



Dated: April 8, 2022  
New York, New York

LAW OFFICES OF MORRIS SHAMUIL, PC  
Attorneys for Plaintiff

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Defendants' Addresses:

The City of New York  
100 Church Street  
New York, New York

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
WILLIAM CAMPBELL,

Plaintiff,

Index No.:

- against -

**VERIFIED COMPLAINT**

CITY OF NEW YORK,  
and C.O. JOHN and JANE DOES 1-6,

Defendants.

-----X

The plaintiff, William Campbell, by his counsel, hereby alleges the following,  
upon information and belief as and for his Verified Complaint:

1. At all relevant times hereinafter mentioned, plaintiff WILLIAM CAMPBELL was an adult resident of the City and State of New York.
2. At all relevant times hereinafter mentioned, defendant CITY OF NEWYORK (the "City") was and is a municipal corporation duly organized and existing under and by virtue of the laws of the State of New York and acts by and through its agencies, employees and agents, including but not limited to, the New York City Department of Corrections ("DOC") and its employees and

agents.

3. At all relevant times hereinafter mentioned, defendants C.O. JOHN and JANE DOES 1-6 (the “Doe defendants”), whose actual identities are not presently known to plaintiff, were employed by the City as members of the DOC. The Doe defendants are sued herein in their individual capacity.

4. The Doe defendants are, and were, at all relevant times herein duly sworn, appointed and acting law enforcement officers, servants, employees and agents of the DOC.

5. The Doe defendants are and were at all times relevant herein acting under color of state law in the course and scope of their duties and functions as members of the DOC.

6. A Notice of Claim was timely served by the plaintiff upon the defendant City of New York.

7. The City of New York subsequently conducted an examination of the plaintiff pursuant to General Municipal Law §50-H.

8. At least thirty days have passed since service of plaintiff’s Notice of Claim, and adjustment and payment thereof has been neglected or refused by the City of New York.

9. Plaintiff has complied with all obligations, requirements, and conditions precedent to commencing an action against New York City under New York law.

10. Plaintiff was, at all times starting on January 21, 2020, a pre-trial detainee in the custody of the DOC.

11. On March 24, 2020, plaintiff was jailed in the custody and care of the NYC DOC at the OBCC building within the Rikers Island jail complex.

12. OBCC is a jail operated by the NYC DOC in Bronx County.

13. At all relevant times herein, the OBCC was operated and staffed by the municipal defendant and the DOC, which was responsible for the health and safety of the inmates incarcerated therein.

14. The individual defendants, and DOC employees generally, were at all times responsible for ensuring the general health, safety, and welfare of the people in their custody, regardless of whether they were pretrial detainees or inmates serving their sentences.

15. On or about March 24, 2020, while plaintiff was incarcerated and in the custody of the NYC DOC, in the City and State of New York, petitioner suffered a serious injury to his right foot while incarcerated at OBCC.

16. While standing and showering in a place with water on the floor from overflowing showers and toilets, plaintiff's foot became seriously infected.

17. Plaintiff was suffering from substantial pain and made repeated requests for medical attention to certain of the Doe defendants. These requests for medical attention were denied by the Doe defendants and DOC staff for a period of at least five days.

18. Eventually defendants could no longer ignore plaintiff's repeated requests for medical assistance and plaintiff was hospitalized at Bellevue Hospital where surgery

was performed on his right foot.

19. As a result of the failure of the defendants to properly clean and maintain common areas of the jail facilities, Plaintiff sustained serious and severe injuries to his person, including, but not limited to, the following injuries: loss of full use of his right foot; permanent scarring; soreness and stiffness in his right foot; post-traumatic severe pain; anxiety; and other serious and severe personal injuries.

20. As a result of defendants' deliberate refusal to provide plaintiff with timely medical care, plaintiff was subjected to extensive and debilitating pain and suffering, and the exacerbation and worsening of his injuries.

20. As a result of the injuries aforementioned, the Plaintiff has incurred damages, including lost wages.

21. Plaintiff has, may, and probably will for an indefinite time in the future suffer great pain, inconvenience, embarrassment, and mental anguish.

22. Plaintiff has, may, and probably will for an indefinite time in the future be deprived of ordinary pleasures of life, loss of well-being, and equanimity.

23. Plaintiff's overall health, strength, and vitality has been greatly impaired.

FIRST CLAIM

(42 USC 1983 Against All Defendants)

24. Plaintiff repeats and realleges each and every allegation set forth in the preceding paragraphs as if more fully set forth at length herein.

25. Defendant CITY, through its DOC, and its employees, including the Doe defendants, are obligated to safeguard individuals housed in its correctional institutions as per, e.g., New York State Correction Law §§ 500-k and 137. The individual defendants, acting under color of law and the customs and powers proscribed to them by the federal and state constitutions, as well as federal and state laws, violated plaintiff's rights under the Fourth, Eighth and Fourteenth Amendments to the United States Constitution, and thereby violated 42 U.S.C. § 1983, by way of their failure to supervise plaintiff and the detainees and inmates housed with him, and adequately prevent and respond to the assault on plaintiff. By their conduct and actions, defendants, acting under color of law and without lawful justification, intentionally, maliciously, and with a deliberate indifference to or a reckless disregard for the natural and probable consequences of their acts, caused injury and damage in violation of plaintiff's constitutional rights as guaranteed under 42 U.S.C. § 1983 and the United States Constitution, including its Fourth and Fourteenth Amendments.

26. The individual defendants, acting under color of law and the customs and powers proscribed to them by the federal and state constitutions, as well as federal and state laws, violated plaintiff's rights under the Fourth, Eighth and Fourteenth Amendments to the United States Constitution, and thereby violated 42 U.S.C. § 1983, by way of their failure to maintain clean and sanitary living conditions for plaintiff and the detainees and inmates housed with him, and adequately prevent

injury and fail to respond to the Plaintiff's repeated requests for medical attention.

27. The Doe defendants acted intentionally and/or with deliberate indifference to deprive plaintiff of his civil, constitutional, and statutory rights afforded by the Fourth, Eighth and Fourteenth Amendments to the United States Constitution when these defendants knowingly or with gross negligence neglected plaintiff's injuries and repeated requests for medical attention.

28. As a result of the foregoing, plaintiff was deprived of his liberty, caused to endure physical pain and suffering, emotional distress, humiliation, lost earnings, financial injuries, was otherwise damaged and injured in an amount in excess of the jurisdictional minimum of this Court, and to be further entitled to punitive damages from the individual defendants in a sum to be determined at trial.

29. By reason thereof, the Doe defendants have, separately and collectively, violated 42 U.S.C. §1983 and caused plaintiff to suffer serious and permanent physical injuries, emotional injuries and mental anguish, as well as past and future expenses for medical care and treatment, and the deprivation of his constitutional rights.

### SECOND CLAIM

(42 USC 1983 Against City of New York)

30. Plaintiff repeats and realleges each and every allegation set forth in the preceding paragraphs as if more fully set forth at length herein.

31. At all times material to this complaint, defendant CITY had de facto policies, practices customs and usages which were a direct and proximate cause of the unconstitutional conduct alleged herein.

32. At all times material to this complaint defendant CITY was aware that its DOC facilities were grossly understaffed and unsupervised such that the inmates entrusted to the CITY's care at its facilities, including Rikers Island generally and OBCC in particular, were being jailed in profoundly unsanitary and dangerous conditions where the staffing was inadequate to provide for the basic needs of the inmates generally and the plaintiff in particular.

33. These fundamentally unsafe and harmful conditions were well known to the CITY. For instance, in a New Yorker Article entitled "The Disillusionment of a Rikers Island Doctor," published March 24, 2022, described 2020-2021 conditions thusly, the "[DOC] was hitting an all-time low in terms of morale and performance, and officers stopped showing up to work. The jails were plagued by violence, increased rates of self-harm and suicide, chaotic operational issues, and increased numbers of drug overdoses. A federal monitor appointed by the Department of Justice noted 'deterioration of basic security protocols and denial of basic services and protections,'" and described conditions that included "cages of hundreds of men, most of them Black, standing in urine and feces, their arms through the bars, yelling for help."

34. At all times material to this complaint defendant CITY failed to properly train, screen, supervise, or discipline employees and corrections officers,

and failed to inform the individual defendants' supervisors of their need to promptly address the medical needs of inmates and unsanitary living conditions. The policies, practices, customs, and usages were a direct and proximate cause of the unconstitutional conduct alleged herein, causing injury and damage in violation of plaintiff's constitutional rights as guaranteed under 42 U.S.C. §1983 and the United States Constitution, including its Fourth and Fourteenth Amendments.

35. As a result of the foregoing, plaintiff was denied access to basic health care, suffered physical injuries, some of which are permanent in nature, caused to endure physical pain and suffering, emotional distress, humiliation, lost earnings, financial injuries, was otherwise damaged and injured in an amount in excess of the jurisdictional minimum of this Court.

### THIRD CLAIM

(Negligent Hiring, Training and Retention)

36. Plaintiff hereby realleges and incorporates by reference all of the preceding paragraphs as though they were fully set forth herein, including each and every allegation contained in the First and Second Causes of Action as if fully set forth at length herein.

37. That the aforesaid actions, and resulting injuries to plaintiff, were due to the negligence of the City in the hiring, retention, and training of its employees, including all Doe defendants. By reason of defendants' negligence, the individual defendants have caused plaintiff to suffer serious and permanent physical injuries, emotional injuries and

mental anguish, as well as past and future expenses for medical care and treatment and other economic losses.

38. The individual defendants' conduct was willful, deliberate, and malicious, such that plaintiff is entitled to recover punitive damages from each individual defendant.

39. As a result of the foregoing, Plaintiff was deprived of his liberty, pain and suffering, emotional distress, great humiliation, costs and expenses, and was otherwise damaged and injured in an amount in excess of the jurisdictional minimum of this Court, and to be further entitled to punitive damages from the individual defendants in a sum to be determined at trial.

#### FOURTH CLAIM

(Negligent Oversight, Maintenance, Supervision, and Security)

40. Plaintiff incorporates by reference the allegations set forth in all preceding paragraphs as if fully set forth herein including each and every allegation contained in the First, Second, and Third Causes of Action as if fully set forth at length herein.

41. That the aforesaid actions, and resulting injuries to plaintiff, were due to the negligence of the CITY, including the Doe defendants in the oversight, maintenance, supervision, and care of the plaintiff and prisoners residing in OBCC.

42. By reason of defendants' negligence, the individual defendants have caused plaintiff to suffer serious and permanent physical injuries, emotional injuries and mental anguish, as well as past and future expenses for medical care and treatment and other economic losses.

43. By virtue of their conduct, the individual defendants violated plaintiff's rights under the Fourth, Sixth, and Fourteenth Amendments of the United States Constitution, and thereby violated 42 USC 1983.

44. The individual defendants' conduct was willful, deliberate, and malicious, such that plaintiff is entitled to recover punitive damages from each individual defendant.

45. As a result of the foregoing, plaintiff was deprived of his liberty, caused to endure physical pain and suffering, emotional distress, humiliation, lost earnings, financial injuries, was otherwise damaged and injured in an amount in excess of the jurisdictional minimum of this Court.

#### FIFTH CLAIM

(Respondeat Superior)

46. Plaintiff incorporates by reference the allegations set forth in all preceding paragraphs as if fully set forth herein.

47. The municipal defendant is vicariously liable to plaintiff for the acts of the individual defendants and agents and employees of the DOC who were at all relevant times acting within the scope of their employment as subordinate officers and agents of the municipal defendant.

48. The municipal defendant is therefore vicariously liable to plaintiff for the

individual defendants' tortious conduct and the injuries and harms plaintiff has been caused to suffer.

49. By so doing, the individual defendants violated plaintiff's right under the Fourth Amendment of the United States Constitution not to be subjected to excessive or unnecessary force, and thereby violated 42 USC 1983.

50. The individual defendants' conduct was willful, deliberate, and malicious, such that plaintiff is entitled to recover punitive damages from each individual defendant.

51. As a result of the foregoing, plaintiff was deprived of his liberty, caused to endure physical pain and suffering, emotional distress, humiliation, lost earnings, financial injuries, was otherwise damaged and injured in an amount in excess of the jurisdictional minimum of this Court.

52. By reason of this deliberate decision not to intervene in their fellow officers' unconstitutional conduct, the individual defendants violated plaintiff's rights under the Fourth, Sixth, and Fourteenth Amendments of the United States Constitution and caused plaintiff to be subjected to excessive or unnecessary force, falsely arrested and imprisoned, maliciously prosecuted, and denied his right to a fair trial, just as though each such defendant had directly participated in said misconduct, and thereby violated 42 USC 1983.

53. The individual defendants' conduct, or failure to act, was willful, deliberate, and malicious, such that plaintiff is entitled to recover punitive damages

from each individual defendant.

54. As a result of the foregoing, plaintiff was deprived of his liberty, caused to endure physical pain and suffering, emotional distress, humiliation, lost earnings, financial injuries, was otherwise damaged and injured in an amount in excess of the jurisdictional minimum of this Court.

55. As a result of the foregoing, plaintiff was deprived of his liberty, caused to endure physical pain and suffering, emotional distress, humiliation, lost earnings, financial injuries, was otherwise damaged and injured in an amount in excess of the jurisdictional minimum of this Court.

#### SIXTH CLAIM

##### (Negligence)

56. The Plaintiff incorporated by reference the allegations set forth in all preceding paragraphs as if fully set forth herein.

57. The aforesaid incident occurred as a result of and was proximately caused by the careless, negligent, and reckless conduct of the Defendants.

58. Defendants failed to properly supervise the common areas in question so as to furnish to the Plaintiff a clean, sanitary and safe bathroom facility, free from hazards which were recognized or should have been recognized by Defendants, as causing or likely to cause the serious physical harm to the Plaintiff, and others.

59. Defendants were negligent in failing to maintain the bathroom facilities in

a sanitary and safe condition to ensure that the Plaintiff would not be caused to become infected and which were known and should have been known to the Defendants.

60. Defendants were negligent in failing to maintain the premises owned by and operated by the Defendants in good and safe condition for the Plaintiff and others;

61. Defendants were negligent in otherwise failing to exercise the degree of care required under the circumstances; and

62. As a result of the aforesaid conduct and breach of care of the Defendants, Plaintiff sustained the injuries, losses, and damages which were more fully described above, without any negligence of the Plaintiff contributing thereto.

63. Defendants, jointly and severally, negligently caused injuries, emotional distress, and damage to Plaintiff. The acts and conduct of the Defendants were the direct and proximate cause of injury and damage to the Plaintiff and violated his statutory and common law rights as guaranteed by the laws and Constitution of the State of New York.

64. As a result of the foregoing, Plaintiff was deprived of his liberty, suffered specific and serious bodily injury, pain and suffering, emotional distress, great humiliation, costs and expenses, and was otherwise damaged and injured.

65. **WHEREFORE**, Plaintiff demands the following relief jointly and severally against the defendants as follows:

1. Actual damages against the municipal defendants;
2. Actual and punitive damages against each of the individual

defendants;

3. The convening and empaneling of a jury to consider the merits of the claims herein;
4. Pre- and post-judgment costs, interest, and legal fees; Interest, costs and disbursements;
5. Legal fees and costs pursuant 42 USC 1988; and,
6. Such other and further relief as this Court may deem appropriate and equitable.

Dated: April 8, 2022  
New York, New York

LAW OFFICES OF MORRIS SHAMUIL, PC  
Attorneys for Plaintiff

*Morris Shamuil*

By: \_\_\_\_\_  
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New York, New York 10007  
(212) 608-2757

**VERIFICATION**

STATE OF NEW YORK        )  
  ) SS.:  
COUNTY OF NEW YORK    )

MORRIS SHAMUIL affirms, pursuant to the CPLR, under penalty of perjury, that he is the attorney for the plaintiff in the within action; that he has read the foregoing

**COMPLAINT**

and knows the contents thereof; that the same is true to his own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes them to be true.

Affiant states that the reason he makes this affirmation is that the plaintiff currently resides in a county other than the one in which affiant maintains his offices; and affiant further states that the sources of his information and belief are from conversations had with petitioner and/or from the transcripts, memoranda, documents, reports, and other related records in the file of this action, which is maintained by my office.

*Morris Shamuil*

MORRIS SHAMUIL

Dated: New York, New York  
April 8, 2022