

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**ALEXANDER BRADLEY,**

:

**Plaintiff**

**Civil Action No.:** \_\_\_\_\_

**-against-**

:

:

:

**TENET-ST. MARY’S HOSPITAL, INC.  
DBA ST. MARY’S MEDICAL CENTER OR  
ST. MARY’S, and PALM BEACH COUNTY  
SHERIFF’S OFFICE, SHERIFF RIC  
BRADSHAW,  
And OFFICERS JOHN AND JANE DOE**

:

:

:

:

:

:

**Defendants**

:

**February 15, 2017**

**COMPLAINT**

The Plaintiff, Alexander Bradley, an individual (“Plaintiff”), by and through undersigned counsel, hereby sues the Defendant Tenet-St. Mary’s Hospital, Inc. dba (West Palm Beach, FL), a foreign corporation (“St. Mary’s”), and Defendant Palm Beach County Sheriff’s Office to recover damages for violation of Florida Statute § 456.057 and invasion of privacy by unreasonably intruding upon Plaintiff’s seclusion, and by unreasonably publicizing Plaintiff’s private life by showing him recovering from a gunshot wound to the face in a hospital room in a documentary film regarding the former National Football League and New England Patriots star tight end and convicted murderer Aaron Hernandez. In support thereof, Plaintiff hereby states as follows:

## **PARTIES**

1. Plaintiff, Alexander Bradley (“Plaintiff”), was and is an individual domiciled in Manchester, Connecticut. For purposes of 28 USC §1332, Plaintiff is a citizen of the State of Connecticut.

2. Defendant, Palm Beach County Sheriff’s Office, maintains an address of 3228 Gun Club Road, West Palm Beach, FL.

3. Defendant Ric Bradshaw is the Sheriff of the Palm Beach County Sheriff’s Office and is responsible for the conduct of the officers in the employ of his department, and is responsible to ensure that he Department’s Officers, employees, servants and agents obey the laws of the State of Florida.

4. Upon information and belief, at all times mentioned herein, Defendants John/Jane Doe (whose identities are not yet determined) were officers in the employ of Defendant Bradshaw and their actions were under color of the laws of the State of Florida.

4. Defendant, Tenet-St. Mary’s Hospital, Inc. dba St. Mary’s Medical Center or St. Mary’s (“St. Mary’s”), was and is a corporation organized and existing under the laws of the State of Texas with its principal place of business at 901 45th Street, West Palm Beach, Florida. For purposes of 28 USC §1332, St. Mary’s is a citizen of the States of Texas and Florida.

6. At all relevant times mentioned herein, St. Mary’s was and is designated by the State of Florida as a Level 1 trauma center.

### JURISDICTION AND VENUE

7. Subject matter jurisdiction is conferred on the Court by 28 U.S.C. §1332(a), in that there is complete diversity of citizenship between Plaintiff and Defendants, Plaintiff is not a citizen of any of the same states as Defendants and the amount in controversy exceeds \$100,000, exclusive of interest and costs.

8. Venue is proper in this Court under 28 U.S.C. §§1391((b) (1) and (2).

### STATEMENT OF FACTS

9. On or about February 13, 2013, Plaintiff was shot in the face by Aaron Hernandez in Miami, Florida.

10. Thereafter, Plaintiff was admitted to St. Mary's Hospital in Miami, for treatment of his injuries.

11. On or about March 31, 2015, CNN produced and broadcast a film entitled *CNN Special Report: Downward Spiral-Inside the Case Against Aaron Hernandez* ("*Downward Spiral*").

12. From on or about March 31, 2015 to the present, Downward Spiral has appeared on CNN television several times and has been continuously made available to the public on the worldwide internet.

13. Downward Spiral can presently be viewed in full by anyone with access to the internet by visiting the site Youtube at <https://www.youtube.com/watch?v=nkVM7HeebHQ>, where it has already been viewed a total of 50,025 times.

14. In the film, which runs approximately 42 minutes and 14 seconds long, an image of the Plaintiff lying in a hospital bed at St. Mary's Hospital in Miami seemingly unconscious, bloodied, bandaged and intubated, appears continuously between segments 17:37 through 17:40 and 18:07 through 18:13.

15. At no time mentioned herein did the Plaintiff ever authorize anyone, including but not limited to St. Mary's, the Palm Beach County Sheriff's office, CNN and/or any of their respective agents, employees or affiliates, to photograph him while lying in a hospital bed at St. Mary's Hospital, West Palm Beach, FL.

16. At no time mentioned herein did the Plaintiff ever provide to anyone, including but not limited to St. Mary's, Palm Beach County Sheriff's office, CNN and/or any of their respective agents, employees or affiliates, any photographs of him lying in a hospital bed at St. Mary's.

17. Upon information and belief, the Palm Beach County Sheriff's Office, acting by and through its authorized agents, servants, employees, contractors and/or affiliates and at its direction, visited St. Mary's for the purpose of obtaining images of the Plaintiff lying in his hospital bed.

18. Upon information and belief, the Palm Beach County Sheriff's Office, unlawfully and without consent, provided these images of the plaintiff to media outlets, including but not limited to CNN.

19. Upon information and belief, St. Mary's, acting by and through its authorized agents, servants and/or employees, permitted the Palm Beach County Sheriff's Office access to Plaintiff's private hospital room without his consent to allow the Palm Beach County Sheriff's Office to photograph him.

20. In the alternative, upon information and belief, St. Mary's, acting by and through its authorized agents, servants and/or employees, photographed Plaintiff without his consent and provided said photos to the Palm Beach County Sheriff's Office and/or CNN or one of its affiliates without his authorization.

### **FIRST CAUSE OF ACTION**

**(Violation of Florida Statute 456.057 vs. St. Mary's Hospital, Palm Beach County Sheriff's Office, Defendant Sheriff Ric Bradshaw and Defendants John and Jane Doe)**

1.-20. Paragraphs one through twenty of the Statement of Facts are re-alleged and incorporated by reference as paragraphs one through nineteen of the Second Cause of Action.

21. Florida Statute Sec. 456.057 creates a broad physician patient privilege of confidentiality.

22. St. Mary's is a "records owner" as that term is defined by Florida Statute Sec. 456.057(1).

23. The photograph depicting Plaintiff's health condition is protected from disclosure by Florida Statute Sec. 456.057.

24. Florida Statute Sec. 456.057(7)(a) provides in pertinent part: "the medical condition of a patient may not be discussed with [] any person other than the patient, the patient's legal representative, or other health care practitioners and providers involved in the patient's care or treatment, except upon written authorization from the patient."

25. St. Mary's disclosure of Plaintiff's photograph without his written authorization constitutes a violation of Florida Statute Sec. 456.057 in that it amounts to a discussion of his medical condition without his written authorization.

26. As a result of the violation of the statute, Plaintiff has suffered damages.

## **SECOND CAUSE OF ACTION**

**(Invasion of Privacy vs. St. Mary's Hospital, Palm Beach County Sheriff's Office, Defendant Sheriff Ric Bradshaw and Defendants John and Jane Doe- Florida law)**

1.-20. Paragraphs one through twenty of the Statement of Facts are re-alleged and incorporated by reference herein.

21.-26. Paragraphs twenty through twenty-six of the First Cause of Action are re-alleged and incorporated by reference herein.

27. Florida Statute Section 456.057(11) states in pertinent part: "The third party to whom information is disclosed is prohibited from further disclosing any information in the medical record without the expressed written consent of the patient or the patient's legal representative."

28. Because St. Mary's disclosed the photographs of Plaintiff's medical condition to the Palm Beach County Sheriff's Office, and/or CNN or one of its affiliates, the Palm Beach County Sheriff's office was prohibited from further disclosing or publishing it without the expressed written consent of Plaintiff or Plaintiff's legal representative, which consent was never sought or obtained.

29. The Palm Beach County Sheriff's Office's disclosure, publication and use of the photograph depicting Plaintiff's medical condition constitutes a violation of Florida Statute 456.057.

### **THIRD CAUSE OF ACTION**

**(Invasion of Privacy vs. St. Mary's Hospital, Palm Beach County Sheriff's Office, Defendant Sheriff Ric Bradshaw and Defendants John and Jane Doe- Connecticut law)**

1.-20. Paragraphs one through twenty of the Statement of Facts are re-alleged and incorporated by reference herein.

21.-26. Paragraphs twenty through twenty-six of the First Cause of Action are re-alleged and incorporated by reference herein.

27.-29. Paragraphs twenty-six through twenty-nine of the Second Cause of Action are re-alleged and incorporated by reference herein.

30. The Palm Beach County Sheriff's Office, acting by and through its authorized agents, employees or affiliates, obtained and published one or more unauthorized photographs of Plaintiff lying in his hospital bed by providing such images to CNN.

31. The photograph of Plaintiff was private and not generally known.

32. The publication of Plaintiff in the condition in which he appears in the photograph, seemingly unconscious, bloodied, bandaged and intubated, was and is considered highly offensive to a reasonable person of ordinary sensibilities.

33. The photograph of Plaintiff's condition, as distinguished from the fact that he was shot by Aaron Hernandez, was not a matter of legitimate public concern.

34. Stated differently, while Aaron Hernandez's life and criminal behavior may have been of legitimate public concern, the photograph of Plaintiff itself in the condition he was in was not.

35. As a result of the invasion of privacy by Defendant Sheriff Ric Bradshaw and Defendants John and Jane Doe, Plaintiff has suffered damages.

36. The Plaintiff's damages were caused by the negligence of the Palm Beach County Sheriff's Office, acting by and through its agents, employees and/or affiliates, in that they:

- (a) trespassed into Plaintiff's private hospital room;
- (b) photographed Plaintiff without his consent;
- (c) provide images of the Plaintiff lying in a hospital bed;
- (d) published the photograph depicting Plaintiff's medical condition without his written authorization in violation of Florida Statute Sec. 456.057; and
- (e) improperly obtained from St. Mary's a photograph depicting Plaintiff's medical condition without his written consent in violation of Florida Statute Sec. 456.057.

37. The Plaintiff's damages as referenced in Paragraph 35 herein are proximately caused by the Palm Beach County Sheriff's Office's negligence.



#### **FOURTH CAUSE OF ACTION**

**Negligent infliction of emotional distress vs. St. Mary's Hospital, Palm Beach County Sheriff's Office, Defendant Sheriff Ric Bradshaw and Defendants John and Jane Doe**

1.-20. Paragraphs one through twenty of the Statement of Facts are re-alleged and incorporated by reference herein.

21.-26. Paragraphs twenty through twenty-six of the First Cause of Action are re-alleged and incorporated by reference herein.

27.-29. Paragraphs twenty-six through twenty-nine of the Second Cause of Action are re-alleged and incorporated by reference herein.

30.-37. Paragraphs twenty-nine through thirty-seven of the Third Cause of Action are re-alleged and incorporated by reference herein.

38. At all times mentioned herein, by publishing the photograph of Plaintiff in the condition he was in, seemingly unconscious, bloodied, bandaged and intubated, the Palm Beach County Sheriff's Office, acting by and through its agents, or employees, knew or should have known that their actions were likely to cause Plaintiff severe emotional distress, and that such severe emotional distress was likely to cause Plaintiff illness and/or harm.

39. As a result of the Palm Beach County Sheriff's Office's conduct towards Plaintiff, and as a result of the Palm Beach County Sheriff's Office's utter disregard for Plaintiff's privacy, Plaintiff suffered severe emotional distress as follows:

- (a) anger, anxiety, depression, fear, frustration, stress, low self-esteem and hopelessness about his medical condition at the time he was shot;

- (b) anger, confusion, frustration, shock, sleeplessness, depression, stress and anxiety about Palm Beach County Sherrff's Office, acting by and through its agents, or employees accessing his private hospital room while he was unconscious, bloodied and intubated;
- (c) anger, confusion, frustration, shock, sleeplessness, depression, stress and anxiety over not knowing who authorized Palm Beach County Sheriff's Office, acting by and through its agents, or employees to enter his hospital room to take photos of him while he was unconscious, bloodied and intubated;
- (d) anger, anxiety, frustration, fear, stress, low self-esteem, insecurity, hopelessness and helplessness about the invasion of his privacy; and
- (e) anger, anxiety, frustration, fear, stress, hopelessness and helplessness about his future.

40. At all times mentioned herein, Plaintiff's aforementioned damages and severe emotional distress were the likely result of Palm Beach County Sheriff's Office, acting by and through its agents, or employees' conduct of obtaining and publishing photographs of him while appearing unconscious and in a severely compromised state.

41. Stated differently, Plaintiff's severe emotional distress under these circumstances was not out of the ordinary, unexpected or exaggerated.

42. The conduct of Defendants Palm Beach County Sheriff's Office, Sheriff Ric Bradshaw and Defendants John and Jane Doe was outrageous, exceeded the bounds of decency and intolerable.

43. As a direct and proximate result of Defendants Palm Beach County Sheriff's Office, Sheriff Ric Bradshaw and Defendants John and Jane Doe's negligent infliction of emotional distress, Plaintiff has suffered damages.

## **FIFTH CAUSE OF ACTION**

**Negligent infliction of emotional distress vs. St. Mary's Hospital, Palm Beach  
County Sheriff's Office, Defendant Shrriff Ric Bradshaw and Defendants John and  
Jane Doe**

1.-20. Paragraphs one through twenty of the Statement of Facts are re-alleged and incorporated by reference herein.

21.-26. Paragraphs eighteen through twenty-six of the First Cause of Action are realleged and incorporated by reference herein.

26.-29. Paragraphs twenty-six through twenty-nine of the Second Cause of Action are realleged and incorporated by reference herein.

30-37. Paragraphs thirty through thirty-seven of the Third Cause of Action are realleged and incorporated by reference herein.

38-43. Paragraphs thirty-seven through forty-three of the Fourth Cause of Action are realleged and incorporated by reference.

44. At all times mentioned herein, Palm Beach County Sheriff's Office, acting by and through its agents, or employees, knew or should have known that the matters involving Plaintiff were private and not appropriate for public broadcasting.

45. At all times mentioned herein, Palm Beach County Sheriff's Office, acting by and through its agents, or employees knew or should have known that the photographs of Plaintiff could not be obtained or used for publication without his express permission to do so.

46. At no time mentioned herein, did Palm Beach County Sheriff's Office, acting by and through its agents, or employees attempt to obtain, never mind actually obtain, Plaintiff's permission to use the photographs for any purpose.

47. Because of Palm Beach County Sheriff's Office, acting by and through its agents, or employees' negligence and carelessness, Plaintiff was caused to suffer emotional and psychological damages.

48. The Plaintiff's damages were caused by the negligence of Palm Beach County Sheriff's Office, acting by and through its agents, or employees, in that they:

- (a) trespassed into Plaintiff's private hospital room;
- (b) photographed Plaintiff without his consent;
- (c) published photographs of Plaintiff lying in a hospital bed;
- (d) published the photograph depicting Plaintiff's medical condition without his written authorization in violation of Florida Statute Sec. 456.057; and
- (e) improperly obtained from St. Mary's a photograph depicting Plaintiff's medical condition without his written consent in violation of Florida Statute Sec. 456.057.

49 As a direct and proximate result of Palm Beach County Sheriff's Office, acting by and through its agents, or employees' negligence, Plaintiff has suffered damages.

### **JURY DEMAND**

The plaintiff requests a trial by jury.

**Alexander Bradley, Plaintiff**

By His Attorneys:

/s/ Robert Berke

---

Robert Berke  
Pro Hac Vice  
CT Federal Bar No. Ct.22117  
640 Clinton Avenue  
Bridgeport, CT 06605  
203-332-6000  
203-332-0661 fax  
[robertberke@optonline.net](mailto:robertberke@optonline.net)

/s/ Jeffrey Cooper

---

Jeffrey Cooper  
Pro Hac Vice  
CT Federal Bar No.Ct.26250  
1087 Broad Street  
Bridgeport, CT 06604  
203-366-0660 - office  
203- 366-0688 - fax  
[jcooper@coopersevillano.com](mailto:jcooper@coopersevillano.com)

**Local Counsel**

/s/ Barry M. Wax

---

Barry M. Wax, Local Counsel  
Law offices of Barry M. Wax  
Florida Bar Number 509485  
701 Brickell Ave  
Suite 1550  
Miami, FL 33131  
(305) 373-4400  
(786)728-5139  
[barry@barrywax.com](mailto:barry@barrywax.com)