

CFB / Miller
9.7964

The Law Firm of
PHILIP STEPHEN FUOCO (PF 7362)
24 Wilkins Place
Haddonfield, NJ 08033
(856) 354-1100
Attorneys for Plaintiffs

AGNES E. WALLS, as Administratrix *Ad Prosequendum*, and General Administratrix of the Estate of Christopher L. Miller, Deceased,

Plaintiff,

v.

THE COUNTY OF CAMDEN, WARDEN ERIC TAYLOR, OFFICER HARRY SWEETEN, OFFICER TROY JONES, OFFICER WALTER RADLINGER, OFFICER GLEN TITUS, OFFICER DONALD SOUDER, OFFICER CHRISTOPHER BURCH, OFFICER J. DEFORGE, OFFICER DONOVAN WASHINGTON AND CCCF JOHN DOE OFFICERS, 1 through 7, AND CCCF JOHN DOE PERSONNEL 1 through 7,

Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CIVIL ACTION NO.

COMPLAINT AND JURY DEMAND

INTRODUCTION

1. This action is brought to redress deliberate and wanton violations of the rights of plaintiff's decedent, committed by defendants under color of state law while he was held at the Camden County Correctional Facility (hereinafter "CCCF"), resulting in his death.

JURISDICTION AND VENUE

- 2. This action is brought pursuant to 42 U.S.C. §1983, and the law of New Jersey.
- 3. Jurisdiction is founded on 28 U.S.C. §1331, §1343(3)(4) and §1367.

4. Plaintiff invokes the supplemental jurisdiction of this court to consider claims arising under state law inasmuch as each such claim arises out of the same nucleus of operative facts which gave rise to plaintiff's federal claims.

5. This action was commenced within two years of the date of the decedent's death.

6. The violations occurred in the County of Camden, State of New Jersey.

PARTIES

7. Plaintiff, the Administratrix *Ad Prosequendum* and General Administratrix for The Estate of Christopher Miller, deceased, brings this action to recover damages for the injuries suffered by Christopher Miller as a result of the actions of defendants and fictitious persons and entities. She also brings this action to recover damages for the wrongful death of Christopher Miller for the benefit of the persons entitled to take intestate personal property of decedent, who have suffered pecuniary injury, including the loss of Christopher Miller's financial support, companionship, advice, and guidance, and have incurred hospital, medical and funeral expenses. N.J.S.A. 2A:31-1, *et seq.*

8. Defendant County of Camden is a political sub-division of the State of New Jersey and at all times relevant hereto employed defendants Warden Eric Taylor, Officer Harry Sweeten, Officer Troy Jones, Officer Walter Radlinger, Officer Glen Titus, Officer Donald Souder, Officer Christopher Burch, Officer J. DeForge and Officer Donovan Washington and CCCF John Doe Officers, and CCCF John Doe Personnel.

9. Eric Taylor was, at all times relevant to this complaint, as a result of his position at CCCF, a policy making official of Camden County, and Warden of the CCCF. He is sued in his official and individual capacity.

10. Correctional Officers Harry Sweeten, Troy Jones, Walter Radlinger, Glen Titus, Donald Souder, Christopher Burch, J. DeForge and Donovan Washington were, upon information and belief, on duty during the period that Christopher Miller was in cell 48, Tier 2SA. Each knew or should have know of Miller's vulnerability to suicide; each was asked for help by Miller and/or ignored his pleas. They are sued in their individual capacities.

11. John Doe correctional officers or other CCCF personnel who were on duty on Tier 2SA from noon on January 7, 2005 through the time of Christopher Miller's death at or about 10:00 a.m. on January 8, 2005; they worked on Tier 2SA during the 0800-1600;1600-2400[midnight]; 2400[midnight] to 0800, and 0800-1600 shifts January 7-8,2005.(Some may be named in the paragraph above). Each knew or should have known of Miller's vulnerability to suicide; was asked for help by Miller and/or ignored his pleas. They are sued in their individual capacities.

12. All defendants, at all times relevant hereto, acted under color of state law.

FACTS GIVING RISE TO THE CAUSE OF ACTION

The Tragic Death of Christopher Miller

13. Christopher Miller was arrested, charged and unable to make bail on January 5, 2005.

14. At or about the time of his arrest, the arresting police officers, upon exercise of appropriate observation as enhanced by their training, determined that Christopher Miller was liable to harm himself as a potential suicide risk.

15. The arresting officers immediately took Mr. Miller to the JFK Crisis Center. Mr. Miller was observed there, seen by a psychiatrist and released to the custody of the CCCF at or about 1:45 a.m. on Thursday, January 6, 2005.

16. Christopher Miller arrived at the CCCF at 2:45 a.m. and was placed in a holding cell pending intake and classification.

17. While in the holding cell Mr. Miller threatened to hang himself and began removing his shoelaces for that purpose.

18. The correctional officers on duty recognized that Christopher Miller was in immediate danger, and handcuffed Mr. Miller to a bench.

19. Christopher Miller was known, or should have been known, to CCCF correctional, medical, and mental health personnel.

20. Mr. Miller was incarcerated on at least three prior occasions at the CCCF, which incarcerations resulted in a substantial body of medical, mental health and other records, all of which, when taken as a whole, would establish that Mr. Miller was a suicide risk.

21. These records included, *inter alia*, : admissions, intake and classification files from March 7, 2004, March 24, 2004 and July 12, 2004; and medical files from March 7, 2004, March 24, 2004 and July 12, 2004.

22. Upon information and belief, the CCCF, and its medical contractor CFG, LLC have additional records that provided further insight into Mr. Miller's fragile state.

23. Thereafter Christopher Miller completed intake forms that left no doubt about his mental state, his medical condition and his need for special attention and protection to prevent his death from his own hand.

24. At or about 10:00 a.m. on January 6, 2005, Christopher Miller was placed on suicide watch.

25. Yet by 12:00 noon on January 7, 2005, without seeing a psychiatrist, and having no

medical determination of his ability to protect himself, Mr. Miller was taken off suicide watch.

26. After being taken off suicide watch Mr. Miller remained confined in the Mental Health Unit, Tier 2SA, at CCCF because of his serious and fragile mental health condition, which included an enhanced risk of suicide *vis a vis* the general population.

27. Despite his fragile condition, and as a direct and proximate result of Camden County's custom, practice and policy of maintaining a seriously overcrowded facility, to include the Mental Health Unit, Mr. Miller was placed in a cell, originally constructed to house one inmate, with three (3) other inmates.

28. Despite his fragile condition, and as a direct and proximate result of Camden County's unconstitutional policy of under staffing the CCCF, and the Mental Health Unit in particular, observation of Mr. Miller was reduced such as to facilitate his taking his own life.

29. Despite his fragile condition, Mr. Miller was placed in a cell which Camden County knew was inadequately designed and provided increased opportunity for Mr. Miller to commit suicide without being detected, because there was only a small window in an otherwise solid cell door available to observe the crowded conditions within the cell.

30. Mr. Miller was taken off suicide watch and subjected to the unconstitutional conditions set out above, at or about 12:00 noon on January 7, 2005.

31. Thereafter, Mr. Miller repeatedly told CCCF corrections personnel that he again was going to kill himself.

32. In the last 24 hours of his life, Mr. Miller was enduring heroin withdrawal; in pain, he repeatedly asked to be able to take a shower, which was known to relieve some of his symptoms.

33. It was reported that correctional officers on duty not only refused his request but

laughed, and made fun of him.

34. Thereafter, unable to relieve his pain and suffering and subjected to the ridicule of those in charge of his personal well being, Mr. Miller begged CCCF corrections personnel to again place him in restraints, so as to prevent him from taking his own life.

35. The correctional officers to whom Miller asked for help on this occasion, turned a deaf ear to his entreaties and ignored his prayer for help.

36. In part as a result of the unconstitutional over crowding conditions, the CCCF personnel ignored these repeated threats of suicide.

37. In part as a result of the unconstitutional staffing problems tolerated by Camden County, CCCF personnel ignored Mr. Miller's repetitive threats of suicide.

38. Tragically, less than 24 hours after Christopher Miller was subjected to the unconstitutional conditions described above, he was found dead- naked and hanging by his CCCF jumpsuit- by his cellmates, who alerted CCCF personnel.

39. The overcrowding, inadequate staffing, and inadequate design of the door of the cell, all facilitated the suicide of Christopher Miller.

40. A cell mate of Miller reported that in the 24 hours before his death, Mr. Miller twice tied his CCCF jumpsuit around his neck; and twice his cell mate saved his life; on the last occasion his cell mate was asleep and unable to stop him.

41. Mr. Miller was hanging for at least 25 minutes without being noticed by CCCF personnel. Nor had they seen either of his two earlier attempts.

42. The inadequate design of the cell door was a serious deficiency that created a substantial risk that injury or death would result to Christopher Miller.

43. The understaffing was a serious deficiency that created a substantial risk that injury or death would result to Christopher Miller.

44. The overcrowding was a serious deficiency that created a substantial risk that injury or death would result to Christopher Miller.

45. Warden Eric Taylor is a policy making official of Camden County. It was his:

- a. Policy, custom and practice to operate an overcrowded facility;
- b. Policy, custom and practice to operate an understaffed Mental Health Unit;
- c. Policy, custom and practice to continue the use of cell doors that made it impossible to observe the person(s) in the cell.

46. Each policy, custom and/or practice was unconstitutional.

47. Each contributed to the death of Christopher Miller.

48. CCCF personnel on duty between 12:00 noon on January 7, 2005 and the time of Christopher Miller's death in the Mental Health Unit (Tier 2SA):

- a. Knew of Christopher Miller's vulnerability to suicide; and
- b. Failed to act despite knowledge of a substantial risk of serious harm to Mr. Miller.

49. Christopher Miller, during his period of incarceration at CCCF, was mentally ill and had suffered, and continued to suffer from, drug withdrawal, depression and suicidal tendencies.

50. CCCF personnel knew or should have known of Mr. Miller's serious medical and mental health conditions that inter alia, rendered him particularly vulnerable to harming himself.

51. Moreover, they ignored the repeated statements of Mr. Miller in the last 24 hours of his life that he intended to harm himself.

52. Despite knowledge of Mr. Miller's particular vulnerability to suicide, the CCCF personnel on duty when he was in cell 48 on Tier 2SA, exhibited such callousness to Mr. Miller's statements as to establish a reckless and deliberate indifference to his serious mental/medical condition.

53. The CCCF personnel's callousness and deliberate indifference and failure to act directly contributed to the death of Christopher Miller.

A Pattern of Inaction and Inadequate Supervision

54. Upon information and belief, numerous other incidents of attempted suicide, assault and other physical harm and abuse have taken place on Tier 2SA or in other CCCF areas where mentally unstable inmates were housed, both before and after the suicide death of Mr. Miller.

55. Yet the County and Warden Taylor - through overcrowding, under staffing and the continued use of the cell doors that do not permit observation of the interior of the cells - permitted a policy, practice and custom of inadequate supervision of inmates housed in the mental health ward to exist.

56. The inaction of the Warden and the County, particularly in light of prior instances of inadequate supervision of inmates in the mental health ward, established a pattern, practice, custom and policy of deliberate indifference to the inmates' security and well being.

57. In support of this allegation, plaintiff avers that, on or about January 27, 2004, less than one year before Christopher Miller's suicide, an inmate was brutally beaten to death on Tier 2SA in the mental health ward of CCCF.

58. Thereafter, an investigative report was conducted and substantial recommendations published outlining certain aspects of the operation of the CCCF, which contributed to the death

of the inmate [hereinafter the Waldman Report].

59. That report was published and circulated to the Camden County Officials and the Warden on or before September 20, 2004, some four (4) months before Christopher Miller was allowed to commit suicide.

60. Most, if not all, of the deficiencies found in the Waldman Report still existed at the time of Christopher Miller's death.

61. The deficiencies found by the Waldman Report contributed to the death of Christopher Miller.

62. The County and Warden Eric Taylor ignored and/or acted with deliberate indifference regarding the serious deficiencies identified in the Waldman Report.

63. In the alternative, the County and Warden Taylor refused to allocate and/or expend the monies necessary to correct the deficiencies found by the Waldman Report.

64. As recognized in the Waldman report, solutions to the above problems are often controversial and expensive, and the population of mentally ill offenders do not have a strong constituency.

65. No matter, the denial of constitutional rights and protections cannot be justified by budgetary constraints.

66. Camden County and Warden Taylor, operating the CCCF under the conditions set forth above, engaged in a pattern, practice, policy and custom of inadequate monitoring of mentally ill inmates, including suicidal detainees, which violated their Fourteenth Amendment rights.

67. Alternatively, the above facts evidence a governmental custom even though such a

custom never received "formal" approval through official decision making channels.

68. Alternatively, an official policy may be inferred from the informal acts and omissions of Warden Taylor and other supervisory governmental officials.

69. Alternatively, in the face of the serious consequences of not acting or correcting the deficiencies found by the Waldman Report, "no policy" was in fact an unconstitutional policy.

70. Moreover, in light of previous incidents in the CCCF, including the death of Jonathan Seidel, the need for more or different training of correctional officers was obvious.

71. The failure to follow the recommendations of the Waldman Report and/or the inadequate response to the Waldman Report was so likely to result in the violations of constitutional rights of CCCF inmates on Tier 2SA that the policy makers of Camden County and Warden Taylor have been deliberately indifferent to the rights of Christopher Miller and other inmates held on Tier 2SA.

72. Sadly, Christopher Miller was not the last CCCF inmate to suffer the consequences of the official indifference of Camden County officials; less than one month later on February 4, 2005, Rodney Bacchues committed suicide while on Tier 2SA at the CCCF.

73. The above incidents reflect a deliberate or conscious choice by Warden Taylor and/or the County of Camden.

74. Moreover, the above pattern of inaction and inadequate supervision of officers and inmates on Tier 2SA communicated a message of approval of the mistreatment and official indifference to the plight of inmates suffering from mental illness, to the correctional officers serving on Tier 2SA.

COUNT I

42 U.S.C. §1983

75. Plaintiff incorporates all preceding paragraphs as though fully set forth at length herein.

76. During his incarceration beginning on January 6, 2005, Mr. Miller suffered deprivations of his rights by persons acting under color of law.

77. Such deprivations were caused by defendants' deliberate indifference to the protection of the rights, privileges and immunities guaranteed by the Constitution and laws of the United States.

78. Such indifference consists, inter alia, of the following:

- a. Failure to exercise due care under the circumstances;
- b. Failure to properly train officers, including training as to their duty to provide basic care for persons in their custody and/or the manner in which this duty is to be carried out;
- c. Failure to adequately supervise and discipline officers;
- d. Failure to take adequate precautions in the hiring and retention of correctional officers, thus evidencing deliberate indifference to the rights of citizens.
- e. Employing policies, customs or practices which deprive citizens of life, liberty and property without the procedural and substantive due process secured by the Fourth and Fourteenth Amendments;
- f. Employing policies, customs or practices, as set out above, which violate the right to be free of unreasonable seizures, including unreasonable treatment during custody prior

to arraignment, as guaranteed by the Fourth and Fourteenth Amendments.

g. Failing to provide a custodial situation that is free from a state created dangerous situation, but rather rendered Mr. Miller more vulnerable to danger had he not been in the custody and control of defendant authorities.

79. The individual and governmental defendants repeatedly ignored warnings of the serious life-threatening dangers existing at the CCCF, thus, through official action, placed and held plaintiff in a position of danger.

80. Moreover, despite actual knowledge of the fragile state of Mr. Miller, defendants refused to provide him with protection from harm.

81. The actions of defendants played a substantial role in the creation of the danger and harm that eventually befell Mr. Miller.

82. The behavior of the defendants was so patently egregious, so outrageous, that it shocks the contemporary conscience.

83. The above actions were affirmatively undertaken under color of law and caused plaintiff to suffer a deprivation of rights, privileges and immunities secured by the Constitution and laws of the United States.

84. As the direct and proximate result of the above conduct, Mr. Miller suffered emotional distress, mental anguish, extreme embarrassment, injury and death in violation of his rights under the laws and Constitution of the United States; in particular the Fourth, Fifth, and Fourteenth Amendments thereof and 42 U.S.C. §1983.

COUNT II

42 U.S.C. §1983

WARDEN ERIC TAYLOR

85. Plaintiff incorporates all preceding paragraphs as though fully set forth at length herein.

86. The actions of defendant Taylor were committed under color of law and deprived the Mr. Miller of rights, privileges and immunities secured to him by the Laws and Constitution of the United States, including, *but not limited to*:

a. the right to protection from deprivation of life and liberty without the procedural and substantive due process secured by the Fifth and Fourteenth Amendments;

b. the right to be free of unreasonable seizures, including unreasonable treatment during official custody prior to arraignment, as guaranteed by the Fourth Amendment.

87. As the direct and proximate result of the above described unlawful and deliberate acts of defendant Taylor, Mr. Miller suffered emotional distress, mental anguish, extreme embarrassment, injury and death in violation of his rights under the laws and Constitution of the United States; in particular the Fourth, Fifth, and Fourteenth Amendments thereof and 42 U.S.C. §1983.

COUNT III

42 U.S.C. §1983

**OFFICER HARRY SWEETEN, OFFICER TROY JONES, OFFICER WALTER
RADLINGER, OFFICER GLEN TITUS, OFFICER DONALD SOUDER, OFFICER
CHRISTOPHER BURCH, OFFICER J. DEFORGE, OFFICER DONOVAN
WASHINGTON AND CCCF JOHN DOE OFFICERS, 1 through 7, AND
CCCF JOHN DOE PERSONNEL 1 through 7**

88. Plaintiff incorporates all preceding paragraphs as though fully set forth at length herein.

89. Plaintiff's decedent died at the CCCF; she has made diligent and substantial efforts to learn the actual circumstances surrounding her son's death - with little success. Investigation reveals that the above correctional officers had some contact with him in his last hours; defendant correctional officers and their superiors have the sole ability to come forth with information as to who among them knew of Mr. Miller's threats of suicide and pleas for help. The doctrine of *res ipsa loquitur* places the burden on defendants to disprove their responsibility.

90. The actions of defendants were committed under color of law and deprived Mr. Miller of rights, privileges and immunities secured to him by the Laws and Constitution of the United States, including *but not limited to* the following:

- a. The right to protection from deprivation of life and liberty without the procedural and substantive due process secured by the Fifth and Fourteenth Amendments;
- b. The right to be free of unreasonable seizures, including unreasonable treatment

during official custody prior to arraignment, as guaranteed by the Fourth and Fourteenth Amendments.

91. Despite knowledge of Mr. Miller's particular vulnerability to suicide, the CCCF personnel on duty when he was in cell 48 on Tier 2SA, exhibited a callousness to Mr. Miller's statements such as to exhibit a reckless and deliberate indifference to his serious mental/medical condition.

92. As the direct and proximate result of the above described unlawful and malicious acts of defendants, Mr. Miller suffered emotional distress, mental anguish, extreme embarrassment, injury and death in violation of his rights under the laws and Constitution of the United States; in particular the Fourth and Fourteenth Amendments thereof and 42 U.S.C. §1983.

93. At all times, the conduct of defendants were intentional, wanton and/or undertaken in reckless disregard of plaintiff's rights.

94. As the direct and proximate result of the above described unlawful and malicious acts of defendants, Mr. Miller suffered injuries in violation of his rights under the laws and Constitution of the United States; in particular the Fourth and Fourteenth Amendments thereof; all in violation of 42 U.S.C. §1983.

COUNT IV

Breach of Duty to Protect Arising Under

Restatement of Torts § 314 A(1)(4)

95. Plaintiff incorporates all preceding paragraphs as though fully set forth at length herein.

96. By the actions described herein, the defendants voluntarily took custody of Mr. Miller under circumstances such as to deprive Mr. Miller of his normal opportunities for self-protection.

97. By exercising complete control over Christopher Miller's person, the defendants were under a special duty to take reasonable action to protect Christopher Miller against unreasonable risks of physical harm, including suicide.

98. The defendants breached that duty by failing to exercise reasonable care to protect Mr. Miller from such physical harm.

99. Those breaches of the duty were both a cause in fact and a proximate cause of Mr. Miller's injuries and death.

COUNT V

NEGLIGENCE

100. Plaintiff incorporates all preceding paragraphs as though fully set forth at length herein.

101. Defendants recklessly, carelessly and negligently seized and detained Mr. Miller, injured him, assaulted and/or allowed him to be injured and failed to protect him when under a duty to do so.

102. At all times, defendants owed a duty to Mr. Miller to exercise reasonable care, *inter alia*, in their physical interaction with Mr. Miller, their physical treatment of Mr. Miller and in carrying out their duty to protect him while in their custody.

103. This is especially true where, as here, it was reasonably foreseeable that the failure to exercise such care would lead to physical injury and death.

104. Defendants also owed a duty of reasonable care to refrain from imprisoning Mr. Miller without having exercised the standard of care that would be exercised by reasonably prudent persons under similar circumstances.

105. By the acts described herein, defendants have each breached these duties.

106. Each of these breaches was both a proximate cause and a cause in fact of Mr. Miller's damages.

COUNT VI

Respondent Superior

The Camden County Defendants

107. Plaintiff incorporates all preceding paragraphs as though fully set forth at length herein.

108. At all times, defendant Camden County was the employer of defendant Warden Taylor who caused the death of Christopher Miller and/or failed to take reasonable steps to protect him.

109. At all times relevant hereto Taylor and Camden County employed defendants, Officer Harry Sweeten, Officer Troy Jones, Officer Walter Radlinger, Officer Glen Titus, Officer Donald Souder, Officer Christopher Burch, Officer J. DeForge, Officer Donovan Washington and CCCF John Doe Officers, and CCCF John Doe Personnel who caused the death of Christopher Miller and/or failed to take reasonable steps to protect him.

110. At all times, each of these Camden County employees was acting within the scope of their employment when they committed the acts described herein, including any actions which may be found to have been negligent, careless or reckless.

111. In addition to any other liability which may attach to defendants for the actions alleged herein, the Camden County defendants are liable for all damages caused by any such negligence or recklessness on the part of any of their employees.

112. The Camden County defendants are also liable for punitive damages for the actions of any high-ranking employees, and/or if the Camden County defendants specifically ratified the actions of its employees.

COUNT VII

Negligent Supervision, Hiring and/or Training

113. Plaintiff incorporates all preceding paragraphs as though fully set forth at length herein.

114. The Camden County defendants and Warden Taylor owed Mr. Miller a duty to use reasonable care in supervising their employees and in setting forth procedures that would eliminate the horrendous circumstances in this case.

115. That duty was breached in this case.

116. Adequate supervision in this case would have prevented the violations set forth herein.

117. In addition, the Camden County defendants and Warden Taylor owed Mr. Miller a duty to use reasonable care in training their employees in the duties necessary for their positions.

118. Upon information and belief, the County defendants breached that duty by failing to provide adequate training which would have prevented these circumstances.

119. These defendants also owed Mr. Miller a duty of care in the hiring of employees qualified for their positions.

120. Upon information and belief, the defendants breached that duty by failing to exercise reasonable care in the hiring of their employees.

121. The breach of these duties was both a proximate cause and a cause in fact of Mr. Miller's death.

WHEREFORE, plaintiff demands judgment against defendants jointly, severally, or in the alternative:

- a. For compensatory, exemplary and punitive damages in an amount to be determined;
- b. For attorneys fees, costs of suit, interest and pre-judgment interest;
- c. For injunctive relief requiring defendants Camden County and Warden Taylor to establish constitutional policies regarding custody and supervision of mentally ill inmates;
- d. For such other and further legal and equitable relief as the court may deem appropriate.

JURY DEMAND

Plaintiff hereby demands a trial by jury as to all issues.

The Law Firm of
PHILIP STEPHEN FUOCO

BY: _____

Philip Stephen Fuoco
Joseph A. Osefchen

Dated: December 13, 2006

FOR SETTLEMENT PURPOSES ONLY CONFIDENTIAL-JOINT PROSECUTION –

Re: Walls v. County of Camden, et al.
Civil Action No. 06-5961 (JED)

Outline of the Settlement with Camden County

Camden County ["County"] to pay Plaintiff, Agnes Walls [Plaintiff] \$400,000; subject to the following conditions:

1. In return for a full and complete release, the County will pay \$300,000 immediately;
2. Thereafter, Plaintiff will file direct claims against CFG and Steininger;
3. Plaintiff and the County will jointly prosecute the litigation against the third party defendants, and Camden County will advance all monies needed to prosecute the continuing litigation-provided however, that Plaintiff's counsel shall not expend more than \$50.00 on any given expense without obtaining prior approval from County Counsel. If necessary the County will assign its claims against third party defendants to plaintiff-so as to facilitate the joint prosecution. The goal of the joint prosecution will be to obtain contribution from one or more of the third party defendants to the total settlement.
4. Any monies obtained from the third party defendants will be applied as follows: first, to satisfy the \$400,000 obligation of the above settlement of Camden County; second, to pay any costs advanced by Plaintiff or Camden County; third, any additional monies will be paid over to Plaintiff to satisfy any claim for attorneys fees incurred after December 1, 2007; fourth, if there are there any additional monies obtained from the third party defendants, the sums will be paid over to Camden County up to a total of \$200,000; any monies thereafter remaining will be divided equally between Plaintiff and Camden County.
5. Plaintiff's counsel, with prior notice and in consultation with Camden County counsel, retains the option to dismiss any claims hereinafter filed against the third party defendants;
6. Should this matter be concluded, either by settlement, judicial decision, or jury verdict while leaving some amount less than \$400,000 unpaid to Plaintiff, Camden County agrees to pay over to Plaintiff an amount necessary to equal the total of \$400,000 set out in the preamble here to.

Richard A. Stephen F. Proce
July 15, 2008
for Plaintiff

Howard L. Goldberg
ASST. COUNTY COUNSEL
FOR DEFENDANT CAMDEN COUNTY
7/16/08

RELEASE

THIS RELEASE, dated _____ is given by the Releaser the County of Camden,

TO: Steininger Behavioral Care Services and CFG Health Systems, LLC,

If more than one person signs this Release, "T" shall mean each person who signs this Release.

1. **Release.** The County of Camden releases and gives up any and all claims and rights which they may have against you. This releases all claims including those of which The County of Camden is not aware and those not mentioned in this Release. This Release applies to claims resulting from anything which has happened up to now. The County of Camden specifically releases the following claims:

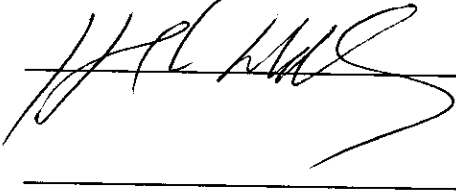
Any and all claims arising out of this third-party action known as *Agnes E. Walls, as Administratrix Ad Prosequendum, and General Administratrix of the Estate of Christopher L. Miller, Deceased v. The County of Camden, et al. v. CFG Health Systems, LLC; Steininger Behavioral Care Services, et al.* in the United States District Court, For the District of New Jersey, Camden Vicinage, under Civil Action No. 06-5961, arising out of an incident which occurred on January 7, 2005, whereby Christopher Miller died by suicide while incarcerated at the Camden County Correctional Facility, in Camden, New Jersey, including but not limited to, all claims for expenses, attorney's fees and for any and all claims which could have been made a part of or joined in said action. The aforesaid sum shall be paid in full and final satisfaction of all claims of the third-party plaintiff against the third-party defendants, Steininger Behavioral Care Services and CFG Health Systems, LLC, their agents, servants and employees, and in satisfaction of all claims asserted against any of them by any person in connection with the event giving rise to this litigation. This settlement is not an admission of liability on the part of the third-party defendants, but is made for the purpose of amicably settling this litigation and to avoid the risks and cost of litigation.

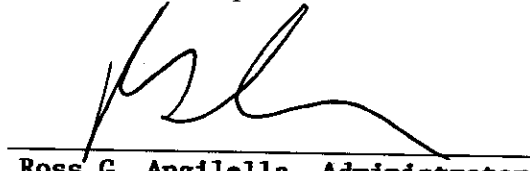
2. **Payment.** The County of Camden has been paid a total of \$150,000.00; \$100,000.00 on behalf of Steininger Behavioral Services and \$50,000.00 on behalf of CFG Health Systems, LLC, in full and final payment for making this Release. The County of Camden agrees that it will not seek anything further including any other payment from you.

3. **Who is Bound.** The County of Camden is bound by this Release. Anyone who succeeds to my rights and responsibilities, such as my heirs or any other executor of this or any estate, is also bound. This release is made for your benefit and all who succeed to your rights and responsibilities, such as your heirs or the next executor of this or my estate.

4. **Signatures.** I understand and agree to the terms of this Release. If this Release is made by a corporation its proper corporation officers sign and its corporate seal is affixed.

Witnessed or Attested by:





Ross G. Angilella, Administrator, County of Camden (L.S.)

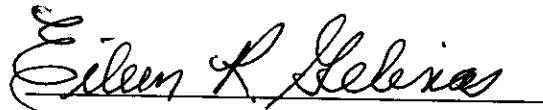
(L.S.)

STATE OF NEW JERSEY

COUNTY OF CAMDEN

I certify that on 12-3-09, personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) is named in and personally signed this document; and
- (b) signed, sealed and delivered this document as his or her act and deed.

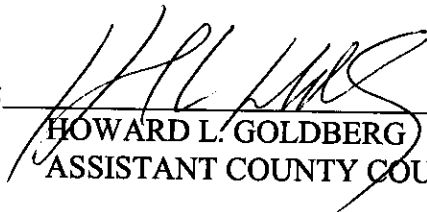


Eileen R. Gelinas
Notary Public of New Jersey
My Commission Expires 3-10-14

PREPARED BY:

OFFICE OF COUNTY COUNSEL
520 MARKET STREET - 14TH FLOOR COURTHOUSE
CAMDEN, NEW JERSEY 08102-1375

BY:



HOWARD L. GOLDBERG
ASSISTANT COUNTY COUNSEL