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10 Essex, Individually and On Behalf Of  
11 Delbert Essex's Estate

12 UNITED STATES DISTRICT COURT  
13 SOUTHERN DISTRICT OF CALIFORNIA

14 ELICIA ESSEX, Individually and as  
15 Personal Representative of the Estate  
16 of DELBERT ESSEX, Deceased, and  
17 KRISTINA ESSEX Individually and as  
18 Personal Representative of the Estate  
19 of DELBERT ESSEX, Deceased

20 Plaintiff,

21 vs.

22 COUNTY OF IMPERIAL, a  
23 Governmental Entity, NAPHCARE, a  
24 Delaware limited liability company;  
25 ROSEMARY DOHERTY,  
26 individually; J. ROMAN, individually  
27 and DOES 1 through 10, inclusive,

28 Defendants.

Case No.: '24CV0763 WQH VET

COMPLAINT FOR DAMAGES

1. Deliberate Indifference to a Substantial Risk of Harm to Health 42 U.S.C. § 1983 14<sup>th</sup> Am. of U.S. Constitution & Gordon v. County of Orange claim
2. Monell-Failure to Train -42 U.S.C. § 1983
3. Monell-Unconstitutional, Custom, Practice & Policy-42 U.S.C. § 1983
4. Monell-Ratification -42 U.S.C. § 1983
5. State-created danger under the 14<sup>th</sup> Amendment
6. 14<sup>th</sup> Amendment-Interference With Familial Relations - 42 U.S.C. § 1983
7. Negligence (State)
8. Bane Act C.C. 52.1 Et Seq. (State)
9. Failure to Summon Medical Care G.C. 845.6 & 844.6 (d) (State)

DEMAND FOR JURY TRIAL

1  
2  
3 **PRELIMINARY STATEMENT**

4 1. Plaintiff, ELICIA ESSEX is adult daughter and a successor-in-interest to  
5 DELBERT ESSEX (hereinafter referred to as “ESSEX”). ELICIA ESSEX is also  
6 acting in an individual capacity.

7 2. Plaintiff, KRISTINA ESSEX is the wife of Delbert Essex and a successor-  
8 in-interest to DELBERT ESSEX (hereinafter referred to as “Mr. ESSEX”).  
9 KRISTINA ESSEX is also acting in an individual capacity.

10 3. Plaintiffs, bring this action on behalf of DELBERT ESSEX against  
11 IMPERIAL COUNTY, NAPHCARE, DOHERTY, ROMAN and DOES 1  
12 through 10 for monetary damages to redress for ESSEX’s injuries and death  
13 resulting from Defendants' deliberate indifference to his constitutional rights and  
14 liberties. Specifically, Plaintiffs bring this action under the Fourteenth  
15 Amendment of the United States Constitution and the Civil Rights Act of 1871, as  
16 codified at 42 U.S.C. § 1983, for injuries and death resulting from the Defendants'  
17 substantial and deliberate indifference to Mr. ESSEX’s health and welfare while  
18 in their custody. Plaintiffs further bring their 14<sup>th</sup> Amendment Deliberate  
19 indifference claim under the recent 9<sup>th</sup> Circuit Court of Appeals decision in  
20 *Gordon v. County of Orange et al.* 888 F.3d 1118. Plaintiffs state a claim against  
21 the Defendants for a failure to establish policies, procedures and training which  
22 resulted in the subject incident. This is a civil action seeking damages against the  
23 Defendants for committing acts under color of law, and depriving Mr. ESSEX of  
24 rights secured by the Constitution and laws of the United States (42 U.S.C. §  
25 1983).

26 4. Defendants COUNTY of IMPERIAL, NORMAN, NAPHCARE, and  
27 DOES 1 through 10, were deliberately indifferent by, without limiting other acts  
28 and behaviors: failing to provide medical care, failing to follow its established  
medical care and treatment protocol; failing to protect Mr. ESSEX from harm;

1 failing to release Mr. ESSEX from custody in a manner as to not endanger his  
2 welfare, failing to provide necessary and appropriate medical treatment and,  
3 failing to provide his insulin, failing to provide necessary appropriate personnel  
4 necessary for the health and welfare of Mr. ESSEX, failure of continuity of care,  
5 and failing to ensure he was safely transported to a hospital for emergency care.  
6 Defendants deprived Mr. ESSEX's rights as guaranteed by the Fourteenth  
7 Amendments to the Constitution of the United States against cruel and unusual  
8 punishment.

9 5. The Defendants, and Imperial County Jail medical officials, management  
10 and employees violated the ESSEX's constitutional rights and were deliberately  
11 indifferent by, without limiting other acts and behaviors: (1) deliberately ignoring  
12 and failing to heed to Mr. ESSEX's serious medical conditions, to wit, insulin-  
13 dependent diabetes, hypertension, kidney and liver disease and other cardiac  
14 conditions; (2) Denying Mr. Essex access to his medications including insulin; (3)  
15 failing to call for an ambulance to stabilize Mr. Essex's vitals on the way to the  
16 hospital; (4) failing to ensure his safe transfer to a hospital for emergency  
17 treatment; (5) failing to provide necessary and appropriate personnel for the health  
18 and welfare of Mr. ESSEX; (6) failing to ensure Mr. Essex was safely escorted to  
19 the hospital for treatment; and (7) failing to implement policies and procedures on  
20 the care and transport of critically ill inmates and/or detainees to the hospital. As a  
21 consequence of the defendants' actions, Mr. Essex suffered from numerous  
22 medical conditions, alcohol withdrawal, and ultimately died, and which action  
23 constituted a clear deprivation of his constitutional rights.

#### 24 **JURISDICTION AND VENUE**

25 6. This action is filed under the Due Process Clause of the Fourteenth  
26 Amendment of the United States Constitution, pursuant to 42 U.S.C. § 1983, to  
27 redress injuries and the death suffered by Delbert Essex at the hands of  
28 defendants.

1 7. By government claim forms dated January 13, 2023, pursuant to  
2 Government Code §911.2, Plaintiffs sent IMPERIAL COUNTY, through its Clerk  
3 of the Board of Supervisors, Notices of Claim regarding violations of Plaintiffs'  
4 and Mr. ESSEX's constitutional rights. The claims stated the time, place, cause,  
5 nature and extent of the plaintiffs' and Mr. ESSEX's injuries.

6 8. On February 28, 2024, Imperial County, through its Clerk of the Board of  
7 Supervisors, rejected the government tort claims of Alicia Essex and Kristina  
8 Essex.

9 9. This Court has jurisdiction over the federal civil rights claim pursuant to 28  
10 U.S.C. §§ 1331 and 1343. This Court has supplemental jurisdiction over any  
11 state-law claims pursuant to 28 U.S.C. § 1367(a).

12 10. At all relevant times, Mr. Essex was an inmate at the Imperial County Jail  
13 operated by the Imperial County Sheriff's Department.

14 11. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) and (c).

15 **PARTIES**

16 12. At all times relevant to this complaint, Plaintiff, ELICIA ESSEX, is the  
17 adult daughter of Mr. Essex, and is an individual residing California.

18 13. At all times relevant to this complaint, Plaintiff, Kristina ESSEX, is the  
19 wife of Mr. Essex, and is an individual residing in California.

20 14. At all times relevant to this complaint, Delbert Essex, hereinafter referred to  
21 as "ESSEX" was a non-convicted inmate, also known as a pretrial detainee, who  
22 was examined prior to booking at the Imperial County Jail, in El Centro,  
23 California.

24 15. Defendant County of Imperial, hereinafter known as "COUNTY", is a  
25 governmental entity that acts through individuals to establish its policies and that  
26 is capable of being sued under federal law.

27 16. The Imperial County Sheriff's Department is a duly organized public entity,  
28 form unknown, existing under the laws of the State of California and is

1 responsible for supervising and operating the Imperial County Jail, a correctional  
2 division, and ensuring the health and safety of all inmates and pretrial detainees  
3 incarcerated in its corrections facilities.

4 17. Upon information and belief, Naphcare, hereinafter referred to as  
5 “NAPHCARE” is a private corporation, incorporated in the state of Alabama and  
6 that acts through individuals to establish its policies and that is capable of being  
7 sued under federal law. NAPHCARE, through a contract with the COUNTY,  
8 provides correctional healthcare services at the Imperial County Jail, a County jail  
9 located in El Centro, California.

10 18. Defendant Rosemary Doherty, (hereinafter “DOHERTY”) is an employee  
11 of the NAPHCARE, a private corporation contracted with COUNTY to provide  
12 jail medical services at the Imperial County Jail. At all times relevant to the  
13 complaint DOHERTY was employed in the capacity of a registered nurse at the  
14 Imperial County Jail. Defendant is a duly authorized employee and agent of  
15 NAPHCARE, and was acting within the course and scope of her perspective  
16 duties as medical staff in the Imperial County Jail with the complete authority and  
17 ratification of her principal, NAPHCARE. Defendant DOHERTY is being sued in  
18 her individual capacity.

19 19. Defendant J. Roman, (hereinafter “ROMAN”) is an employee of the State  
20 of California, specifically employed as a California Highway Patrol officer  
21 (employee ID 21107). At all times relevant to the complaint ROMAN was  
22 employed in the capacity of a CHP officer assigned to the El Centro, California.  
23 Defendant is a duly authorized agent of the State of California, and was acting  
24 within the course and scope of his perspective duties as a CHP officer with the  
25 complete authority and ratification of her principal, State of California. Defendant  
26 ROMAN is being sued in his individual capacity.

27 20. Defendant DOE 1 is an employee of the Imperial County Jail, located in  
28 Imperial County, and at times relevant to the complaint was employed in the

1 capacity of a correctional deputy or officer at the Imperial County Jail. Defendant  
2 DOE 1 is a duly authorized employee and agent of the Imperial County Sheriff's  
3 Office, and was acting within the course and scope of his perspective duties as  
4 staff in the Imperial County Jail with the complete authority and ratification of his  
5 principal, COUNTY. Defendant DOE 1 is being sued in his individual capacity.

6 21. DOES 2-6 are employees of COUNTY and were assigned to work at the  
7 Imperial County Jail. Defendant DOE 2-6 were acting within the course and scope  
8 of their perspective duties at the Imperial County Jail with the complete authority  
9 and ratification of their principal, COUNTY. Defendant DOE 2-6 are being sued  
10 in their individual capacities.

11 22. DOES 7-10 are employees of NAPHCARE and employed as medical staff  
12 at the Imperial County Jail. Defendant DOE 7-10 are duly authorized agents of  
13 NAPHCARE and were acting within the course and scope of their perspective  
14 duties as Imperial County Jail medical staff with the complete authority and  
15 ratification of their principal, NAPCHARE. Defendant DOE 7-10 are being sued  
16 in their individual capacities.

17 23. At all times mentioned herein, each and every defendant was the agent of  
18 each and every other defendant and had the legal duty to oversee and supervise the  
19 hiring, conduct and employment of each and every defendant herein.

20 **FACTUAL ALLEGATIONS**

21 24. Mr. Essex was a marine and veteran having served a tour of duty for the  
22 United State Marines from 1979-1983.

23 25. As a result of his military combat services, Mr. ESSEX developed  
24 symptoms comparable to Post-Traumatic-Stress-Disorder which caused him to  
25 self-medicate with alcohol.

26 26. On October of 2022, Mr. Essex developed pneumonia causing him to be  
27 hospitalized for (4) four days. Also, during the same hospitalization period, the  
28 medical staff informed him that he was pre-diabetic.

1 27. In November of 2022, Mr. ESSEX was hospitalized due to a hyperglycemic  
2 (high blood sugar) condition had progressed to a diagnosis of Type II insulin  
3 dependent Diabetes where he was discovered to be insulin resistant and  
4 hence, required insulin injection.

5 28. In March of 2023, in light of his worsening drinking problem, Mr. ESSEX  
6 checked himself into a 45-day alcohol rehabilitation program.

7 29. However, he was unable to maintain sobriety and relapsed with his  
8 drinking.

9 30. On June 22, 2023 at approximately 6:28 p.m., Mr. ESSEX was arrested for  
10 Driving Under the Influence by California Highway Patrol officer ROMAN.

11 31. Mr. ESSEX was highly inebriated and found behind the wheel of his pick-  
12 up truck after driving partially into a man-made river bed.

13 32. The tow truck driver upon arrival to tow his vehicle observed a highly  
14 intoxicated ESSEX who had to be carried out by the officer and placed into the  
15 patrol vehicle. He was subsequently taken to the Imperial County Jail presumably  
16 so he can be placed in the jail's detoxification/sobering unit.

17 33. Mr. Essex displayed noticeable signs or alcohol intoxication and/or  
18 symptoms of alcohol withdrawal at the time he was arrested.

19 34. Upon arrival at the jail's receiving triage, Rosemary DOHERTY, RN  
20 examined Mr. Essex. Mr. Essex was known to be an insulin dependent diabetic  
21 who also suffered from hypertension. Mr. Essex had a SureScript prescription for  
22 Keppra indicating he had a seizure disorder. Nurse Doherty also determined that  
23 Mr. ESSEX was suffering from dehydration and in need of IV hydration and  
24 possibly kidney and/or liver disease and Cardiac issues. DOHERTY notes that  
25 ESSEX is "intoxicated and not a good historian". She notes that he is insulin  
26 dependent. Upon information and belief, ESSEX had his insulin medication taken  
27 away from him which was previously located in his truck.

28 35. During his examination Mr. ESSEX was observed to be in an altered

1 mental state. He likely couldn't hear the nurse very well if at all as he was noted to  
2 have hearing aids but "only worked with a charger". Mr. ESSEX's blood sugar  
3 was dangerously high at 479 dl/mg. His blood pressure was also noted high at  
4 170/84 was as was his heart rate to be tachycardic at 125 beats per minute and a  
5 respiration rate of 20 which is on the high end of the normal range. She also notes  
6 "detainee likely dehydrated and in need of IV hydration."

7 36. It is unequivocal that Mr. ESSEX presented to the nurse in dire medical  
8 distress and required emergency care to stabilize his condition starting with an IV  
9 hydration and an insulin injection.

10 37. Symptoms of hyperglycemic blood sugar levels nearing 500's consist of  
11 diabetic ketoacidosis including dehydration, blurred vision, weakness, nausea and  
12 vomiting, shortness of breath. If not alleviated, a person can enter into a diabetic  
13 coma.

14 38. In light of his medical distress, the nurse refuses his admission to the jail  
15 and orders a squad car instead of an ambulance to transport him to the nearby  
16 medical center. Imperial County Medical staff including Nurse Doherty, referred  
17 Mr. Essex to a hospital setting for further evaluation and care prior to acceptance  
18 into jail.

19 39. Per the jail medical refusal protocols, and consistent with continuity of  
20 care, and as indicated in ESSEX' "pre-booking hospital referral" entries from  
21 Nurse DOHERTY, jail medical staff instructed the admitting hospital to complete  
22 information about the detainee's health care, including indicating the medical  
23 screening conducted and discharge dates returned back to the jail staff with "the  
24 law enforcement officer" who had custody of the detainee. However, this portion  
25 of the hospital referral is entirely left blank.

26 40. At approximately 8:30 p.m., despite ESSEX's highly unstable vital signs,  
27 Nurse DOHERTY failed to summon an ambulance in order for paramedics to  
28 stabilize and transport Mr. ESSEX to a hospital, nor did she administer any of his

1 insulin, or any I.V. hydration bag, and instead, allowed Mr. ESSEX to be taken to  
2 the hospital by ROMAN and DOE 1, who were not medically trained to provide  
3 the level of care ESSEX required.

4 41. By not calling an ambulance, Nurse Doherty missed a critical opportunity  
5 to stabilize Mr. Essex's vital signs and administer his desperately needed insulin  
6 and IV hydration pending further treatment in a hospital setting.

7 42. Presumably, as ROMAN and DOE 1 escorts ESSEX to their squad car,  
8 ROMAN and DOE 1 ROMAN and DOE 1 were well aware that ESSEX was in  
9 no condition to be left by himself and that he needed prompt emergency care to  
10 stabilize his blood sugar, blood pressure and his dehydrated state.

11 43. However, instead of ensuring Mr. ESSEX was safely transported to the  
12 hospital, and safely relinquished custody and care of medically distressed  
13 detainee, ROMAN and DOE 1 abandons Mr. Essex somewhere outside of the  
14 Imperial County Jail as there are no record of admission from any nearby hospital  
15 or medical center.

16 44. Upon information and belief, Mr. ESSEX was dropped off by officer  
17 ROMAN and DOE 1 near the Octillo Inn located at 1455 Octillo Drive El Centro,  
18 California. Officer ROMAN then issues Mr. ESSEX a "certificate of detention  
19 only" and releases him from custody.

20 45. Inevitably, and in light of his dangerously high blood sugar level, his lack  
21 of insulin, and lack of any level of medical care, Mr. ESSEX passed away in the  
22 motel room sometime between 10:00 p.m. on June 22 and 11:35 am on June 23,  
23 2023 after being discovered by motel staff.

24 46. Mr. Essex was 63 years old when he passed away. Mr. ESSEX died of  
25 complication due a ketoacidosis shock, hyperglycemic shock and ensuing coma.

26 **FIRST CLAIM FOR RELIEF**

27 **Deliberate Indifference to a Substantial Risk of Harm**  
28 **to Health (42 U.S.C. § 1983 & 14<sup>th</sup> Amendment of the U.S. Constitution,**

1 **(By Plaintiffs Against Defendants DOES 1-10, ROMAN and DOHERTY)**

2  
3 47. Plaintiffs repeat and re-allege each and every allegation in paragraphs 1  
4 through 46 of this Complaint with the same force and effect as if fully set forth  
5 herein.

6 48. From the time Mr. ESSEX was arrested until the time of his death, the  
7 Defendants repeatedly failed to ensure he received proper medical care in repeated  
8 violation of his 14<sup>th</sup> Amendment constitutional rights.

9 49. At all relevant times to the complaint, COUNTY had a non-delegable duty  
10 to provide constitutionally adequate medical care to its patient-inmate population.

11 50. COUNTY's constitutional duty also consists of the duty to safely release  
12 inmates from county custody and the duty of continuity of care to its inmates.

13 51. All Defendants were informed by Mr. ESSEX and their own examination  
14 that he had serious medical needs and required a higher level of care. Defendants  
15 nevertheless failed to take the appropriate and necessary steps to ensure he  
16 received proper medical care which ultimately resulted in his death on June 23,  
17 2023.

18 52. All defendants made several intentional decisions that disregarded Mr.  
19 ESSEX's medical needs. After recognizing that abnormal vital signs meant Mr.  
20 Essex could not be safely booked at the Imperial County Jail, Nurse Doherty  
21 failed to summon an ambulance to stabilize him and safely escort him to the  
22 hospital. She further failed to establish an IV to address his dehydration and failed  
23 to administer any insulin to control his obviously high blood sugar levels.

24 Defendant NORMAN and DOE 1, given the responsibility of ensuring Mr.  
25 ESSEX was transferred safely to a hospital for treatment, then abandoned Mr.  
26 ESSEX somewhere outside the jail. Mr. ESSEX who was likely in a state of  
27 ketoacidosis shock, in a confused state, hard of hearing, dehydrated, with both a  
28 dangerously high blood sugar and blood pressure, and alcohol impaired, was in an  
impaired state of consciousness.

1 53. The decisions taken by all defendants placed Mr. ESSEX at a substantial  
2 risk of danger, and risk of suffering severe harm and death because every  
3 Defendant was unequivocally informed that he was medical distress, was insulin  
4 dependent, was intoxicated, suffering from dehydration, and suffering from high  
5 blood pressure and could readily observe the same.

6 54. Defendants failed to take any reasonable available measures to abate that  
7 risk, even though reasonable officials, including reasonable nurses and jailers in  
8 these circumstances would have appreciated the high degree of risk involved  
9 making the consequence of the Defendants' conduct obvious. Defendant  
10 DOHERTY failed to administer ESSEX' insulin, failed to provide him with blood  
11 pressure medication, failed to administer a hydration I.V., failed to summon an  
12 ambulance, and failed to ensure proper continuity of care to make sure ESSEX  
13 was in fact seen by an emergency room medical provider to address his unstable  
14 medical condition. Defendant ROMAN, DOE 1 and 2 through 8 failed to ensure a  
15 safe transfer of care from the county jail to a hospital, and in essence, made a  
16 judgment to unsafely release ESSEX from custody leaving him to his device  
17 despite his urgent medical needs and despite orders to transfer to a higher level of  
18 care in order to urgently address his unstable and life-threatening vital signs.

19 55. All of the Defendants knew there was a substantial risk to Mr. ESSEX's  
20 health if his symptoms went untreated, denied him appropriate medical treatment,  
21 and failed to ensure he was safely received at a hospital for prompt medical care.

22 56. It was objectively unreasonable for Defendants to ignore the numerous  
23 objective signs and symptoms of Mr. ESSEX's medical conditions. Any diligent  
24 nurse would have been apprised of the serious impending medical condition, and  
25 promptly summoned paramedics and/or an ambulance to stabilize Mr. ESSEX's  
26 vital signs and escort him safely to the hospital for treatment.

1 57. Similarly, it was objectively unreasonable for Defendants ROMAN and  
2 DOE 1 to abandon Mr. ESSEX somewhere outside of the jail rather than safely  
3 transport him to a hospital for care.

4 58. As a result of the repeated denial of proper medical care, Mr. ESSEX  
5 spent his last hours suffering unnecessary and excruciating pain culminating to his  
6 death.

7 59. The denial of medical treatment exacerbated Mr. ESSEX's alcohol  
8 withdrawal symptoms to the point where his life was placed in jeopardy.

9 60. The Defendants, by failing to ensure Mr. ESSEX safely arrived at a  
10 hospital for treatment and abandoning him while he was in medical distress acted  
11 with deliberate indifference to his serious health conditions and medical needs.

12 61. Because Mr. ESSEX is deemed to be a pretrial detainee, the Defendants  
13 acts of deliberate indifference in failing to ensure he received medical care  
14 constituted cruel and unusual punishment in violation of the Due Process Clause  
15 of the Fourteenth Amendment of the Constitution.

16 62. All Defendants were deliberately indifferent to the serious medical needs  
17 of Mr. ESSEX. It should be clear that a reasonable medical practitioner would  
18 comprehend that by failing to ensure he received proper medical care, Mr. ESSEX  
19 was exposed to undue suffering or threat of tangible residual injury, which, in the  
20 end, proved to be fatal. The Defendant jail and medical officials intentionally  
21 failed to ensure Mr. ESSEX received medical care by to call an ambulance and  
22 failing to otherwise ensure his safe arrival at a hospital.

23 63. Had the Defendants and their employees, agents, and servants, not acted  
24 with deliberate indifference to the obvious and serious health needs of Mr. ESSEX  
25 he would not have died.

26 64. Mr. ESSEX's death was avoidable.

27 65. Such acts and omissions of the Defendants violated Mr. ESSEX's  
28 constitutional rights guaranteed under 42 U.S.C. § 1983, and the Fourteenth

1 Amendments to the United States Constitution. The defendants knew that by  
2 failing ensure Mr. ESSEX safely arrived at a hospital that it would lead to a  
3 fatality, but not before Mr. ESSEX endured significant pain and agony during the  
4 period preceding his death.

5 66. Accordingly, Defendants each are liable to Plaintiffs both in an  
6 individual capacity and as successor-in-interest to Mr. ESSEX's' estate for  
7 compensatory damages including loss of life and opportunity of life, predeath pain  
8 and suffering, and punitive damages under 42 U.S.C. § 1983, and reasonable  
9 attorney's fees under 42 U.S.C. §1988

10  
11 **SECOND CLAIM FOR RELIEF**

12 ***Monell-Failure to Train, Supervise and Discipline (42 U.S.C. §1983)***  
13 **(Against NAPHCARE and COUNTY)**

14 67. Plaintiffs repeat, re-state, and incorporate each and every allegation in  
15 paragraphs 1 through 66 of this Complaint with the same force and effect as if  
16 fully set forth herein.

17 68. At all relevant times to this complaint, COUNTY and NAPHCARE had the  
18 duty and responsibility to train, hire, instruct, monitor, and investigate staff and  
19 discipline other Defendants as well as all employees and agents of COUNTY and  
20 NAPHCARE and Imperial County Jail.

21 69. Defendants COUNTY and NAPHCARE knew that Mr. ESSEX was a  
22 vulnerable inmate upon his arrest and subsequent medical evaluation and will  
23 have suffered from an emergency medical condition and that the Imperial County  
24 Jail was not equipped to care for acutely ill patients. Given the known limitations  
25 of the Imperial County Jail medical infirmary it was obvious that the jail and  
26 medical defendants would need special training in order to adequately care for and  
27 transport medically unstable patients to the hospital.

1 70. The Imperial County Jail nursing and deputy staff had not been trained  
2 adequately in monitoring, documenting, and assessing patients' acute medical  
3 conditions, and/or safely transporting medically unstable patients to the hospital.  
4 This failure to train led to a substantial and fatal delay in Mr. ESSEX's care,  
5 resulting in his death.

6 71. Despite COUNTY's general jail policy requiring that medically unstable  
7 inmates be seen by a doctor and transferred to a hospital for acute care, COUNTY  
8 and NAPHCARE had failed to train the Imperial County nursing staff adequately  
9 so as to recognize the urgency with which medically unstable inmates must be  
10 transported to the hospital in light of the jail's limited medical facilities and failed  
11 to trained staff in continuity of care and in the safe release of inmates from  
12 custody.

13 72. Defendant COUNTY and NAPHCARE had a policy of relying on  
14 medical professionals without training them on how to implement proper  
15 procedures for documenting, monitoring and assessing inmates for medical  
16 instability, and transporting medically unstable inmates to the hospital amounting  
17 to deliberate indifference.

18 73. As a result of the COUNTY and NAPHCARE's failure to adequately  
19 train and implement policies, Mr. ESSEX was caused undeserved pain and agony  
20 all culminating in his death on June 23, 2023.

21 **THIRD CLAIM FOR RELIEF**

22 ***MONELL- UNCONSTITUTIONAL CUSTOM, POLICY***

23 **OR PRACTICE (42 U.S.C. §1983)**

24 **(On behalf of the Estate of DELBERT ESSEX and Against Defendants**

25 **COUNTY, NAPHCARE)**

26 74. Plaintiffs hereby repeat, re-state, and incorporate each and every  
27 allegation in paragraphs 1 through 73 of this Complaint with the same force and  
28 effect as if fully set forth herein.

1 75. On and for some time prior to June 22, 2023, (and continuing to the  
2 present date) Defendants COUNTY and NAPHCARE deprived Plaintiffs and Mr.  
3 ESSEX of the rights and liberties secured to them by the Fourth, and Fourteenth  
4 Amendments to the United States Constitution, in that said defendants and their  
5 supervising and managerial employees, agents, and representatives, acting with  
6 reckless and deliberate indifference to the rights and liberties of Plaintiffs and Mr.  
7 ESSEX and of persons in his class, situation and comparable position in  
8 particular, knowingly maintained, enforced and applied an official recognized  
9 county custom, policy, and practice of: acting deliberately indifferent to the  
10 serious medical needs of inmates when defendants failed to take any meaningful  
11 corrective measures despite being previously placed on notice of their egregious  
12 practices resulting in prior deaths. The following is a list of *Monell* violations:

- 13 (a) Failing to implement policies and procedures on basic symptom  
14 recognitions and assessment of inmates who are in medical distress;
- 15 (b) Routinely failing to train medical and detention staff on the ensuring  
16 medically unstable inmates are safely transported to the hospital.
- 17 (c) Inadequately supervising, training, controlling, assigning, and  
18 disciplining employees including COUNTY Jail staff;
- 19 (d) Routinely neglecting and ignoring gravely ill inmates and enabling the  
20 custom and practice of medically distressed inmates to rely upon  
21 themselves to seek emergency medical treatment;
- 22 (e) Engaging in the custom and practice of discriminating against  
23 chronically ill inmates and withholding emergency medical treatment until  
24 an inmate is at a near-death condition;
- 25 (f) Routinely preventing inmates access to medical doctors, due to a  
26 custom and practice of a failed booking policy;
- 27 (g) Routinely denying to treat more severe co-morbid medical conditions  
28 due to a “*one condition at a time*” medical policy.

1 By reason of the aforementioned policies and practices of the DOE  
2 Defendants and COUNTY, Plaintiffs have suffered the loss of their father  
3 and husband, DELBERT ESSEX.

4 76. Defendant COUNTY, together with various other officials, whether  
5 named or unnamed, had either actual or constructive knowledge of the deficient  
6 policies, practices and customs alleged in the paragraphs above. Despite having  
7 knowledge as stated above, these defendants condoned, tolerated and through  
8 actions and inactions thereby ratified such policies. Said defendants also acted  
9 with deliberate indifference to the foreseeable effects and consequences of these  
10 policies with respect to the constitutional rights of Plaintiffs and other individuals  
11 similarly situated.

12 77. By perpetrating, sanctioning, tolerating, and ratifying the outrageous  
13 conduct and other wrongful acts, Defendant COUNTY, NAPHCARE acted with  
14 an intentional, reckless, and callous disregard for the well-being Mr. ESSEX and  
15 his constitutional as well as human rights.

16 78. Furthermore, the policies, practices, and customs implemented and  
17 maintained and still tolerated by Defendant COUNTY, NAPHCARE were  
18 affirmatively linked to and were a significantly influential force behind the Mr.  
19 ESSEX's death.

20 79. As a direct and legal result of Defendants' acts, Plaintiffs have suffered  
21 damages, including, without limitation, past pain and suffering, loss of life, loss of  
22 opportunity for life, and compensatory damages. Such damages including  
23 attorneys' fees, costs of suit, and other pecuniary losses not yet ascertained.  
24 Additionally, Defendants are liable to Plaintiffs for compensatory damages under  
25 42 U.S.C. § 1983.

26 80. As a direct and proximate result of the defendants' aforementioned  
27 conduct, the Plaintiffs, successors-in-interest for Mr. ESSEX, set forth that the  
28 defendants are liable to them for damages including but not limited to funeral and

1 burial related expenses, and damages to provide for the Plaintiffs' deprivation and  
2 injury as a result of the loss of the Mr. ESSEX's support, company, comfort,  
3 counsel, familial relations, aid, association, care and services.

4 **FOURTH CLAIM FOR RELIEF**

5 **14<sup>th</sup> AMENDMENT-STATE CREATED DANGER**

6 **(Asserted by Plaintiffs Against Defendants DOHERTY, ROMAN, DOE 1 and**  
7 **DOES 2-10)**

8  
9 81. Plaintiffs hereby repeat, re-state, and incorporate each and every  
10 allegation in paragraphs 1 through 80 of this Complaint with the same force and  
11 effect as if fully set forth herein.

12 82. Under the Fourteenth Amendment, DECEDENT had the constitutional  
13 right to be free from defendants' affirmative action of placing him in a position of  
14 actual, particularized danger. In this case, defendants knew of DECEDENT's  
15 medical distress. Mr. ESSEX's condition was known to jail and medical staff from  
16 the time of his arrest and through DOHERTY's examination of Mr. Essex upon  
17 his arrival at the jail.

18 83. Since his arrest, DECEDENT was in the defendants' care and custody,  
19 and as such, Defendants had an affirmative duty not to expose DECEDENT to  
20 more danger than he would have been prior to their encounter.

21 84. By blatantly failing to call an ambulance and/or otherwise ensure Mr.  
22 Essex safely arrived at the hospital, when it is obvious he needed to be  
23 hospitalized, by depriving him of access to his insulin which was confiscated from  
24 him upon arrest, and by abandoning him outside of the jail without his insulin and  
25 while he was medically unstable, Defendants made affirmative decisions which  
26 placed the Decedent in a position far worse than he was before being placed into  
27 the custody and care of the defendants.

28

1 85. Defendants’ affirmative acts created a foreseeable risk that DECEDENT  
2 would be in grave danger and/or die without ensuring he received proper medical  
3 treatment and referral to a higher level of care.

4 86. Accordingly, Defendants each are liable to Plaintiffs for compensatory  
5 and punitive damages under 42 U.S.C. § 1983 and the 14<sup>th</sup> Amendment, as well as  
6 for wrongful death damages.

7  
8 **FIFTH CLAIM FOR RELIEF**

9 **14<sup>th</sup> AMENDMENT-INTERFERENCE WITH FAMILIAL RELATIONS**  
10 **(Asserted by all Plaintiffs Against all named individual Defendants and**  
11 **DOES 2-10)**

12  
13 87. Plaintiffs repeat, re-state, and incorporate each and every allegation in  
14 paragraphs 1 through 86 of this Complaint with the same force and effect as if  
15 fully set forth herein.

16 88. DELBERT ESSEX had a cognizable interest under the Due Process Clause  
17 of the Fourteenth Amendment of the United States Constitution to be free from  
18 state actions that deprive him of life, liberty, or property in such a manner as to  
19 shock the conscience, including but not limited to unwarranted state interference  
20 in Plaintiff’s familial relationship with his daughter ELICIA ESSEX and wife  
21 KRISTINA ESSEX.

22 89. Plaintiff ELICIA ESSEX had a cognizable interest under the Due Process  
23 Clause of the Fourteenth Amendment of the United States Constitution to be free  
24 from state actions that deprive her of life, liberty, or property in such a manner as  
25 to shock the conscience, including but not limited to unwarranted state  
26 interference in Plaintiff’s familial relationship with her father, DELBERT ESSEX.

27 90. Plaintiff KRISTINA ESSEX had a cognizable interest under the Due  
28 Process Clause of the Fourteenth Amendment of the United States Constitution to  
be free from state actions that deprive her of life, liberty, or property in such a

1 manner as to shock the conscience, including but not limited to unwarranted state  
2 interference in Plaintiff's familial relationship with husband, DELBERT ESSEX.  
3 91. The aforementioned actions of Defendants, along with other undiscovered  
4 conduct, shock the conscience, in that they acted with deliberate indifference to  
5 the constitutional rights of Mr. ESSEX and Plaintiffs, and with deliberate  
6 indifference and purpose to harm unrelated to any legitimate law enforcement  
7 objective.

8 92. As a direct and proximate result of these actions, Mr. ESSEX  
9 experienced pain and suffering and eventually died. Defendants thus violated the  
10 substantive due process rights of Plaintiffs to be free from unwarranted  
11 interference with their familial relationship with Mr. ESSEX.

12 93. As a direct and proximate cause of the acts of Defendants, Plaintiffs  
13 suffered emotional distress, mental anguish, and pain. Plaintiffs have also been  
14 deprived of the life-long love, companionship, comfort, support, society, care, and  
15 sustenance of Mr. ESSEX, and will continue to be so deprived for the remainder  
16 of their natural lives.

17 94. As a result of their misconduct, Defendants are liable for Mr. ESSEX's  
18 injuries, either because they were integral participants in the use of excessive  
19 force and failure to provide medical care, or because they failed to intervene to  
20 prevent these violations.

21 95. Defendants' conduct was willful, wanton, malicious, and done with reckless  
22 disregard for the rights and safety of Mr. ESSEX and Plaintiffs and therefore  
23 warrants the imposition of exemplary and punitive damages as to the individual  
24 Defendants.

25 96. Plaintiffs bring this claim both individually and seek wrongful death and  
26 14<sup>th</sup> amendment parental rights damages under this claim. Plaintiffs also seeks  
27 punitive damages and attorneys' fees under this claim.  
28

**SIXTH CLAIM FOR RELIEF**

**NEGLIGENCE**

**(Against Defendants DOHERTY, ROMAN, DOE 1, COUNTY, and DOES 2-10)**

97. Plaintiffs repeat, re-state, and incorporate each and every allegation in paragraphs 1 through 96 of this Complaint with the same force and effect as if fully set forth herein.

98. Defendants DOHERTY, ROMAN, DOE 1, COUNTY, and DOES 2-10, and each of them, have a duty to operate and manage the Imperial County Jail in a manner so as to prevent the acts and/or omissions alleged herein. Said defendants owed ESSEX, as an inmate in defendants’ custody, care and control, a duty of due care to protect his health and physical safety.

99. Defendants DOHERTY, DOE 1, ROMAN, COUNTY, and DOES 2-10 were negligent and their conduct fell below a reasonable standard of care when they failed to discharge their duties as jail deputies to Mr. ESSEX. It was foreseeable that as a result of Defendants' acts and omissions, as described above, Mr. ESSEX’s symptoms would worsen, resulting in his physical injury, suffering, and death. Defendants' breach proximately caused injuries and damages to Mr. ESSEX as Plaintiffs claim herein.

100. As a direct and proximate result of the defendants’ aforementioned conduct, the Plaintiffs set forth that the defendants are liable to her for damages including but not limited to funeral and burial related expenses, and damages to provide for the Plaintiff’s deprivation and injury as a result of the loss of Mr. ESSEX’s support, comfort, counsel, familial relations, aid, association, care and services.

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**SEVENTH CLAIM FOR RELIEF**

**BANE ACT C.C. 52.1 Et Seq. (State)**

**(Asserted by Plaintiffs individually and On behalf of the Estate of DELBERT ESSEX Against all individual named Defendants, NAPHCARE, COUNTY and DOES 2-10)**

101. Plaintiff hereby repeat, re-state, and incorporate each and every allegation in paragraphs 1 through 100 of this Complaint with the same force and effect as if fully set forth herein.

102. California Civil Code, Section 52.1 (*the Bane Act*), prohibits any person from using violent acts or threatening to commit violent acts in retaliation against another person for exercising that person’s constitutional rights. However, under *Reese v. Cnty of Sacramento*, 888 F.3d 1030, 1042-4043 (9<sup>th</sup> Cir. 2018), the Bane Act does not require the “threat, intimidation or coercion’ element of the claim to be transactionally independent from the constitutional violation Alleged.

103. Specific intent does not require a showing that a defendant knew he was acting unlawfully; reckless disregard of the right at issue is all that is necessary <sup>1</sup>*Luttrell v. Hart*, 2020 WL 5642613.

104. On information and belief, Defendants while working for the COUNTY and/or NAPHCARE and acting within the course and scope of their duties, denied Mr. ESSEX necessary healthcare that could have prevented his death. All defendants were deliberately indifferent toward Mr. ESSEX when they, denied Mr. Essex access to his insulin after his arrest, chose not call an ambulance, and/or otherwise ensure his safe transport to a hospital for treatment.

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<sup>1</sup> Per *Luttrell*, if a Plaintiff adequately pleads a claim for deliberate indifference which requires a pleading of reckless disregard, then he was sufficiently alleged the “intent” element required for the Bane Act. Under *Reese*, “a reckless disregard for a person’s constitutional rights is evidence of a specific intent to deprive that person of that right. Some courts such as *Polance v. California* 2022 WL 1539784, at\*4 (N.D. Cal. May 16, 2022) have deemed the application of the Bane Act appropriate when there is a showing of deliberate indifference toward correctional inmates (“observing that “defendant who acts with deliberate indifference toward an inmate may satisfy the ‘threat, intimidation, or coercion’ element, as the custody context makes that violation especially coercive” and collecting

1 105. When Defendants committed the above acts, they acted with the specific  
2 intent required under the Bane Act. Defendants intentionally and spitefully  
3 committed the above acts to deny Mr. ESSEX the necessary healthcare that could  
4 have prevented his death.

5 106. Mr. ESSEX reasonably believed and understood that he was being denied  
6 the right to adequate healthcare.

7 107. Defendants successfully interfered with the above civil rights of Mr.  
8 ESSEX and Plaintiffs.

9 108. The conduct of Defendants was a substantial factor in causing Plaintiffs'  
10 harms, losses, injuries, and damages.

11 109. Defendants COUNTY and NAPHCARE are vicariously liable under  
12 California law and the doctrine of *respondeat superior*.

13 110. The conduct of Defendants was malicious, wanton, oppressive, and  
14 accomplished with a conscious disregard for Mr. ESSEX and Plaintiffs' rights,  
15 justifying an award of exemplary and punitive damages as to the defendants.

16 111. Plaintiffs bring this claim as a successor-in-interest to Mr. ESSEX, and seek  
17 survival damages under this claim. Plaintiffs also seek punitive damages and  
18 attorneys' fees under this claim.

19 **EIGHTH CLAIM FOR RELIEF**

20 **FAILURE TO SUMMON MEDICAL CARE - G.C. §845.6 AND §844.6**  
21 **(Against Defendants NAPHCARE, ROMAN, COUNTY, DOE 1, DOHERTY**  
22 **and DOES 2-10)**

23 112. Plaintiffs repeat, re-state, and incorporate each and every allegation in  
24 paragraphs 1 through 111 of this Complaint with the same force and effect as if  
25 fully set forth herein.

26 113. California Government Code § 845.6 creates an affirmative duty for jail  
27 staff "to furnish or obtain medical care for a prisoner in his custody." Mr. ESSEX  
28 desperately required prompt medical attention from Defendants. Defendants had

1 actual knowledge of Mr. ESSEX's need for immediate medical care and  
2 deliberately chose to not ensure Mr. ESSEX received proper medical care.  
3 Defendants failed to discharge the duty imposed upon them by California  
4 Government Code § 845.6. As a direct and proximate result of Defendants' acts  
5 and/or omissions, hereinabove described, Mr. ESSEX suffered severe the  
6 symptoms of his medical conditions and ultimately died.

7 114. Defendants are liable for their employees' breach of their duty to summon  
8 required immediate medical care while acting in the course and scope of their  
9 employment under the doctrine of respondeat superior.  
10

### 11 **PRAYER FOR RELIEF**

12  
13 WHEREFORE, Plaintiffs request entry of judgment in their favor and  
14 against all Defendant COUNTY, NAPHCARE, DOHERTY, ROMAN and DOE 1  
15 10, inclusive, as follows:

- 16 1. For compensatory damages according to proof including predeath  
17 pain and suffering, loss of life, loss of opportunity for life, all damages belonging  
18 to the estate of Delbert Essex, and wrongful death damages to Plaintiffs.
- 19 2. For punitive damages against the individual defendants in an amount  
20 to be proven at trial;
- 21 3. For interest;
- 22 4. For reasonable costs of this suit and attorneys' fees per 42 U.S.C.  
23 §1988; and C.C. 52.1 et seq.
- 24 5. For such further other relief as the Court may deem just, proper, and  
25 appropriate.

### 26 **DEMAND FOR JURY TRIAL**

27 Plaintiffs hereby demand a jury trial.  
28

1 Date: April 29, 2024

THE SEHAT LAW FIRM, PLC

2  
3 By: /s/ Jeffrey Mikel, Esq.  
4 Cameron Sehat, Esq.  
5 Attorneys for Plaintiffs,  
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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Elicia Essex, Kristina Essex, Estate of Delbert Essex

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Cameron Sehat, 949-825-5200, The Sehat Law Firm, 5100 Campus Dr., Ste 200; Newport Beach, cA 92660

DEFENDANTS

Imperial County, Norman, Naphcare, LLC, Doherty

County of Residence of First Listed Defendant Imperial

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

'24CV0763 WQHVET

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories and codes.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

1983 USC, 14th Am. of US Constitution

Brief description of cause:

In custody Deliberate Indifference to serious medical condition

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [ ] No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

April 29, 2024

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.