of individuals detained at the Jail were protected, to ensure that measures were put in place to correct any known violations of inmate rights, and to not acquiesce to violations of inmate rights that were ongoing at the Jail.

91. Defendant, Dave Fickenscher, at all times mentioned herein, failed to ensure the rights of individuals detained at the Jail were protected, failed to ensure that measures were put in place to correct any known violations of inmate rights, and willingly acquiesced to violations of inmate rights that were ongoing at the Jail.

92. Defendant, Dave Fickenscher, at all times mentioned herein, had actual knowledge of inmate rights violations stemming from numerous media reports, the volume of violations committed by employees, agents, or servants, the severity of injuries inmates endured and continue to endure at the Jail, and the frequent reports made by its employees, agents, or servants concerning inmate rights violations to supervisors and other appropriate bodies.

93. Defendant, Dave Fickenscher, violated his ministerial responsibilities including the training of deputy jailers in intake of prisoners, overseeing careful and informed medical screening

of incoming prisoners, implementing the medical safety procedures enumerated in 501 KAR 3:090, supervising mandatory in person surveillance of every inmate pursuant to 501 KAR 3:060, supervising administration of necessary medications to inmates pursuant to 501 KAR 3:060, and providing a safe and habitable jail but which duties the Defendant breached all to the pain, suffering, detriment, and damage of the Plaintiffs.

S. Defendant Ms. Taylor

94. Defendant, Ms. Taylor, is employed at 120 East Main Street # 2108, Lexington, KY 40507, was an agent and an employee of Southern Health Partners, Inc. for all times relevant, and was charged with various duties to ensure care was provided for inmates in the Campbell County Jail.

95. Defendant, Ms. Taylor, on information and belief worked as a nurse and had the responsibility to ensure that inmates with serious medical needs received appropriate medical care, had a duty to fill out reports concerning inmate medical conditions, had a duty to notify physicians or other appropriate medical staff when inmate medical conditions imperiled life or limb, and had a duty to provide sufficient medical care to inmates in need of said care.

96. Defendant, Ms. Taylor, at all times mentioned herein, had actual knowledge of inmate rights violations stemming from her personal action in denying Kelcey Benzinger and on information and belief other inmates medical care.

97. Defendant, Ms. Taylor, observed Kelcey Benzinger endure medical conditions that suggested her death was imminent possibility yet denied Kelcey Benzinger access to the bare essentials of healthcare, subjected Kelcey Benzinger to cruel and unusual punishment, and denied Kelcey Benzinger basic human dignity.

T. Constitutional Violations of Medical Staff Members At-Large

98. Defendants, Steven Mullins, Josh Ernest, Dr. Ron Walldridge, Tonya Maxwell, Betty Dawes, Jamie Winters, Amanda Pangallo, James Todd Collins, Tracy Evans, and Unknown John or Jane Does 1-10, were charged with the care, custody and control of the plaintiff class and were responsible for their medical care and treatment while in the custody of the Jail and had a duty to properly care for and provide care in accordance with the training and skill of for each of their respective positions but which duties each of said Defendants did breach individually, severally or jointly all to the detriment and damage of plaintiff class resulting in the class members enduring pain and suffering. Such positions with Southern Healthcare Providers included but are not limited to the following: medical doctors, medical team supervisors, medical technicians, registered nurses, licensed practical nurses, and other medical staff members. The Defendants' breaches exceeded mere negligence and were made with knowledge of each Plaintiffs' serious medical conditions, knowing acquiescence, and/or implicit authorization to the deprivation of the bare essentials medical care. Additionally, the Defendants consciously disregarded the Plaintiffs' medical needs and consciously decided to withhold the bare essentials of medical care from the Plaintiffs.

U. Constitutional Violations of Campbell County Detention Members At-Large

99. Defendants, Campbell County, Campbell County Fiscal Court, Greg Buckler, Unknown Deputy Jailers 1-10, Deputy Jailer Dixon, Captain Williams, Jim Daley, Deputy Chandler, Lieutenant Fletcher, Karen Castle, Dave Fickenscher, and ~~Deputy Brown~~ were charged with the care, custody and control of the plaintiff class and were responsible for ensuring that the Jail operated in compliance with United States law and regulation, Kentucky law and regulation, the United States Constitution, the Kentucky Constitution, and the Jail policy, custom, and procedures while Plaintiffs were in the custody of the Jail. Defendants had a duty to ensure inmates received proper medical care and to ensure Plaintiffs were free from cruel and unusual punishment.

Defendants were required to discharge their duties in accordance with the training and skill of for each of their respective positions but which duties each of said Defendants did breach individually, severally or jointly all to the detriment and damage of plaintiff class resulting in the class members enduring cruel and unusual punishment and the denial of the bare essentials of medical care. The Defendants' breaches exceeded mere negligence and were made with knowledge of each Plaintiff's serious medical conditions and in response to customs, policies, and procedures that were the moving force behind cruel and unusual punishment. Defendants' breaches were the product of actual knowledge, knowing acquiescence, and/or implicit authorization to the deprivation of the bare essentials medical care and cruel and unusual punishment. Additionally, the Defendants consciously disregarded the Plaintiff's medical needs, 14th amendment rights, 8th amendment rights, and 5th amendment rights.

V. Nature of Defendants' Conduct

100. Defendants, individually and in conspiracy with one another, engaged in the conduct described below under color of the law of the Commonwealth of Kentucky and Campbell County. The offenses described below resulted from the failure of Defendants to employ qualified persons for positions of authority, and/or to properly train and supervise the conduct of such persons after their employment, and/or to properly fund ongoing Jail operations to provide conditions and medical care that meet constitutional standards, and/or to promulgate appropriate operating policies and procedures either formally or by custom and practice to protect the constitutional rights of the citizens of the Commonwealth of Kentucky. Defendants' conduct was intentional or grossly negligent, and was indicative not only of deliberate indifference to, but active malice and a total and reckless disregard for the constitutional and common law rights of Plaintiff and the class, justifying an award of punitive damages in addition to the actual damages which Plaintiff and the class are

entitled to recover.

A. Other Examples of Policies, Procedures, and Customs at the Jail

i. Tonya Maxwell

105. Tonya Maxwell, is employed at 120 East Main Street # 2108, Lexington, KY 40507, was an agent and an employee of Southern Health Partners, Inc. for all times relevant, and was charged with various duties to provide care for inmates in the Campbell County Jail.

106. Tonya Maxwell received only one day of on-the-job training for the medical technician position which requires distributing medication to inmates.

107. Tonya Maxwell frequently gave inmates medications they were not prescribed and was disciplined for such mistakes.

108. Tonya Maxwell was aware that she gave wrong medications to inmates and as a result of improperly distributing medications, inmate medical conditions worsened or did not improve.

109. Tonya Maxwell was terminated for prescribing improper medications but was later rehired by Southern Healthcare Providers despite knowledge of Tonya Maxwell's improper behavior.

ii. Captain Williams

110. Captain Williams, is employed at Campbell County Jail, 601 Central Avenue, Newport, KY 41071, is an agent and an employee of the Jail and is required to abide by United States law and regulation, Kentucky law and regulation, the United States Constitution, and the Kentucky Constitution when executing duties as a Deputy Jailer.

111. Captain Williams was notified both in writing and orally by deputy jailers of specific issues concerning the treatment of inmates at the Jail.

112. Based on information and belief Captain Williams was notified on an electronic system called "Equal" of inmate rights violations.

113. Based on information and belief, Captain Williams was notified that inmates were being deprived of medications by Jail staff in an effort to incite inmates to act out and for the amusement of Jail employees.

iii. Deputy Jailer Dixon

114. Deputy Jailer Dixon, was employed at Campbell County Jail, 601 Central Avenue, Newport, KY 41071, was an agent and an employee of the Jail and was required to abide by United States law and regulation, Kentucky law and regulation, the United States Constitution, and the Kentucky Constitution when executing duties as a Deputy Jailer. It is believed that Deputy Jailer Dixon is currently at Boone County Detention Center.

117. Deputy Jailer Dixon frequently violated jail policy concerning the treatment of inmates by facilitating the withholding of medications from inmates, assaulting inmates, and participating and encouraging other Jail staff to undertake similar behavior.

118. On information and belief Deputy Jailer Dixon had inappropriate relationships with inmates at the Jail, such relationships involved sexual contact with female inmates.

iv. Nurse Danielle

119. Lisa Jones complained about respiratory problems and exhibited signs of severe respiratory problems to medical staff members for numerous days before being placed in a medical cell.

120. Nurse Danielle observed that Lisa Jones was sweating profusely and that Lisa Jones was exhibiting signs of severe respiratory issues.

121. Nurse Danielle advised Tracy Evans of Lisa Jones condition, the need for a

breathing treatment, and the severity of inmate Lisa Jone's medical condition.

122. The breathing treatment was provided, however, inmate Lisa Jone's condition did not improve.

123. Lisa Jones coughed up a cup of a chunky substance, her hands were blue, her mouth was blue, and her skin tone was pale.

124. Inmate Lisa Jones later died in the hospital because the Defendants delayed transporting Lisa Jones to the hospital despite obvious life threatening medical conditions.

VI. Facts

A. Plaintiff Anthony Holt

125. Plaintiff, Anthony Holt, was an inmate at the Jail. He has been lawfully prescribed by recognized medical authorities Duragesic, Vicodin, and Oxicontin, narcotic pain medications, for chronic, excruciating back, hip, and nerve pain. In March 2008, he began serving a sentence imposed by the Campbell Circuit Court.

126. On admission to the Jail in March 2008, Plaintiff was denied his Duragesic, Vicodin, and Oxicontin because Defendants to whom Campbell County and Jailer Buckler had delegated their responsibility for attending to inmates' medical needs, had a policy, custom and practice of blanketly denying all inmates their prescribed narcotic medications regardless of their needs and whether such medication had been lawfully prescribed by recognized medical authorities. As a consequence, after his admission to the Jail, Plaintiff was in constant, excruciating pain.

127. Plaintiff, in April 2008, after his admission to the Jail, slipped and fell and was injured. Despite his injury, he was denied any significant medical treatment, and the defendants treated him as if he were a mere malingerer, despite his repeated complaints to the medical and jail personnel. His pain level increased and he eventually became almost incapable of walking.

128. When the plaintiff was eventually transferred to the Roederer Correctional Complex in February, 2009, he was medically evaluated and found to have an untreated fractured hip as a result of his fall in April 2008.

129. In addition to the above, Plaintiff suffered the effects of withdrawal after being deprived of his medication.

130. As a consequence of the above, Plaintiff endured a tremendous amount of unnecessary pain and suffering, and his medical condition went untreated for almost a year.

B. Plaintiff David Weber

131. Plaintiff David Weber was an inmate at the Jail. He had been lawfully prescribed by recognized medical authorities Lyrica and Elavil. In September 2007, he began serving a sentence in the Jail.

132. On admission to the Jail, Plaintiff was denied his Lyrica and his Elavil, and because Defendants to whom Campbell County and Jailer Buckler had delegated their responsibility for attending to inmates' medical needs, had a policy, custom and practice of blanketly denying all inmates their prescribed medications regardless of their needs and whether such medication had been lawfully prescribed by recognized medical authorities. As a consequence, after his admission to the Jail, Plaintiff was in constant, excruciating pain.

133. Only in June 2008, did the defendants begin to provide him with his prescribed Elavil, and despite being prescribed the treatment of nerve blocks, the defendants refused to allow him to receive this treatment, as a consequence, Plaintiff's pain level increased.

134. In addition to the above, Plaintiff suffered the effects of withdrawal after being deprived of his medications.

135. The Plaintiff was eventually discharged from the correctional facility on August 6,

2008.

136. As a consequence of the above, Plaintiff endured a tremendous amount of unnecessary pain and suffering, and his medical condition went untreated for almost a year.

C. Plaintiff James Stull

137. The Plaintiff was an inmate in the Jail from roughly October 26, 2009 until roughly October 30, 2009.

138. The Plaintiff was put in little or no clothing with only an article of cloth similar to a green towel to cover his body.

139. The cell the Plaintiff was placed in, while virtually unclothed, was so cold that it posed a risk to the Plaintiff's health.

140. The entire time the Plaintiff was detained at the Jail he did not receive his medication in proper intervals despite repeatedly informing guards and medical staff.

141. The medication that the medical staff denied the Plaintiff was essential to the Plaintiff's health and survival.

142. The Jail guards and medical staff had knowledge that the Plaintiff's medical conditions imperiled his life and disregarded the Plaintiff's need to receive medication. The deprivation of medication imperiled the Plaintiff's life and wellbeing.

143. The Plaintiff's doctor faxed orders to the Jail stating that the Plaintiff must be given his medication but those orders were disregarded.

145. The Plaintiff's doctor is Robert Tracy of Cold Springs, KY.

146. The Plaintiff's medication was delivered to the jail by his mother; therefore, the Jail had the Plaintiff's medication in its possession.

147. The Plaintiff has congestive heart failure, sleep apnea, and chronic pain.

148. The Jail was fully informed of the Plaintiff's worsening medical conditions yet ignored doctor's orders and disregarded risks to the Plaintiff's health.

149. The Jail guards and medical staff told the Plaintiff that he could not take ambien for sleep or tremidol for pain because the Jail policy prohibited the use of those medications.

150. Additionally, the Plaintiff was denied use of his C-PAP machine to ensure that he did not suffer from the effects of sleep apnea.

151. The Jail guards and medical staff were notified by the Plaintiff and the Plaintiff's doctor of his history of seizures, sleep apnea, and heart failures but the Jail guards and medical staff disregarded the Plaintiff's medical history.

152. The Plaintiff was forced to shower in cold water that posed a risk to his health, especially when considering the Plaintiff's heart condition.

153. After release from the Jail, the Plaintiff suffered numerous medical issues as a direct result of the Jail depriving the Plaintiff his medication.

154. The Plaintiff's entire body was swollen from water retention; the Plaintiff usually weighed 180 pounds but weighed 201 pounds upon release from the Jail.

155. The Plaintiff's heart beat was irregular and he suffered pains in his chest area.

156. The Plaintiff's liver hurt from not receiving medication to control pain.

157. The Plaintiff endured prolonged vomiting and diarrhea.

158. The Plaintiff sweated profusely, suffered sharp head-aches, and had several seizures for a prolonged period of time.

159. The Plaintiff's motor skills were severely diminished causing him to fall, bump into walls, and rendering him unable to conduct himself in his normal daily activities.

D. Anthony Lane

160. While in the Jail, from roughly August 21 -23, 2009, the Plaintiff informed a nurse that he did not feel well, and that he had a problem with his blood pressure.

161. On August 22, 2009 the Plaintiff requested treatment for his dry scalp and Nurse Krista stated that if he thought his scalp was dry he should see the black girls in DS4.

162. The Plaintiff reported the comment to Corporal Repapa and Corporal Repapa took a yellow sticky and wrote professional on it and stuck it to his forehead and walked around laughing and stating to other guards that he was now a professional.

163. On roughly August 24, 2009 the Plaintiff's blood pressure was severely elevated and he received medicine but only after continuing issues with medical treatment and a continuing denial of medical care. The medicine the Plaintiff received was not the medicine his doctor prescribed.

164. The Plaintiff witnessed nurses make fun of inmate Ernest Dunaway when he sleep walked and defecated on himself.

165. The Plaintiff frequently helped Ernest Dunaway into bed because guards and medical staff would not help him.

166. The Plaintiff was exposed to at least four episodes of untreated staph infection.

167. The Plaintiff suffered health problems, pain, and suffering due to the denial of medical care at the Jail.

E. Plaintiff Jeffrey Clint Turner

168. The Plaintiff was housed in the Jail from roughly August 21, 2008 until roughly May 3, 2009.

169. The Plaintiff suffered from Wilson's Disease and Hepatitis C while he was housed at the Jail.

170. Despite requesting medical care and complaining about the lack of medical care the

Plaintiff received no medical care.

171. The Plaintiff became very weak, pale, lost his appetite, lost his strength, had severe headaches, bled internally, and had a difficult time moving around because he was denied treatment for his medical conditions.

F. Plaintiff Cynthia Inabnitt

172. The Plaintiff was housed at the Jail and was deprived access to the bare essentials of medical treatment.

173. The Plaintiff informed the Jail guards and medical staff numerous times that she was considered by medical doctors to have a high risk pregnancy.

174. The Plaintiff also informed the Jail guards and medical staff that she was on methadone.

175. While the Plaintiff was in the Jail her placenta ruptured and she began hemorrhaging causing her unborn child to be in distress (at risk of death).

176. Despite the Plaintiff's condition and frequent requests for medical attention the Plaintiff was ignored by the Jail guards and medical staff.

177. The Plaintiff nearly bled to death and nearly lost her child because the Jail guards and medical staff disregarded her serious medical needs.

178. The Plaintiff required two (2) units of blood because she was left in the Jail for such a long period of time before being transported to a hospital.

179. The Plaintiff's medical condition was so severe that doctors had to perform an emergency c-section to save her child's life.

180. The Plaintiff had her son 2.5 months premature and the child began to suffer a seizure due to the severe condition of the child's health caused by the Jail's denial of medical care.

181. The Plaintiff's experiences with the Jail lead her to believe that current inmates and future inmates are at risk of serious health problems and even death if no action is taken.

G. Plaintiff Elmer Ray Turner

182. The Plaintiff was housed with other individuals in cells 105, 107, and 110 which are heavily infected with black mold.

183. Cell 205, directly above his cell, frequently leaked sewage water through the ceiling and walls.

184. The Plaintiff, as well as seven other inmates, suffered severe headaches, sinus issues, and respiratory problems because of the sanitary conditions of the cells.

185. The Jail medical staff did not respond to the numerous requests of the Plaintiff for medical assistance as well as numerous other inmate requests for medical treatment.

186. The Plaintiff also witnessed the Jail attempt to cover up the sewage and mold problems without first eliminating the problems.

187. Only after U.S. Marshalls came to the Jail and questioned the Jail officials did medical staff members provide care to the seven inmates.

188. The sewage problems date back to 2001 and to the best of the Plaintiff's knowledge the mold problems still exist.

189. The Plaintiff suffered medical issues from the lack of medical treatment and unsanitary cell conditions until he was transferred to another facility.

H. Plaintiff Arvil Pennington

190. During the Plaintiff's time as an inmate at the Jail he has been deprived of basic medical care on a continuing basis.

191. The Plaintiff has Hepatitis C and per doctor's orders must be tested to ensure that it

remains in remission.

192. The Plaintiff has repeatedly requested that he be screened for Hepatitis C but has never received any screening to ensure that the Hepatitis C is still in remission.

193. The Plaintiff has followed the Jail's protocol by filling out medical slips, spoken with the medical staff, and taken all administrative measures required by the Jail.

194. Despite the Plaintiff's efforts, he has been denied access to necessary medical care and the Jail has regularly and consistently disregarded doctor's orders.

195. The Plaintiff has not seen a doctor since being in the Jail despite numerous requests and on-going requests.

196. On or about August 31, 2009 the Plaintiff was told that it would take a court order to receive the screening for Hepatitis C.

197. Around September 2009 the Plaintiff suffered from a heroin addiction.

198. The Plaintiff was forced to endure detoxification without receiving treatment from the Jail for the symptoms.

199. The Plaintiff suffered a wide array of symptoms such as lack of appetite, sweating, vomiting, shaking and trembling, and insomnia.

200. The Plaintiff endured three weeks of pain and never received treatment to help cope with severe symptoms despite the fact that the Jail staff and medical staff had knowledge of his symptoms.

201. On or about December 4, 2009 the Plaintiff was told by the head jailer that he would receive no medical treatment until he is shipped to a state facility.

202. While housed at the Jail, on another occasion at the Jail, the Plaintiff had an MRSA outbreak that was untreated.

204. The lack of treatment allowed boils to develop over the Plaintiff's entire body.

205. The medical staff and the Jail staff had knowledge of the Plaintiff's condition and disregarded the condition.

206. The Plaintiff has personal experience and has witnessed guards and medical staff at the Jail deny inmates access to medical treatment despite having knowledge of the inmates' serious medical conditions.

I. Plaintiff Elizabeth Doud

207. The Plaintiff was an inmate at the Jail during all times relevant for this Complaint.

208. On or about Sunday October 10, 2009 the Plaintiff noticed blood when she used the restroom and became concerned because she was pregnant.

209. The Plaintiff notified Deputy Dodson and she called medical around 1:00p.m.

230. Medical told the Plaintiff to put on a pad and to lie down for an hour.

210. Three hours later medical staff came to ask the Plaintiff about her condition and there was no blood in the pad so they took no action.

211. Nurse Amberly told the Plaintiff that she was not sure why the Plaintiff was not sent to the hospital and stated that she would discuss having the Plaintiff sent to the hospital with Josh [Ernest] on Monday.

212. On or about Saturday October 17, 2009 the Plaintiff again noticed blood when wiping and subsequently notified Deputy Noakes.

213. Deputy Noakes then notified medical. Medical checked out her pad but there was no blood so the medical staff did nothing.

214. Nurse Amberly again told the Plaintiff that she would speak with Josh [Ernest] and find out why the Plaintiff was not taken to a hospital and had not at least seen a doctor. At this point the

Plaintiff had been 5 weeks with no pre-natal care.

215. On or about October 18, 2009 the Plaintiff noticed more blood and it was darker.

216. The Plaintiff notified Deputy Casebalt and Nurse Jamie in medical was then notified.

217. Nurse Jamie told the Plaintiff that she knew nothing about the Plaintiff's problems and instructed the Plaintiff to put on a pad.

218. On or about October 19, 2009 the Plaintiff began bleeding into the pad and the Plaintiff again notified Deputy Noakes.

219. The Plaintiff was taken to booking and was required to sit with a clean pad from 5:30 p.m. until 6:30 p.m.

220. Shifts changed around 6:45 p.m. and the Plaintiff was taken to medical.

221. In medical, the staff checked the Plaintiff's pad and noticed blood and instructed the Plaintiff to sit another hour.

222. After an hour passed the bleeding had gotten worse.

223. Medical informed the Plaintiff that they would do nothing until she started passing clots or filling a pad with blood every hour.

224. At this point medical staff took the Plaintiff upstairs.

225. That evening the Plaintiff started passing small blood clots.

226. The Plaintiff informed Deputy Chandler and Deputy Chandler notified medical.

227. Medical came upstairs and Nurse Amy told the Plaintiff that it was not enough to justify action. However, the Plaintiff was passing blood like she was on a heavy period.

228. At this point the Plaintiff told medical staff to take her to the hospital because the Plaintiff's problem was not normal.

229. After being transported to St. Luke East, the Plaintiff was informed that she had a viable

pregnancy and that her baby had a heartbeat.

230. The staff at St. Luke East told the Plaintiff that if the bleeding got worse that she must come back to St Luke East.

231. At 12:30 a.m. the Plaintiff passed another clot and notified Deputy Chandler and she called medical.

232. Deputy Chandler responded that “they’re not going to take you to the hospital, they obviously don’t care.”

233. Nurse Jamie came up and stated that there was nothing they could do because the Plaintiff was having a miscarriage.

234. On or about October 21, 2009 the Plaintiff stayed in bed all day and was still bleeding all afternoon.

235. On or about October 21, 2009, at 6:30 p.m., the Plaintiff told Deputy Bonaie that she was having cramps.

236. On or about October 21, 2009, at 7:00 p.m., the Plaintiff was having worse cramps.

237. When the Plaintiff went to the restroom she felt as if she lost the baby.

238. In the restroom the Plaintiff passed several very large clots and informed Deputy Bonaie.

239. Deputy Bonaie then called medical and medical did not respond until almost 8:30 p.m on or about October 21, 2009.

240. Medical staff informed the Plaintiff that they were calling the doctor and subsequently left her cell.

241. Eventually Lieutenant Fletcher shut off the phones because the Plaintiff’s family and boyfriend had called so much.

242. After the phones were cut off, the Plaintiff was not able to speak with her family

concerning her condition.

243. On or about October 21, 2009, at 11:00 p.m., medical staff took the Plaintiff to the medical area.

244. Once medical staff arrived at the Plaintiff's cell, the Plaintiff requested that Deputy Bonae not to flush her child down the toilet.

245. The Plaintiff was then escorted downstairs and was told that she would not see a doctor until the morning.

246. Deputy Larken called booking and told them to contact a doctor.

247. The Plaintiff was then escorted upstairs.

248. Once upstairs the Plaintiff was told that her dead child had been flushed.

249. Deputy Bonae stated that medical instructed that the child be flushed.

250. Deputy Bonae could not bring herself to flush the child so she had an inmate flush the child and clean up the restroom.

251. On or about October 22, 2009 the Plaintiff was removed from her cell at 8:00 a.m., taken to medical, and stuck in a cell.

252. No one examined the Plaintiff's condition.

253. Later, the Plaintiff was taken to court and to see her public defender.

254. The Plaintiff was later returned to the Jail.

255. Deputy Osborne eventually informed the Plaintiff that she was being taken to the hospital and stated that she didn't understand why the Plaintiff had not been seen by a doctor at an earlier time.

256. The Plaintiff was eventually transported to St. Luke East where she was informed that she was still miscarrying.

257. After leaving the hospital, the Plaintiff was then returned to the Jail and was placed in a cell.

258. On or about October 24, 2009 the Plaintiff informed Deputy Dodson that she was experiencing cramps and Deputy Dodson called medical.

259. Medical did not respond to her medical needs, so the Plaintiff informed Deputy Dodson again.

260. On or about October 27, 2009 the Plaintiff was still experiencing bleeding.

261. On or about October 28, 2009 the Plaintiff was finally taken to an OB/GYN.

262. On or about November 1, 2009 Dr. Meyer spoke with the Plaintiff and informed her that he was upset that he was unable to see the Plaintiff sooner.

263. Dr. Meyer informed the Plaintiff that medical staff at the Jail never contacted him.

264. Dr. Meyers also commented that the medical staff at the Jail did not handle things appropriately.

265. The Plaintiff informed Dr. Meyers that the Jail had not even given her medication for depression.

266. The medical staff at the Jail intentionally disregarded the Plaintiff's medical condition despite having actual knowledge of the Plaintiff's condition.

267. The Plaintiff believes that if legal action is not taken other inmates are at risk of losing life or limb.

J. Plaintiff Kelcey Benzinger

268. The Plaintiff was an inmate at the Jail from on or about February 3, 2010 until on or about February 9, 2010.

269. The Plaintiff had an addiction to pain medication of which both the guards and

medical staff at the Jail were made aware.

270. The medical staff at Campbell County Detention provided no medication to cope with the symptoms of withdraw, other than medicine for the symptoms of the Plaintiff's upset stomach.

271. The medical staff at the Jail withheld treatment despite actual knowledge of the severity of the Plaintiff's condition and despite the Plaintiff's repeated requests for help.

272. The Plaintiff became green in the face, sweated profusely, her body trembled and became weak, looked as if she was dying, vomited excessively, and suffered many other noticeable symptoms.

273. The Plaintiff was taken to the medical portion of the jail and placed in a cell with no blankets and was left alone for extended periods of time. The Plaintiff again received no medical attention.

274. The second time the Plaintiff was taken to medical, Ms. Taylor became agitated at her for requesting to go to the hospital, and Ms. Taylor knocked the blankets out of the Plaintiff's hands so that she would have to pick them up.

275. On the way to the medical portion of the jail the Plaintiff told Ms. Taylor that she felt as if she were going to pass out.

276. Ms. Taylor responded that the Plaintiff had better not pass out because Ms. Taylor did not want to fill out paperwork.

277. In medical, the Plaintiff began going in and out of consciousness and requested to be taken to the hospital, but Ms. Taylor refused to allow the Plaintiff to go to the hospital.

278. While in the Jail, the Plaintiff vomited the entire time and was not able to access drinkable water to stay hydrated.

279. The Plaintiff frequently requested liquids and her cellmates requested liquids for the Plaintiff as well, however, the requests were met with denials.

280. The Plaintiff was only provided with water once a day and the water in the cell was white, undrinkable, and unsanitary.

281. Lieutenant Fletcher knew of the severity of the Plaintiff's medical condition but took no action to help her.

282. The Plaintiff's cellmates frequently requested medical attention for her but the requests were met with no action.

283. The Plaintiff's requests for medical attention were frequently met with criticism for "attitude problems".

284. Medical staff at the Jail allowed the Plaintiff to become so ill that they were unable to detect her vital signs.

285. The Plaintiff had to be transported to a hospital where it was determined that her kidneys had failed.

286. The doctor told the Plaintiff's mother and the Plaintiff that if she had been admitted to the hospital any later she would have died.

287. The Plaintiff's kidney function was so diminished that, after 2 weeks in the hospital, her kidneys only functioned at 25% and the doctor told her that her kidneys would never be 100% again despite the fact that she is only 19 years of age.

288. The Plaintiff had a port put in her neck for kidney dialysis.

289. The Plaintiff received kidney dialysis 5 times while in the hospital.

290. The Plaintiff had a NG tube put in her nose, required exploratory surgery on her stomach, and the Plaintiff's stomach is permanently scared.

291. The Plaintiff was in ICU for 5 days.

292. The Doctor also told the Plaintiff that if the medical staff at The Jail had provided her with water and monitored her vital signs the Plaintiff's kidneys would not have failed.

293. The inmates in the Plaintiff's cell provided her more medical treatment than the medical staff at The Jail provided.

294. The Plaintiff believes that if no action is taken other individuals at the Jail are at risk of losing life and limb.

295. The supervisors at the Jail were aware of the clear violations of law and have disregarded those violations as they relate to the Plaintiff.

K. Plaintiffs Robin Dunaway and Alma Jarman as Co-Administratrix of the Estate of Ernest Dunaway.

296. The Plaintiffs' decedent was originally housed in Carroll County Jail, also known as the Carroll County Jail, located in Carrollton, KY.

297. The Plaintiffs' decedent was released from Carroll County Jail to Saint Luke's Hospital (now known as Saint Elizabeth's) on December 31, 2008 and returned to Carroll County Jail on January 15, 2009.

298. The Plaintiffs' decedent was transferred to the Jail on February 5, 2009.

299. Immediately prior to admittance to the Jail, the Plaintiffs' decedent had been diagnosed with anemia and other medical conditions, had spent three weeks in Saint Luke's Hospital (now known as Saint Elizabeth's) for treatment, and had been prescribed medication to treat said conditions. The Jail was on notice of the Plaintiffs decedent's medical conditions upon his admittance.

300. On February 19, 2009 the Plaintiffs' decedent filed an inmate sick call slip asking to

see a medical professional for a “very, very [important issue]” and requested immediate medical attention.

301. Plaintiffs’ decedent filed a medical grievance for not receiving medications related to his health issues on or about February 25, 2009 and Amy Autentrieb reviewed the grievance.

302. On February 28, 2009 the Plaintiffs’ decedent filled out an inmate sick call slip complaining of extreme pain in his kidney, extreme pain in his liver, insomnia, and disclosed that he had been hospitalized for the same issues while in Carroll County Detention Center. The Plaintiffs’ decedent also disclosed that his problems were ongoing for 2 weeks.

303. The Plaintiffs’ decedent filled out an inmate sick call slip on March 12, 2009 complaining of kidney infection, discolored urine, severe back pain, and inability to sleep on his side. The Plaintiffs’ decedent also complained that the issue had been ongoing for 3-4 weeks.

304. On March 22, 2009 the Plaintiffs’ decedent filled out an inmate sick call slip complaining of high fever, chills, nausea, infection, insomnia, and swelling in his right leg.

305. On March 29, 2009 the Plaintiff’s decedent again requested to be taken to a hospital due to severe pain in his legs but was again denied.

306. On March 31, 2009 Jane or John Does 1-10 prescribed an extra blanket for elevation of the legs to treat the Plaintiffs decedent’s pain.

307. On or around April 4, 2009, the Plaintiffs decedent’s pain became so severe that he experienced throbbing pain in his legs and could not sleep.

308. On April 5, 2009 the Plaintiffs’ decedent filled out an inmate sick call slip complaining of a heat sensation in his feet and legs, insomnia, eye pain, and migraines that had been ongoing for 4 to 5 weeks.

309. On April 13, 2009 the Plaintiffs’ decedent filled out an inmate sick call slip

complaining of pain in his legs and feet.

310. On April 27, 2009 the Plaintiffs' decedent filled out an inmate sick call slip complaining of a severe head ache, insomnia, and severe pain in the temple of his head.

311. On April 29, 2009 the Plaintiffs decedent's health condition became dire and life threatening.

312. On or around May 1, 2009 the Plaintiffs decedent's complained of feeling as if he had a stroke and that the left side of his body was numb.

313. The Jail moved Plaintiffs' decedent to a medical cell in the Medical Department of The Jail.

314. Once in the Medical Department of Campbell County Detention the Plaintiffs' decedent did not receive the required in-person surveillance every 20 minutes.

315. On May 4, 2009 the Plaintiffs' decedent filed out an inmate sick call slip complaining of severe headaches and side pain and stated that the pain had made its way into his eyes.

316. The Plaintiffs' decedent died on May 8, 2009 on a mat in the medical portion of the Jail.

317. The Plaintiffs' decedent was to be released on May 11, 2009.

318. The symptoms that the Plaintiffs' decedents experienced were so severe that it was obvious to the Defendants that they were disregarding the Plaintiffs decedent's impending death.

319. Numerous inmates complained of the Plaintiffs decedent's condition to medical staff and jailers and medical staff also complained of the Plaintiffs decedent's condition to supervisors at the Jail.

320. Defendants personally observed the Plaintiffs decedent's condition.

321. Despite the Plaintiffs decedent's well documented physical ailments, the Campbell County Detention failed to properly care for, failed to dispense prescribed medications, refused to transport the Plaintiffs' decedent to a hospital, and denied medical care in violation of inmate rights. The Defendants acted jointly and severally all to the detriment and damage of the Plaintiffs' decedent.

322. The Plaintiffs' decedent repeatedly requested transfer to a hospital because he believed he needed immediate and full-time medical attention, but his requests were denied.

323. Denial of the Plaintiffs decedent's request for transfer to the hospital directly led to the death of the Plaintiffs' decedent.

324. Numerous staff members at the Jail observed that the Plaintiffs decedent's leg was swollen, blood red, and had lumps in it.

325. Numerous members of the medical staff told the Plaintiffs' decedent that he should be in the hospital because they did not know how to handle the medical conditions.

326. The acceptable response to the Plaintiffs decedent's medical condition was immediate hospitalization in a facility outside of the Jail because the Jail lacked the resources to provide the bare essentials of healthcare under the circumstances.

327. The Plaintiffs' decedent died from hemorrhagic cerebral infarction.

328. The lesions in the Plaintiffs decedent's brain, kidney, and mitral valve contributed to his death.

329. The death of the Plaintiffs' decedent was avoidable.

VII. Causes of Action

A. Count I

330. The preceding paragraphs are incorporated herein by reference.

331. Plaintiffs and the class treatment at the Jail were the result of a continuing pattern of misconduct and is the result of policies, procedures, customs and practices of Campbell County, either written or unwritten, that are systematically applied at the Jail whenever an individual is incarcerated at the Jail, including but not limited to the persistent practice of denying inmates medical attention for their serious medical needs, denying appropriate and necessary medication prescribed by recognized medical authorities, and subjecting individuals held at the Jail to cruel and unusual punishment. Such practices constitute an arbitrary use of government power, and evince a total, intentional and unreasonable disregard for and deliberate indifference to the health, well-being and constitutional and common law rights of persons incarcerated at the Jail, including Plaintiff and the members of the class, and the wholesale violations of those rights likely to result from the systematic pursuit of such policies, customs and practices.

332. As a result of the foregoing, Plaintiff and their class, through Defendants' deliberate indifference and intentional or grossly negligent conduct, were deprived without due process of law of their right not to be subjected to cruel and unusual punishment under the 5th, 8th, and 14th Amendments to the United States Constitution in violation of the Civil Rights Act of 1871, 42 U.S.C. §1983.

333. Moreover, given the pre-existing law that clearly prohibited Defendants' conduct, Defendants' treatment of Plaintiff and the members of his class were intentional, wanton and malicious, and were indicative of Defendants' total and reckless disregard of and deliberate indifference to the rights of, and harm to, Plaintiff and the other members of the class.

B. Count II

334. The preceding paragraphs are incorporated herein by reference.

335. By virtue of the foregoing, Defendants have knowingly and intentionally violated 501

KAR 3:090(20), 501 KAR 3:060, KRS 441.055, KRS 441.025, and KRS 441.045.

C. Count III

336. The preceding paragraphs are incorporated herein by reference.

337. By virtue of the foregoing, Defendants, without justification, negligently or intentionally inflicted upon Plaintiff and the class severe mental and emotional distress.

D. Count IV

338. The preceding paragraphs are incorporated herein by reference.

339. By virtue of the foregoing, Defendants were negligent and grossly negligent, and violated the standards applicable to their professions, all to the damage of the Plaintiff and the class.

E. Count V

340. The preceding paragraphs are incorporated herein by reference.

341. By virtue of the foregoing, Defendants are liable for loss of consortium, companionship, aid, assistance, society, service, and love to all individual family members of the Plaintiff class for which loss of consortium would apply.

F. Count VI

342. The preceding paragraphs are incorporated herein by reference.

343. Defendants are liable jointly and severally for causing wrongful death in accordance KRS 411.130.

VIII. Damages

344. The preceding paragraphs are incorporated herein by reference.

345. As a consequence of Defendants' wrongful conduct, Plaintiff and the members of the class have been denied medical attention for their serious medical needs and appropriate and necessary medications prescribed by recognized medical authorities and have also been subjected to

cruel and unusual punishment.

346. As a result of the foregoing, Plaintiff and the members of the class have experienced unnecessary pain and suffering and severe and unjustified mental and emotional distress, and are entitled to recover actual damages. Furthermore, Defendants' violations of the constitutional and common law rights of the Plaintiff and the class were knowing, intentional, cruel, malicious, and evinced a total and reckless disregard for the rights of Plaintiff and the class entitling them to recover punitive damages from Defendants in order to deter such conduct in the future.

IX. Declaratory Judgment and Permanent Injunction

347. The preceding paragraphs are incorporated herein by reference.

348. In addition to the foregoing, Plaintiff and the class request that this Court issue a declaratory judgment deeming unconstitutional any and all ordinances, regulations, policies, procedures, customs or practices which resulted in their incarceration under conditions in which they were denied medical attention for their serious medical needs and appropriate and necessary medication prescribed by recognized medical authorities, and further request that this Court permanently order Defendants to refrain from following or enforcing such ordinances, regulations, policies, procedures, customs or usages, and to alleviate all jail conditions that contributed to the damages sustained by Plaintiff and the class.

X. Prayer for Relief

WHEREFORE, Plaintiffs and the class they represent request (a) that this action proceed as a class action under Fed. R. Civ. P. 23 and (b) a trial by jury, and further request that they and all members of the class (c) be awarded actual and punitive damages, (d) be granted the declaratory and injunctive relief requested herein, and (e) be awarded all costs, attorney fees, pre- and post-judgment interest and all other relief to which they are entitled.

Respectfully Submitted,

/s/ Eric C. Deters

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served upon the persons named below by the Court's ECF system on June 1, 2010.

/s/ Eric C. Deters

Eric C. Deters

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