

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE**

KIMBERLY A. BROWN and JAMES
ROBERT YOUNG, co-executors for the
estate of ALAN YOUNG, deceased,

Plaintiffs,

Docket No. _____

vs.

JURY DEMANDED

CORRECTIONS CORPORATION OF
AMERICA; GERALD STIPANUK, MD;
USHA SWAMY, MD; ANDREA SCOTT,
LPN aka ANDREA TAYLOR, LPN; T.
JACKSON; STEVEN KAIN; SEAN
WALTEN aka SEAN WALTON; DIANNA
COTTON aka DIANE COTTON aka
CORRECTION OFFICER COTTON;
CAPTAIN SCOTT; and W. THOMPSON,

Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiffs Kimberly A. Brown and James Robert Young, in their representative capacities as the co-executors for the estate of Alan Young, deceased, file this Complaint arising out of the death of Alan Young on April 11, 2009, at the West Tennessee Detention Facility and in support show as follows:

I. INTRODUCTION

Plaintiffs are bringing this action against Defendant CCA and others for the wrongful death of Alan Young (“Mr. Young” or “the decedent”). Plaintiffs assert that Defendant CCA, through its practices, policies, and patterns of conduct, and through its individual agents, violated Mr. Young’s civil rights while he was a pretrial detainee at the West Tennessee Detention Facility between January 29, 2008, and April 11, 2009, when he died. Plaintiffs further assert that the individual

defendants likewise violated Mr. Young's civil rights and acted with deliberate indifference towards him at all times relevant to this action. Mr. Young attempted suicide on April 10, 2009, and Defendants failed to take appropriate action to prevent this suicide attempt and then altogether failed to take appropriate action to intervene after this suicide attempt, and Mr. Young died a few hours later.

At all times relevant to this action, Defendant CCA was the owner and operator of this facility and/or was responsible, together with the other named Defendants, for taking reasonable steps to prevent pretrial detainees, such as Mr. Young, from committing suicide. Defendants were also responsible for taking reasonable measures to ensure that pretrial detainees at this facility were afforded the appropriate care after attempting suicide or otherwise exhibiting signs of an immediate need for medical care at all times relevant to this case, and it failed to do with regard to Alan Young. Plaintiffs are bringing this wrongful death action for both violation of the decedent's civil rights and under theories of negligence. Plaintiffs have also provided Defendant CCA and the individual healthcare providers who were involved in the decedent's care at this facility with formal notice of their intent to pursue claims against such parties under the Tennessee Medical Malpractice Act and will be moving to amend this Complaint to assert those claims after the requisite waiting period has lapsed under the Tennessee Medical Malpractice Act.

II. JURISDICTION AND VENUE

1. This Court has jurisdiction over this action based on the important questions of federal law presented by this case. Plaintiff brings this action pursuant to all applicable federal statutes including, but not limited to, 42 U.S.C. §§1983 and 1988.

2. Plaintiff also brings this action pursuant to applicable state law including, but not limited to, common law negligence and Tennessee Wrongful Death and Survival Statutes. This Court has pendent jurisdiction of the state law claims alleged herein.

3. Venue is proper in this Court because a substantial part of the events or omissions giving rise to the causes of action alleged in this Complaint occurred within the Western District of Tennessee.

III. PARTIES

4. Plaintiffs Kimberly A. Brown and James Robert Young are adult resident citizens of Tabernacle, New Jersey. Plaintiffs are bringing this action in their representative capacities as the duly appointed personal representatives of the estate of Alan Young. Tracy Young is the widow of the decedent and has expressly consented to Plaintiffs pursuing this action.

5. Plaintiffs' decedent was 39 years old at the time of his death and was married with two children. His son is over the age of 18 and was appointed as a co-executor of this father's estate. The decedent's daughter was just 15 years old at the time of his death.

6. Defendant Corrections Corporation of America, Inc. ("CCA") is a corporation duly incorporated under the laws of the state of Tennessee and operating within the state of Tennessee, and, at all times relevant to this action, owned and/or operated the West Tennessee Detention Facility ("Facility") and was responsible for providing all residents of the Facility with adequate care while detained at the Facility. Defendant CCA can be served with process by serving its registered agent for service of process, CT Corporation System, 800 South Gay Street, #2021, Knoxville, Tennessee, 37929. Plaintiffs allege that all of the individual defendants were acting as apparent or actual agents of Defendant CCA at all times relevant to this action.

7. Usha Swamy, MD was the psychiatrist at the Facility at all times relevant to this action and she was aware of the decedent's depression and feelings of hopelessness at all times relevant to this action. She was also aware of the decedent's family's concerns that he was not taking his psychotropic medication that she was prescribing for him and that he was telling his family that he was going to take all of the medicine that Defendants had given him at one time to kill himself. Despite this knowledge, she acted with deliberate indifference to the decedent's health and welfare and took no steps to search his room or to take any other action to protect him from his own suicidal ideation. Defendant Swamy was acting as the agent of Defendant CCA at all times relevant to this action. Alternatively, Defendant Swamy appeared to the decedent to be an agent of Defendant CCA, and the decedent reasonably relied upon such apparent agency to his detriment. Defendant Swamy can be served at her place of employment at 5281 Navy Road, Millington, Tennessee, 38053.

8. Gerald Stipanuk, MD was the medical director of the Facility at all times relevant to this action and was responsible for the decedent's medical care during his incarceration at the Facility. Like Defendant Swamy, Defendant Stipanuk was aware of the decedent's depression and feelings of hopelessness at all times relevant to this action and was also aware of the decedent's family's concerns that he was not taking his psychotropic medication and that he was going to use such medication to kill himself after he had saved enough of it. Despite this knowledge, Defendant Stipanuk acted in deliberate indifference to the health and welfare of the decedent and took no action to protect the decedent from his own suicidal ideation. Moreover, upon information and belief, Defendant Stipanuk was contacted after staff at the Facility discovered that the decedent was unresponsive with uncontrollable shaking activity in his cell after having thrown up some orange substance with pill fragments in it and even with this additional knowledge, Defendant Stipanuk

acted with further deliberate indifference by instructing the nurse on duty to simply put the decedent in an observation cell and to check his vital signs every six hours. Defendant Stipanuk was acting as the agent of Defendant CCA at all times relevant to this action. Alternatively, Defendant Stipanuk appeared to the decedent to be an agent of Defendant CCA, and the decedent reasonably relied upon such apparent agency to his detriment. Defendant Stipanuk can be served at his place of employment at 801 South Meridian, Greenfield, TN 38230.

9. Defendant Andrea Scott aka Andrea Taylor (“Andrea Scott”) was a nurse at the Facility at all times relevant to this action and was the nurse that was called to the decedent’s cell after the decedent’s cell mate reported that the decedent had thrown up an orange substance with pill fragments in it. Upon arriving to the decedent’s cell, Defendant Scott found the decedent in an unresponsive state and noted that he was shaking uncontrollably. Despite these observations and the information that she was given, Defendant Scott did not call for an emergency transport of the decedent to the local hospital or attempt to provide any treatment, but instead acted with deliberate indifference to his health and welfare by blindly following Defendant Stipanuk’s instructions and instructing guards at the Facility to place the decedent in an observation cell with vitals to be checked every six hours. By way of alternative pleading, Defendant Andrea Scott failed to provide Defendant Stipanuk with an accurate picture of the decedent’s medical condition prior to the decedent being placed in an observation cell which lead to his death. By way of further alternative pleading, Defendant Stipanuk informed Defendant Andrea Scott to place the decedent in an observation cell with vitals to be checked every six hours, and she falsified the records in this case to protect herself. At all times relevant to this action, Defendant Andrea Scott was an agent of Defendant CCA. She can be served at her residence at 40 Eddies Cove, Henning, Tennessee, 38041.

10. Upon information and belief, Defendant T. Jackson was an employee of CCA and was on duty and negligently contributed to Mr. Young's death and was acting in the course and scope of his employment at all relevant times. Upon further information and belief, Defendant Jackson acted with deliberate indifference and/or was negligent when he transported the decedent to an observation cell at approximately 9:50 p.m. on April 10, 2009, instead of calling for emergency transportation to the local hospital. At all times relevant to this action, Defendant Jackson was an agent of Defendant CCA and can be served at the West Tennessee Detention Facility located at 6299 Finde Naifeh, Jr. Drive, Mason, Tennessee, 38049.

11. Upon information and belief, Defendant Steven Kain was an employee of CCA and was on duty and negligently contributed to Mr. Young's death and was acting in the course and scope of his employment at all relevant times. At all times relevant to this action, Defendant Kain was an agent of Defendant CCA and can be served at the West Tennessee Detention Facility located at 6299 Finde Naifeh, Jr. Drive, Mason, Tennessee, 38049.

12. Upon information and belief, Defendant Sean Walten aka Sean Walton ("Sean Walton") was an employee of CCA and was on duty and negligently contributed to Mr. Young's death and was acting in the course and scope of his employment at all relevant times. At all times relevant to this action, Defendant Walton was an agent of Defendant CCA and can be served at the West Tennessee Detention Facility located at 6299 Finde Naifeh, Jr. Drive, Mason, Tennessee, 38049.

13. Upon information and belief, Defendant Dianna Cotton aka Diane Cotton aka Correction Officer Cotton ("Cotton") was an employee of CCA and was on duty and negligently contributed to Mr. Young's death and was acting in the course and scope of her employment at all relevant times. At all times relevant to this action, Defendant Cotton was an agent of Defendant CCA and can be

served at the West Tennessee Detention Facility located at 6299 Finde Naifeh, Jr. Drive, Mason, Tennessee, 38049.

14. Upon information and belief, Defendant Captain Scott was an employee of CCA and was on duty and negligently contributed to Mr. Young's death and was acting in the course and scope of his employment at all relevant times. Upon information and belief, Defendant Scott observed the decedent in the observation cell after 9:50 p.m. on April 10, 2009, until he was eventually pronounced dead early the following morning and failed to take any action to provide him with any emergency medical care despite his obvious need for such care. This conduct constitutes both negligence and deliberate indifference. At all times relevant to this action, Defendant Captain Scott was an agent of Defendant CCA and can be served at the West Tennessee Detention Facility located at 6299 Finde Naifeh, Jr. Drive, Mason, Tennessee, 38049.

15. Upon information and belief, Defendant W. Thompson was an employee of CCA and was on duty and negligently contributed to Mr. Young's death and was acting in the course and scope of his employment at all relevant times. Upon information and belief, Defendant Thompson observed the decedent in the observation cell after 9:50 p.m. on April 10, 2009, until he was eventually pronounced dead early the following morning and failed to take any action to provide him with any emergency medical care despite his obvious need for such care. This conduct constitutes both negligence and deliberate indifference. At all times relevant to this action, Defendant Thompson was an agent of Defendant CCA and can be served at the West Tennessee Detention Facility located at 6299 Finde Naifeh, Jr. Drive, Mason, Tennessee, 38049.

IV. FACTUAL ALLEGATIONS

16. The allegations previously set forth in this Complaint are incorporated herein by reference.

17. At all times relevant to this action, Alan Young was a pretrial detainee at the West Tennessee Detention Facility, which is owned, operated, and managed by Defendant CCA. By way of alternative pleading, Defendant CCA did not own the Facility, but was responsible for operating and managing it at all times relevant to this action. Mr. Young entered the Facility on January 29, 2008, and died in the Facility on April 11, 2009. He was an innocent man at the time of his death, and there were no adjudications of guilt prior to his death.

18. Throughout Mr. Young's confinement at the Facility, he exhibited clear signs of depression and remained at risk for suicide during his entire incarceration at the Facility. Defendants gave the decedent psychotropic medication throughout his stay and failed to take any measures to ensure that he was actually taking the medication that they were giving him.

19. The decedent's family was concerned that the decedent was suicidal at all times relevant to this action and communicated these concerns to the staff at the Facility on a number of occasions. The decedent's family advised the staff at the Facility that the decedent had informed them that he was going to kill himself. Plaintiffs assert that agents of Defendant CCA knew or should have known that decedent was hoarding his medication prior to April 10, 2009, and did nothing to search the decedent's cell or do anything to prevent the decedent from moving forward with his plans to commit suicide. Moreover, Plaintiffs assert that Defendants Swamy and Stipanuk likewise knew or should have known the above information and likewise did nothing to prevent the decedent from moving forward with his plans to commit suicide. Upon information and belief, the remaining

individual defendants likewise were aware of the information set forth above and likewise did nothing to prevent the decedent from taking his own life. Plaintiffs assert that all of the above action and inaction on the part of Defendants constitutes deliberate indifference.¹

20. Through Mr. Young's confinement at the Facility, his family repeatedly warned Defendant CCA, through its agents, that Mr. Young had informed them that he was hoarding the medication that Defendant CCA was giving him and that he was going to take it all at once after he had saved enough medication to kill himself. Mr. Young's family further repeatedly informed this Defendant that they were worried about him and were afraid that he was going to take his life by taking an excessive number of pills that they were giving him.

21. Despite these warnings, Defendant CCA failed to take any action to ensure that the decedent was taking his medication at the time it was administered to him or to search his room to confirm whether or not he was hoarding pills as his family warned.

22. Despite these warnings from decedent's family, Defendants again made no attempt to search the decedent's cell and took no action in order to prevent a suicide attempt.

23. As opposed to searching his cell, Defendant referred the decedent to medical, and Drs. Stipanuk and Swamy both noted that the decedent was depressed and feeling hopeless. However, when the decedent informed them that he was not planning to kill himself, these doctors took him

¹Plaintiffs also contend that the actions of Defendants CCA (through its agents), Swamy, Stipanuk, and Scott constitute violations of the Tennessee Medical Malpractice Act and have given formal notice to CCA and the healthcare providers at the Facility of their intention to pursue claims under the Tennessee Medical Malpractice and will be moving to amend this complaint to assert such claims after the requisite waiting period has passed under the Tennessee Medical Malpractice Act. It is **NOT** Plaintiffs' intent to assert any claims of medical malpractice in the present complaint at this time.

at his word and failed to take any action. While Plaintiffs believe that these doctors deviated from the accepted standard of care when they failed to take any further action after receiving warnings from family members (which will be the subject of Plaintiffs' medical malpractice claims that will likely be added to this action after the requisite waiting period provided for under the medical malpractice act), Plaintiffs also assert that these doctors violated the decedent's civil rights.

24. On April 10, 2009, the decedent took a large quantity of pills that Defendants had been giving him over the preceding months. The decedent's cellmate noticed that the decedent had thrown up an orange substance with pill fragments and notified the guards at the Facility that he thought the decedent had taken a large amount of medication in an effort to commit suicide. Within a few minutes of notifying the guards about the decedent's condition, Defendant Scott arrived on the scene and found the decedent in an unresponsive state on his bed. Defendant Scott further noted that the decedent had thrown up an orange substance; and, upon information and belief, she then reported all of this information to Defendant Stipanuk, who told her to simply put the decedent in an observation cell and to check his vital signs every six hours. Upon further information and belief, Defendant Scott followed the instructions she received from Defendant Stipanuk and instructed the guards at the Facility to put the decedent in an observation cell without ever calling for emergency assistance. By way of alternative pleading, Defendant Andrea Scott failed to provide Defendant Stipanuk with an accurate picture of the decedent's medical condition prior to the decedent being placed in an observation cell which lead to his death. By way of further alternative pleading, Defendant Stipanuk informed Defendant Andrea Scott to place the decedent in an observation cell with vitals to be checked every six hours, and she falsified the records in this case to protect herself. Plaintiffs assert that this conduct constitutes deliberate indifference.

25. After the decedent was placed in an observation cell, he was monitored by guards at the Facility as opposed to members of the Facility's medical staff, which Plaintiffs again assert constitutes deliberate indifference. The guards continued to note that the decedent was unresponsive in the observation cell in which he had been placed and that he was shaking while lying in the bed of such cell. Despite seeing him in an unresponsive state and shaking, these guards never took any action to seek emergency medical care for the decedent at any time during the evening hours of April 10, 2009, and the early morning hours of April 11, 2009. Plaintiff asserts that this conduct constitutes both negligence and deliberate indifference on the part of these guards. Moreover, Plaintiffs assert that the policies, procedures, and patterns of conduct of Defendant CCA and the lack of training they provided to their staff with regard to the care and treatment of detainees such as the decedent constitutes negligence and deliberate indifference.

26. After the decedent had remained in the observation cell for approximately two hours, one of the guards at the Facility finally realized that he was in need of emergency medical care and called for such assistance. However, this guard delayed in doing so for a number of minutes after realizing that the decedent did not appear to be breathing, and Plaintiffs assert that this conduct constitutes both negligence and deliberate indifference. After the medical staff arrived to provide emergency care to the decedent, they again failed to act in a prudent fashion and the defibrillator on the scene did not even work. By the time the outside emergency medical personnel arrived, it was too late, and the decedent was pronounced dead on April 11, 2009.

27. Upon information and belief, Defendant Kain witnessed the decedent having, what appeared to be, a seizure while lying on the bottom bunk of his cell. Defendant Kain, along with the assistance of Defendant Jackson, negligently and, with deliberate indifference to the serious medical

needs of decedent, failed to take steps to make sure that decedent received the necessary treatment for the serious medical condition from which he was suffering. Upon information and belief, Defendant Kain and Defendant Jackson transported decedent to medical isolation.

28. Upon information and belief, Defendants Captain Scott and Thompson were also present and assisted with transporting and moving decedent onto a bunk surrounded by mats in the event of another seizure. These Defendants negligently and deliberate indifference to the serious medical needs of decedent failed to take reasonable steps to make sure decedent received the necessary treatment for the serious medical condition from which he was suffering.

29. Upon information and belief, Defendant Cotton was assigned to the medical isolation unit in order to observe the decedent. Defendant Cotton and other employees of Defendant CCA negligently, and with deliberate indifference to the medical needs of the decedent, failed to take actions to prevent further harm to the decedent and failed to properly monitor the decedent, and failed to take reasonable steps to make sure decedent received the necessary treatment for the serious medical condition from which he was suffering. Defendant Cotton finally approached decedent when he was unresponsive.

30. Upon information and belief, Defendant Sean Walton discovered the decedent to be unresponsive in the isolation medical cell and, acting in negligence and deliberate indifference, and failing to take reasonable steps to make sure decedent received the necessary treatment for the serious medical condition from which he was suffering.

31. Defendants knew or should have known that the decedent was a suicide risk.

32. Defendants knew or should have known that the decedent took a drug overdose.

33. Defendant CCA and its employees failed to take any action to prevent the suicide or take adequate action after discovering that the decedent was in medical distress.

34. All of these defendants, acting in the course and scope of their employment, acted negligently and with deliberate indifference to the decedent's medical needs by placing decedent into isolation and failing to perform the necessary medical care for decedent.

35. Had Defendants taken action to prevent his suicide attempt by the decedent, he would not have died on April 11, 2009, and had Defendants provided the decedent with reasonable care after they discovered him in his cell, he would not have died on April 11, 2009.

V. FIRST CAUSE OF ACTION AGAINST DEFENDANTS (WITH THE EXCEPTION OF DEFENDANTS SWAMY AND STIPANUK)²

36. The allegations previously set forth in this Complaint are incorporated herein by reference.

37. Defendants Andrea Scott aka Andrea Taylor, T. Jackson, Steven Kain, Sean Walton, Dianna Cotton aka Diane Cotton, Captain Scott, and W. Thompson were all employees or agents of Defendant CCA and were acting in the course and scope of their employment or agency at all applicable times.

38. Defendant CCA is vicariously liable for the negligent actions and inactions of each agent or apparent agent named herein.

39. Defendant CCA and all named individual defendants as well as all other agents or apparent agents of Defendant CCA owed the decedent a duty to use reasonable care under all

²The first cause of action is not against Defendants Swamy or Stipanuk; nor is the first cause of action a claim for medical malpractice against any Defendant.

applicable circumstances, failed to exercise such care, proximately and directly causing harm to the decedent including, but not limited to, his death (however, see FN 1 above).

40. All of the decedent's injuries and his death were the foreseeable consequences of the negligence of each defendant named herein.

41. Defendant CCA, by and through its agents and apparent agents, provided woefully inadequate care to decedent that fell below the accepted standard of care for facilities such as the West Tennessee Detention Facility. Defendant CCA's agents and apparent agents were negligent by failing to recognize that Mr. Young was in danger and altogether failed to take any action to prevent this tragic event. Mr. Young died as a direct result of this negligent conduct and suffered intense emotional and physical pain prior to his death.

42. Defendant CCA failed to adequately hire, train, and adequately supervise its employees and agents.

43. Plaintiffs submit that Defendant CCA and its agents acted with negligence and/or gross negligence, and Defendant CCA should be held vicariously liable for all the actions of its agents. Mr. Young suffered greatly before his death and ultimately died as a direct result of the negligence alleged herein. Accordingly, Plaintiffs are entitled to compensatory damages and punitive damages for the conduct alleged herein as provided for under all applicable law including, but not limited to, the Tennessee Wrongful Death Act.

VI. SECOND CAUSE OF ACTION AGAINST DEFENDANTS

44. The allegations previously set forth in this Complaint are incorporated herein by reference.

45. Defendant CCA and the defendants named individually committed the above-described actions and/or omissions under color of law and under color of their authority as an agent of the State of Tennessee to provide housing and rehabilitation for adult offenders, and substantially deprived Mr. Young of his rights, privileges, and immunities guaranteed him as a citizen of the United States in violation of 42 U.S.C. §1983 and deprived Mr. Young of rights guaranteed to him by the Eighth and Fourteenth Amendments to the United States Constitution including, but not limited to:

- a. Right to adequate medical care for both suicidal ideation and for medical treatment after his overdose;
- b. Right to adequate correctional care to protect one from harming one's self;
- c. Freedom from a deprivation of life and liberty without due process of law; and
- d. Freedom from cruel and unusual punishment.

46. As a direct and proximate result of Defendant CCA's acts, Mr. Young suffered severe and permanent personal injuries, including ultimately death.

47. Defendant CCA, through its policies, procedures, and patterns of conduct, violated the decedent's civil rights with deliberate indifference. Moreover, Defendant CCA, through its failure to adequately train its staff, allowed, condoned, and ratified this type of conduct at the Facility where the decedent's civil rights were violated.

48. Defendants Swamy and Stipanuk likewise acted with deliberate indifference toward the decedent, and their conduct also constitutes a civil rights violation in this case.

49. Under the Eighth and Fourteenth Amendments of the United States Constitution, the decedent had a right to adequate medical treatment.

50. Defendants were deliberately indifferent to the decedent's medical care and mental health care. Defendants, individually and through their agents, knew and disregarded a substantial risk of serious harm to the decedent's health and safety.

51. All individual defendants named herein were employees, agents, or apparent agents of Defendant CCA.

52. The policies and/or customs of these defendants were the moving force behind the constitutional violations alleged herein.

53. Defendant CCA had a consistent pattern and practice of being deliberately indifferent to the adequate medical and mental health of inmates and pretrial detainees such as the decedent.

54. The policies and customs of these defendants were implemented with deliberate indifference to the rights of the decedent.

55. The decedent had the constitutional right to be free from cruel and unusual punishment, and that right was violated.

56. Defendant CCA had an unconstitutional policies and practices including, but not limited to, allowing pretrial detainees who are found unresponsive in their cell in serious need of immediate medical attention to be examined by a lay practical nurse and to be transferred to an observation cell with vital signs to be checked every six hours instead of having a policy or practice that required staff at the Facility to call emergency medical personnel for immediate evaluation and possible transport to a local hospital. Moreover, Defendant CCA had an unconstitutional policy or practice of disregarding serious threats of suicide reported by family members of pretrial detainees by failing to take any action to search the cell of such detainee and/or to interview other inmates about potential threats of suicide by the subject detainee. Finally, Defendant CCA had an unconstitutional policy

or practice of failing to train their staff to take any precautions to ensure that inmates who are at risk for suicide actually take the medication they are given to prevent such inmates from hoarding their medication for a potential overdose at a later date. This practice is both contrary to accepted correctional protocol and in violation of the decedent's constitutional rights.

57. Defendant CCA, in the alternative, failed to have a constitutional policy requiring immediate evaluation of inmates such as Alan Young by emergency medical personnel for consideration of immediate transport to a local hospital, a policy for searching the person and/or cell of an inmate where a family member of such inmate notifies the Facility that such inmate is hoarding medication for a future overdose.

58. Defendant CCA's failure to adequately hire, train, and supervise its employees deprived the decedent of his constitutional rights.

59. With deliberate indifference to the decedent's medical needs and in violation of his Eight and Fourteenth Amendment Constitutional Rights, Defendants failed to prevent the deceased from attempting to harm himself and failed to obtain adequate care for the deceased after finding him in distress.

60. As a direct and proximate result of all constitutional violations committed by each defendant, the decedent experienced pain and suffering and ultimately death. The decedent's injuries and death were the foreseeable consequences of Defendants' constitutional violations.

61. Wherefore, Plaintiffs demand a judgment against Defendant CCA for compensatory and punitive damages together with costs, including reasonable attorneys' fees, pre- and post-judgment interest, and such further and other necessary and proper relief that the Court deems appropriate, and demands a trial by jury of all issues so triable of right.

VII. THIRD CAUSE OF ACTION - LOSS OF CONSORTIUM

62. The allegations previously set forth in the Complaint are incorporated herein by reference.

63. As a direct and proximate result of Defendants' actions and inactions described in this Complaint, Plaintiffs suffered the loss of love and companionship of their brother and father, and the widow and daughter of the decedent likewise suffered the loss of consortium damages as well, and is entitled to loss of consortium damages from Defendant.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs demand a judgment, jointly and severally, against Defendants, for compensatory damages in the amount of \$2,000,000, punitive damages to be determined by a jury, for reasonable attorney fees allowable by statute and common law, for such further and other necessary and proper relief that this Court deems appropriate, and demands a trial by jury of all issues so triable of right.

Respectfully submitted,

s/Jeffrey S. Rosenblum

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