

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

Jamie M. Bell, as Administrator Ad :
Prosequendum and as :
Administrator of the :
Estate of Steven Charles Bell, Deceased :

Plaintiff :

v. :

Cumberland County :
and :
John and/or Jane Doe Medical Director :
of the Cumberland County Jail :

and :
John and/or Jane Doe (1- 10) Medical :
Doctors of the Cumberland County Jail :
and :

John and/or Jane Doe (1 - 10) Nurses of :
of the Cumberland County Jail :
and :

John and/or Jane Doe (1 -10) Corrections :
Officers of the Cumberland County Jail :
and :

CFG Health Systems, LLC :
and :

John and/or Jane Doe (1 - 10)CFG :
Health Systems, LLC Medical and :
Healthcare Professionals :
and :

Kenneth Lamcken :
and :
Glenn Saunders :
Defendants :

No. 1:09-cv-06485-JHR-JS

Jury Trial Demanded

PLAINTIFF'S AMENDED CIVIL ACTION COMPLAINT

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action against the Defendants pursuant to 42 U.S.C. §1983 as well as 28 U.S.C. §1331. This Court has jurisdiction over the pendant state law tort claims pursuant to 28 U.S.C. §1367(a).

2. Venue lies in this District because the Plaintiff and the Defendants are residents of the District of New Jersey and all of the acts complained of occurred within the District of New Jersey.

PARTIES

3. Plaintiff, Jamie M. Bell, as the duly-appointed Administrator Ad Prosequendum for the heirs at law and as Administrator of the Estate of Steven Charles Bell, ("Plaintiff's decedent"), is an adult citizen and resident of the State of New Jersey and resides at 2067 W. Oak Road, Vineland, NJ 08360. At all times relevant hereto, Plaintiff's decedent was a pretrial detainee at the Cumberland County Jail, a county correctional facility located at 54 W. Broad Street, P.O. Box 717, Bridgeton, NJ 08302.

4. Letters of Administration to act as Administrator Ad Prosequendum for purposes of prosecuting a claim for the heirs at law of Plaintiff's decedent against Defendants for his death were issued to Plaintiff by the State of New Jersey, Cumberland County Surrogate's Court, on or about March 19, 2009. Letters of Administration to act as Administrator of the Estate to bring this action on behalf of the Estate of Plaintiff's decedent against Defendants for his death were issued to Plaintiff by the State of New Jersey, Cumberland County Surrogate's Court, on or about December 29, 2009. Plaintiff brings this action on behalf of the Estate of Plaintiff's decedent and on behalf of heirs at law of Plaintiff's decedent: Matthew Bell (DOB: 9/2/01) and Steven Bell, Jr. (DOB: 8/26/02). Plaintiff will hereinafter be collectively referred to as "Administrator."

5. Defendant Cumberland County is a county of the State of New Jersey, duly organized as such under the laws of the State, and has offices located at Board of Freeholders, Administration Building, 790 East Commerce Street, Bridgeton, NJ 08302, and at all relevant times hereto acted by and through its agents, servants and/or employees. It is responsible for the policies, procedures, practices and customs promulgated, implemented and enforced at the Cumberland County Jail, through its various agencies, agents, departments, representatives, officials, and/or employees, and for any injuries occasioned to any pretrial detainee and/or inmate thereby.

6. Defendant John and/or Jane Doe is an individual who was at all relevant times hereto the Medical Director of the Cumberland County Jail, operating in the course and scope of his or her employment, and under color of state law. This Defendant is unknown to Plaintiff at this time but upon positive identification may be served where he or she may be found and his or her individual name added to this Complaint in accordance with the applicable federal rules. This Defendant will be referred to as John and/or Jane Doe Medical Director. At all times relevant hereto, John and/or Jane Doe Medical Director was responsible for the promulgation, implementation and/or enforcement of policies, procedures, practices and customs in the Cumberland County Jail. He or she was also responsible for the training and supervision of members of the medical staff working at the Cumberland County Jail.

7. Defendants John and/or Jane Does 1 - 10 are individuals who were at all relevant times hereto licensed and practicing medical doctors of the Cumberland County Jail, operating in the course and scope of their employment, and under color of state law. These Defendants are unknown to Plaintiff at this time but upon positive identification may be served where they may be found and their individual names added to this Complaint in accordance with the applicable federal

rules. These Defendants will be referred to as John and/or Jane Doe Medical Doctors.

8. Defendants John and/or Jane Does 1 - 10 are individuals who were at all relevant times hereto nurses of the Cumberland County Jail, operating in the course and scope of their employment, and under color of state law. These Defendants are unknown to Plaintiff at this time but upon positive identification may be served where they may be found and their individual names added to this Complaint in accordance with the applicable federal rules. These Defendants will be referred to as John and/or Jane Doe Nurses.

9. Defendants John and/or Jane Does 1 - 10 are individuals who were at all relevant times hereto corrections officers of the Cumberland County Jail, operating in the course and scope of their employment, and under color of state law. These Defendants are unknown to Plaintiff at this time but upon positive identification may be served where they may be found and their individual names added to this Complaint in accordance with the applicable federal rules. These Defendants will be referred to as John and/or Jane Doe Corrections Officers.

10. Defendant CFG Health Systems, LLC ("CFG Health Systems") is a physician-owned and operated private company that provides comprehensive medical and behavioral health services to correctional facilities and hospitals, and has offices located at 765 E. Route 70, Marlton, NJ 08053, and at all relevant times hereto acted by and through its agents, servants and/or employees. It is responsible for the policies, procedures, practices and customs with regard to the provision of medical care and treatment promulgated, implemented and/or enforced at the Cumberland County Jail through its various agencies, agents, departments, representatives, officials, and/or employees, including members of the medical staff, and for any injuries occasioned to any pretrial detainee and/or inmate thereby.

11. Among its services, CFG Health Systems provides telemedicine services, which is technology that allows for patient-to-provider interaction that closely replicates physically being present and allows for treatment for patients in locations distant from the primary care giver. Upon information and belief, Cumberland County Jail has been a client of CFG Health Systems since November 2006.

12. Upon information and belief, Defendant CFG Health Systems had an agreement and/or written contract with Defendant Cumberland County to provide comprehensive health and assessment services for pretrial detainees and/or inmates in custody at the Cumberland County Jail.

13. Defendants John and/or Jane Does 1 - 10, medical and healthcare professionals, at all times relevant hereto, were employed by CFG Health Systems as medical and/or healthcare professionals to provide on-site professional medical services, treatment and care to pretrial detainees and/or inmates in custody at the Cumberland County Jail in a timely, reliable and competent manner. These Defendants are unknown to Plaintiff at this time but upon positive identification may be served where they may be found and their individual names added to this Complaint in accordance with the applicable federal rules. These Defendants will be referred to as John and/or Jane Doe CFG Medical and Healthcare Professionals.

14. Defendant Kenneth Lamcken is is an individual who was at all relevant times hereto responsible for security and operations of the Cumberland County Jail, operating in the course and scope of his employment, and under color of state law. At all times relevant hereto, he was responsible for the promulgation and implementation of policies, procedures, practices and customs in the Cumberland County Jail. He was also responsible for the training and supervision of corrections officers working at the Cumberland County Jail.

15. Defendant Glenn Saunders is an individual who was at all relevant times hereto the Warden of the Cumberland County Jail, operating in the course and scope of his employment, and under color of state law. At all times relevant hereto, he was responsible for the promulgation and implementation of policies, procedures, practices and customs in the Cumberland County Jail. He was also responsible for the training and supervision of corrections officers, members of the medical staff, and all other employees working at the Cumberland County Jail.

16. On February 2, 2009, February 3, 2009, and February 5, 2009, Plaintiff served a Notice of Claim for damages regarding Plaintiff's decedent in the form prescribed by N.J.S.A. 59:8-4 upon the Cumberland County Jail; Glenn Saunders, Warden, Cumberland County Jail; Capt. Kenneth Lamcken, Security & Operations, Cumberland County Jail; Clerk, County of Cumberland; Cumberland County Board of Chosen Freeholders; Tort Claims Unit, Cumberland County; State of New Jersey-Department of Corrections; George W. Hayman, Commissioner, State of New Jersey-Department of Corrections; Attorney General, State of New Jersey; South Jersey Healthcare Regional Medical Center of South Jersey Health System; CFG Health Systems, LLC; City of Vineland Police Department, City of Vineland.

17. More than six (6) months have passed since the service of Plaintiff's Notices of Claims and Plaintiff's claims remain unsatisfied.

COMMON FACTS TO ALL DEFENDANTS

18. On December 31, 2007, due to an apparent domestic altercation, Plaintiff's decedent was arrested and taken to the Cumberland County Jail.

19. At all times relevant hereto, Plaintiff's decedent was housed at the Cumberland County Jail under a presumption of innocence as a pretrial detainee.

20. At all times relevant hereto, Plaintiff's decedent was under the care, custody and control of prison officials and/or corrections officers and/or medical staff at the Cumberland County Jail.

21. Upon information and belief, Plaintiff's decedent was at all times fully cooperative and noncombative while in the custody of prison officials and corrections officers at the Cumberland County Jail.

22. Plaintiff's decedent was alive, healthy and physically well upon his admission into the Cumberland County Jail, as well as in the morning and early afternoon hours of January 1, 2008.

23. Upon information and belief, on January 1, 2008, at approximately 2:30 pm, unidentified persons at the Cumberland County Jail found Plaintiff's decedent inside or near his holding cell unconscious and unresponsive.

24. When he was found, Plaintiff's decedent had severe head injuries consistent with being viciously and brutally beaten.

25. Upon information and belief, while in custody at the Cumberland County Jail, Plaintiff's decedent was viciously and brutally beaten and criminally assaulted about the head and body by one or more currently unknown assailants until he was rendered unconscious and unresponsive. Although unidentified at present, it is believed that the assailants could only have been corrections officers or, in the alternative, other inmates and/or pretrial detainees housed at the Cumberland County Jail.

26. As a result of the vicious, brutal and unprovoked beating, Plaintiff's decedent suffered an obviously traumatic head injury which required immediate and urgent medical care and treatment.

27. Upon information and belief, Plaintiff's decedent's was refused and/or denied medical assistance or aid by prison officials, corrections officers and/or medical staff for a substantial period of time before he was found unconscious and unresponsive in his holding cell.

28. Upon information and belief, after he was found in his cell unconscious and unresponsive, Plaintiff's decedent was laid on a portable stretcher in an undetermined location in the Cumberland County Jail presumably for the purpose of obtaining medical treatment.

29. Upon information and belief, Defendants did not render adequate, proper, appropriate or timely medical treatment or care to Plaintiff's decedent even after he was found in his holding cell and in spite of the significant head injuries he had obviously suffered.

30. Prison officials did not render emergency aid and/or rendered inadequate care and unreasonably delayed in calling 911 for outside emergency medical services from the Bridgeton Fire Department.

31. When paramedics from the Bridgeton Fire Department arrived at the Cumberland County Jail, Plaintiff's decedent was near death.

32. When paramedics arrived, Plaintiff's decedent was found lying face down unconscious and unresponsive on a portable stretcher with green mucus and vomit all over him, and he was experiencing agonal breathing, an abnormal pattern of breathing characterized by shallow, slow irregular inspirations followed by irregular pauses or characterized by gasping, labored breathing, accompanied by strange vocalizations and myoclonus. Some possible causes include cerebral ischemia, extreme hypoxia or even anoxia. Agonal breathing is an extremely serious medical sign requiring immediate medical attention, as the condition generally progresses to complete apnea and heralds death.

33. Paramedics proceeded to render emergency medical assistance and subsequently transported Plaintiff's decedent to South Jersey Healthcare Regional Medical Center in critical condition.

34. Due to the severity of his head injuries, however, Plaintiff's decedent was subsequently transferred to Thomas Jefferson University Hospital where he remained hospitalized and underwent brain surgery.

35. On January 3, 2008, Plaintiff's decedent underwent a right-side hemicraniectomy to relieve massive brain swelling. This surgical procedure, which is performed in the operating room under anesthesia, consists of temporarily removing a portion of the skull (sometimes up to one half or more) in order to allow the swollen brain to expand beyond the confines of the skull bone, without causing further elevations in brain pressure.

36. Over the course of the next few days, Plaintiff's decedent's medical condition failed to improve and he showed no neurological function.

37. On January 10, 2008, at approximately 10:10 pm, Plaintiff's decedent was pronounced dead as a result of the traumatic brain injury he suffered while in custody at the Cumberland County Jail.

38. An autopsy was subsequently performed on Plaintiff's decedent at the Philadelphia Medical Examiner's Office on January 12, 2008.

39. The Medical Examiner's Office concluded that Plaintiff's decedent's death was a homicide.

40. Plaintiff's decedent's death is currently being investigated by the Cumberland County Prosecutor's Office.

41. Upon information and belief, despite the findings of the medical examiner's office and the pending criminal investigation into the beating death of Plaintiff's decedent, none of the prison officials on duty at the time of Plaintiff's vicious and brutal assault has been disciplined, reprimanded or otherwise held accountable for Plaintiff's decedent's murder.

42. The conduct of the Defendants, as set forth above and herein, violated Plaintiff's decedent's constitutional rights to substantive due process, as guaranteed by the Fourteenth Amendment to the United States Constitution, and as remediable pursuant to 42 U.S.C. §1983.

43. At all times relevant hereto, Defendants acted under color of state law.

44. The conduct of the Defendants as set forth above and herein, acting under color of state law, was recklessly and deliberately indifferent to the safety, bodily integrity, well-being, and life of Plaintiff's decedent and was committed in conscious disregard of the substantial and/or unjustifiable risk of causing harm to Plaintiff's decedent and was so egregious as to shock the conscience.

45. As Plaintiff's decedent was in custody as a pretrial detainee, there existed a special relationship between Defendants and Plaintiff's decedent.

46. Defendants were entrusted to provide Plaintiff's decedent with appropriate and timely medical care and treatment and further were responsible for his protection, safety, well being and life while he was in the custody of the Cumberland County Jail.

47. As described above and herein, Defendants refused and/or failed to provide Plaintiff's decedent with appropriate and timely medical care and treatment and also refused and/or failed to protect Plaintiff's decedent against vicious and brutal attacks causing traumatic injury and death while in the care, custody and control of prison officials of the Cumberland County Jail.

48. As a direct and proximate result of the violation of Plaintiff's decedent's civil rights, as described above and herein, he was caused to suffer grievous physical injuries, pain and suffering, harm, and eventual death.

49. The conduct of Defendants, as described above and herein, was undertaken in bad faith and with malice, bad motive, evil intent, and deliberate indifference to and callous disregard for Plaintiff's decedent's constitutional rights to appropriate and timely medical care and to be free from physical assault causing grievous injuries, harm and death under the Fourteenth Amendment to the United States Constitution.

50. Defendants are liable to Plaintiff for the grave and painful injuries and death suffered by Plaintiff's decedent.

51. Plaintiff sues all individual defendants named herein in their official and individual capacities.

52. As a result of the liability producing conduct of the Defendants, Plaintiff's decedent's required medical treatment and care, the cost of which exceeded \$3,600.00

COUNT I
PLAINTIFF vs. DEFENDANT JOHN AND/OR JANE DOE CORRECTIONS OFFICERS
(USE OF EXCESSIVE FORCE)

53. Plaintiff hereby incorporates by reference the preceding paragraphs.

54. On or about January 1, 2008, Plaintiff's decedent was brutally and viciously beaten while in the care, custody and control of prison officials of the Cumberland County Jail.

55. The assailants are currently unknown, but believed and therefore averred to be corrections officers or, in the alternative, other pretrial detainees or inmates of the Cumberland

County Jail.

56. Plaintiff's decedent had a fundamental and well-established right to be secure in his person and a right not be physically or emotionally brutalized while in custody.

57. If Defendants John and/or Jane Doe Corrections Officers of the Cumberland County Jail were involved in the brutal and vicious beating of Plaintiff's decedent, then the Defendants' use of force was unnecessary, unreasonable, willful and wanton, and excessive.

58. Such force was unconstitutionally excessive, intentional, malicious, sadistic, not applied in good faith, and was used for the sole purpose of causing Plaintiff's decedent harm and inflicting pain.

59. The excessive force used by the Defendants John and/or Jane Doe Corrections Officers was grossly disproportionate to any need for use of force and was inspired by malice rather than careless or unwise zeal.

60. The excessive force used by the Defendants John and/or Jane Doe Corrections Officers served no legitimate penological objective.

61. The excessive force used by the Defendants John and/or Jane Doe Corrections Officers amounted to an abuse of official power and authority.

62. The excessive force used by the Defendants John and/or Jane Doe Corrections Officers was so egregious as to shock the conscience.

63. The excessive force used by the Defendants John and/or Jane Doe Corrections Officers evidenced a deliberate indifference to the life, safety, well-being of Plaintiff's decedent.

64. The excessive force used by the Defendants John and/or Jane Doe Corrections Officers amounted to cruel and unusual punishment.

65. The excessive force used by the Defendants John and/or Jane Doe Corrections Officers violated the Due Process protections afforded to Plaintiff's decedent under the Fourth and Fourteenth Amendments to the United States Constitution and violated Plaintiff's decedent's protections under the Eighth Amendment prohibiting cruel and unusual punishment as it applies to incarcerated persons being held as pretrial detainees.

66. The excessive force used by the Defendant John and/or John Doe Corrections Officers caused substantial, severe, significant, debilitating, and excruciating injuries resulting in Plaintiff's decedent's death.

67. The actions of Defendants constitute willful and wanton misconduct in disregard of the rights, health, well-being and safety of the Plaintiff's decedent and warrant the imposition of punitive damages.

WHEREFORE, Plaintiff-Administrator demands judgment against Defendants, jointly, severally and/or in the alternative for compensatory damages, punitive damages, plus attorneys fees, interests and costs as recoverable under federal and state law, and such other relief as this Court deems just and for a trial by jury on all issues so triable as a matter of right.

COUNT II
PLAINTIFF vs. DEFENDANTS CUMBERLAND COUNTY, JOHN AND/OR JANE DOE
CORRECTIONS OFFICERS, KENNETH LAMCKEN, AND GLENN SAUNDERS
(FAILURE TO INTERVENE/PROTECT PRETRIAL DETAINEES FROM HARM)

68. Plaintiff hereby incorporates by reference the preceding paragraphs.

69. On or about January 1, 2008, Plaintiff's decedent was brutally and viciously beaten while in care, custody and control of prison officials of the Cumberland County Jail by currently unknown assailants believed to be either correction officers or, in the alternative, other pretrial

detainees or inmates of the Cumberland County Jail.

70. Plaintiff's decedent had a fundamental and well-established right to be secure in his person, a right not be physically or emotionally brutalized, and/or a right to be protected from violent assault while in the custody of the Cumberland County Jail.

71. Defendants were responsible for the safety and well-being of pretrial detainees, including Plaintiff's decedent, and were aware of the serious risk of harm that other corrections officers using excessive force and/or other unsupervised, unmonitored and/or uncontrolled violent inmates or pretrial detainees posed to the safety, health and well-being of Plaintiff's decedent.

72. Defendants had the opportunity and means to intervene and stop the vicious and brutal beating of Plaintiff's decedent, and hence prevent his eventual death.

73. Despite their knowledge that Plaintiff's decedent was at serious risk of harm at the hands of other corrections officers using excessive force and/or other unsupervised, unmonitored and/or uncontrolled violent inmates or other pretrial detainees, and despite having the opportunity and means to intervene and protect Plaintiff's decedent from serious harm, Defendants refused and/or failed to intervene and/or to protect decedent from being viciously and brutally beaten which ultimately resulted in his death.

74. As a result, in failing to intervene and/or protect decedent from serious harm, Defendants demonstrated a reckless indifference to the safety, health, well-being and life of Plaintiff's decedent.

75. The brutal and vicious beating perpetrated upon the decedent was a direct and proximate consequence of Defendants' deliberate indifference to their obligations to provide appropriate monitoring, supervision and/or protection to Plaintiff's decedent while he was in care,

custody and control of prison officials at the Cumberland County Jail.

76. The intentional or reckless failure of the Defendants to intervene, protect, and/or prevent the brutal and vicious beating of the Plaintiff's decedent was a direct and proximate cause of Plaintiff's decedent's eventual death.

77. The actions of Defendants constitute willful and wanton misconduct in disregard of the rights, health and well-being and safety of the Plaintiff's decedent and warrant the imposition of punitive damages.

WHEREFORE, Plaintiff-Administrator demands judgment against Defendants, jointly, severally and/or in the alternative for compensatory damages, punitive damages, plus attorneys fees, interests and costs as recoverable under federal and state law, and such other relief as this Court deems just and for a trial by jury on all issues so triable as a matter of right.

COUNT III
PLAINTIFF vs. ALL DEFENDANTS
(FAILURE TO PROVIDE ADEQUATE MEDICAL CARE TO PRETRIAL DETAINEES)

78. Plaintiff hereby incorporates by reference the preceding paragraphs.

79. As a pretrial detainee, Plaintiff's decedent had a fundamental and clearly established right not to be denied access to medical care and treatment for legitimate medical needs.

80. In the aftermath of his brutal and vicious beating suffered at the hands of currently unknown third-parties, it was readily apparent and obvious that Plaintiff's decedent desperately needed immediate and urgent medical attention for serious head injuries.

81. Plaintiff's decedent's need for medical treatment was so obvious that even a lay person would easily have recognized the necessity for immediate medical attention.

82. Notwithstanding Plaintiff's decedent's obvious injuries and desperate need for medical assistance, Defendants denied and/or refused and/or failed to render appropriate and/or timely medical aid to Plaintiff's decedent and/or unreasonably delayed in calling for emergency medical assistance from outside medical personnel and/or in arranging for Plaintiff's decedent to be transported to a hospital or other facility for medical care and treatment.

83. After his brutal and vicious beating, Plaintiff's decedent was left unattended, unconsciousness and unresponsive in his holding cell for a substantial period of time before he was eventually found near death by currently unknown persons.

84. When Plaintiff's decedent was found, and in obvious need for emergency medical treatment, prison officials did not render emergency aid and/or unreasonably delayed in calling for outside emergency medical services.

85. Upon his removal from his holding cell, upon information and belief, Plaintiff's decedent was laid on a portable stretcher either face-down in green mucus and vomit or in a position which allowed him to become face-down with green mucus and vomit all over him.

86. When paramedics finally arrived at the Cumberland County Jail to administer emergency medical treatment, Plaintiff's decedent was near death from his obvious and serious head injuries.

87. Defendants possessed neither the right nor the authority to disregard the medical needs of pretrial detainees in the care, custody and control of prison officials of the Cumberland County Jail.

88. Defendants' actions and/or inactions, in willfully and wantonly ignoring the obvious and serious medical needs of Plaintiff's decedent and the substantial risk of serious injury and death,

demonstrated deliberate indifference to Plaintiff's decedent's serious medical needs.

89. As a direct and proximate result of Defendants' denial and/or refusal and/or failure to provide adequate and timely medical treatment to Plaintiff's decedent, Plaintiff's decedent was hospitalized, underwent brain surgery, and ultimately died from his injuries.

90. As a direct and proximate result of Defendants' deliberate indifference to Plaintiff's decedent's rights, Plaintiff's decedent suffered harm which included physical injuries, pain and suffering, mental anguish, emotional distress and death.

91. The actions of Defendants constitute willful and wanton misconduct in disregard of the rights, health, well-being and safety of the Plaintiff's decedent and warrant the imposition of punitive damages.

WHEREFORE, Plaintiff-Administrator demands judgment against Defendants, jointly, severally and/or in the alternative for compensatory damages, punitive damages, plus attorneys fees, interests and costs as recoverable under federal and state law, and such other relief as this Court deems just and for a trial by jury on all issues so triable as a matter of right.

COUNT IV
PLAINTIFF vs. DEFENDANT CFG HEALTH SYSTEMS
(DELIBERATE INDIFFERENCE TO PRETRIAL DETAINEES' MEDICAL NEEDS)

92. Plaintiff hereby incorporates by reference the preceding paragraphs.

93. Upon information and belief, Defendant CFG Health Systems was responsible for hiring, screening, training, supervising, controlling, disciplining and assigning Defendants John and Jane Doe Medical and Healthcare Professionals to their respective duties, pursuant to an agreement and/or written contract with Defendant Cumberland County to provide comprehensive health and assessment services for pretrial detainees in care, custody and control of prison officials of the

Cumberland County Jail.

94. Defendant CFG Health Systems, as a medical services provider to Cumberland County Jail, had a duty to ensure that its employees abided by the terms of the agreement and/or written contract with respect to medical treatment and care rendered to pretrial detainees in custody at the Cumberland County Jail.

95. Defendant CFG Health Systems failed to comply with its obligations, as its employees, the Defendants, John and/or Jane Doe CFG Medical and Healthcare Professionals, breached their respective duties and denied and/or refused and/or failed to properly and timely provide medical treatment and care to Plaintiff's decedent despite his obvious and serious injuries.

96. As a direct and proximate result of Defendant's deliberate indifference to Plaintiff's decedent's rights, Plaintiff's decedent suffered harm which included physical injuries, pain and suffering, mental anguish, emotional distress and death.

97. The actions of Defendant constitutes willful and wanton misconduct in disregard of the rights, health, well-being and safety of the Plaintiff's decedent and warrant the imposition of punitive damages.

WHEREFORE, Plaintiff-Administrator demands judgment against Defendants, jointly, severally and/or in the alternative for compensatory damages, punitive damages, plus attorneys fees, interests and costs as recoverable under federal and state law, and such other relief as this Court deems just and for a trial by jury on all issues so triable as a matter of right.

COUNT V

**PLAINTIFF vs. DEFENDANTS CUMBERLAND COUNTY, JOHN AND/OR JANE DOE
CORRECTIONS OFFICERS, KENNETH LAMCKEN, AND GLENN SAUNDERS
(STATE CREATED DANGER)**

98. Plaintiff hereby incorporates by reference the preceding paragraphs.

99. Despite their knowledge that Plaintiff's decedent was at serious risk of harm, Defendants knowingly and intentionally left Plaintiff's decedent alone and unprotected and placed him in the company of other unsupervised, unmonitored and/or uncontrolled violent inmates and/or other pretrial detainees, who viciously and brutally beat Plaintiff's decedent into a state of unconsciousness.

100. It was reasonably foreseeable to Defendants that decedent would be harmed if left alone and unprotected and placed in the company of other unsupervised, unmonitored and/or uncontrolled violent inmates and/or other pretrial detainees.

101. Defendants affirmatively abused and/or misused their official authority to create an opportunity for danger to Plaintiff's decedent that did not otherwise exist by knowingly and/or intentionally placing him alone in the company of other unsupervised, unmonitored and/or uncontrolled violent inmates and/or other pretrial detainees, who Defendants knew or should have known would viciously and brutally beat Plaintiff's decedent into a state of unconsciousness.

102. As a direct and proximate result of Defendant's deliberate indifference to Plaintiff's decedent's rights, Plaintiff's decedent suffered harm which included physical injuries, pain and suffering, mental anguish, emotional distress and death.

103. The actions of Defendant constitutes willful and wanton misconduct in disregard of the rights, health, well-being and safety of the Plaintiff's decedent and warrant the imposition of

punitive damages.

WHEREFORE, Plaintiff-Administrator demands judgment against Defendants, jointly, severally and/or in the alternative for compensatory damages, punitive damages, plus attorneys fees, interests and costs as recoverable under federal and state law, and such other relief as this Court deems just and for a trial by jury on all issues so triable as a matter of right.

COUNT VI

**PLAINTIFF vs. DEFENDANTS CUMBERLAND COUNTY, JOHN AND/OR JANE DOE
MEDICAL DIRECTOR, JOHN AND/OR JANE DOE DOCTORS, JOHN AND/OR JANE
DOE NURSES, CFG HEALTH SYSTEMS, JOHN AND/OR JANE DOE CFG MEDICAL
AND HEALTHCARE PROFESSIONALS
(STATE CREATED DANGER)**

104. Plaintiff hereby incorporates by reference the preceding paragraphs.

105. In the course of rendering care and treatment, Plaintiff's decedent was removed from his holding cell and was laid on a portable stretcher either face-down or in a position which allowed him to become face-down with green mucus and vomit covering his body.

106. When Defendants' undertook such action, Plaintiff's decedent was near death from his obvious and serious head injuries.

107. Defendants knowingly and intentionally left decedent in such a condition until the arrival of paramedics who proceeded to administer emergency medical care and transported decedent to a hospital.

108. Defendants affirmatively abused and/or misused their official authority to create an opportunity for danger to Plaintiff's decedent that did not otherwise exist by knowingly and/or intentionally placing him face down in his own vomit and green mucus or in placing him in a position which allowed him to become face-down with his body covered in green mucus and vomit.

109. By placing decedent in such a position, and leaving him in such a condition until the arrival of paramedics, Defendants rendered incompetent and/or harmful medical care.

110. Defendants' conduct increased the risk of harm to Plaintiff's decedent.

111. As a direct and proximate result of Defendants' deliberate indifference to Plaintiff's decedent's rights, Plaintiff's decedent suffered harm which included physical injuries, pain and suffering, mental anguish, emotional distress and death.

112. The actions of Defendants constitutes willful and wanton misconduct in disregard of the rights, health, well-being and safety of the Plaintiff's decedent and warrant the imposition of punitive damages.

WHEREFORE, Plaintiff-Administrator demands judgment against Defendants, jointly, severally and/or in the alternative for compensatory damages, punitive damages, plus attorneys fees, interests and costs as recoverable under federal and state law, and such other relief as this Court deems just and for a trial by jury on all issues so triable as a matter of right.

COUNT VII
PLAINTIFF vs. DEFENDANTS CUMBERLAND COUNTY, JOHN AND/OR JANE DOE
MEDICAL DIRECTOR, CFG HEALTH SYSTEMS, KENNETH LAMCKEN AND
GLENN SAUNDERS
(FAILURE TO TRAIN/SUPERVISE)

113. Plaintiff hereby incorporates by reference the preceding paragraphs.

114. Plaintiff's decedent had fundamental and well-established rights to be free from physical attack, to be protected from vicious assaults while in custody, to be secure in his person and not to be physically or emotionally brutalized while in custody, and not to be denied access to medical care and treatment for legitimate medical needs.

115. The unprovoked, vicious and brutal attack and/or infliction of excessive force on Plaintiff's decedent violated Plaintiff's decedent's substantive due process rights guaranteed by the Fourteenth Amendment to the United States Constitution.

116. The violations of Plaintiff's decedent's substantive due process rights were caused by the Defendants' refusal and/or failure to properly supervise, educate, train and/or control their correction officers and/or medical staff.

117. The actions and/or inactions of the Defendants, acting under color of state law, directly and proximately caused Plaintiff's decedent's physical injuries, emotional distress, pain and suffering and eventual death.

118. These harms were inflicted maliciously and sadistically to cause harm and were inflicted with deliberate indifference to and callous disregard for Plaintiff's decedent's rights.

119. Plaintiff's decedent's physical injuries, emotional distress, pain and suffering and eventual death were directly and proximately caused by the custom, pattern and practice of Defendants of failing to properly supervise, educate, train and/or control corrections officers and/or medical staff at the Cumberland County Jail in the following respects:

- a. Failure to adequately train and educate their officers in the use of force.
- b. Failure to train and educate their officers in the use of restraining mechanisms or force applications, including but not limited to taser weapons, pepper spray, batons etc.
- c. Failure to adequately monitor, supervise and evaluate the performance of officers and their use of force.
- d. Failure to adequately respond to and investigate incidents or complaints regarding employee misconduct, including incidents of use of excessive force, refusal or failure to protect pretrial detainees/inmates from harm and/or denial of medical treatment.

- e. Failure to adequately train and educate officers with respect to providing medical attention to persons suffering serious and obvious injuries while in custody.
- f. Failure to require appropriate in-service training or re-training of employees, who were known to have engaged in incidents of misconduct, including use of excessive force, refusal or failure to protect pretrial detainees/inmates from harm and/or refusal and/or denial of medical treatment.
- g. Failure to provide appropriate medical training for jail personnel.
- h. Failure to arrange for timely and regular medical personnel to address inmate medical needs.
- i. Entering into an agreement or contract for medical care or services which was inadequate.
- j. Entering into an agreement or contract for medical services which allowed for medical staff to administer medical advice, care or treatment to pretrial detainees/inmates from locations outside of the jail.
- k. Entering into an agreement or contract for medical services which provided a disincentive for the physician or other member of the medical staff to be present and physically exam pretrial detainees/inmates who have been seriously injured.
- l. Entering into an agreement or contract for medical services which caused the Cumberland County Jail to be understaffed and unable to promptly and adequately deal with the serious medical needs of pretrial detainees, such as Plaintiff's decedent.
- m. Failure to maintain and enforce a written policy prohibiting unreasonable and excessive use of force against inmates.
- n. Encouraging or permitting violent pretrial detainees/inmates to be left unsupervised, unmonitored and/or uncontrolled.
- o. Encouraging or permitting pretrial detainees, such as Plaintiff's decedent, to be left in the company of other violent, unsupervised, unmonitored and/or uncontrolled inmates/pretrial detainees which posed a risk of harm to the safety, health and well-being of Plaintiff's decedent.

- p. Failure to properly and forcefully discipline acts of misconduct by employees.
- q. Failure to properly train and educate employees in recognizing when persons in custody require emergency and urgent medical attention.
- r. Failure to properly train and educate employees in how to intervene, safeguard, prevent and protect persons in custody from being brutalized and victims of violence at the hands of other employees or inmates.

120. Defendants' custom, pattern and practice of failing to properly supervise, train, educate and/or control their correctional officers and/or medical staff constitutes deliberate indifference and willful and wanton disregard of the rights, health, well-being and safety of the Plaintiff's decedent and warrants the imposition of punitive damages.

WHEREFORE, Plaintiff-Administrator demands judgment against Defendants, jointly, severally and/or in the alternative for compensatory damages, punitive damages, plus attorneys fees, interests and costs as recoverable under federal and state law, and such other relief as this Court deems just and for a trial by jury on all issues so triable as a matter of right.

COUNT VIII
PLAINTIFF vs. DEFENDANTS CUMBERLAND COUNTY, KENNETH LAMCKEN
AND GLENN SAUNDERS
(PHYSICAL AND EMOTIONAL ABUSE OF PRETRIAL DETAINEES)

121. Plaintiff hereby incorporates by reference the preceding paragraphs.

122. Plaintiff's decedent had a fundamental and well-established right to be free from physical attack, to be secure in his person and not to be physically or emotionally brutalized while in custody.

123. The unprovoked, vicious and brutal attack and/or infliction of excessive force on Plaintiff's decedent violated Plaintiff's decedent's substantive due process rights guaranteed by the

Fourteenth Amendment to the Unites States Constitution.

124. The violations of Plaintiff's decedent's substantive due process rights were caused by the Defendants' custom, practice and pattern of permitting, allowing, condoning, tolerating and/or encouraging corrections officers and/or other inmates to physically and emotionally abuse pretrial detainees in the custody of the Cumberland County Jail.

125. The actions and/or inactions of the Defendants, acting under color of state law, directly and proximately caused Plaintiff's decedent's physical injuries, emotional distress, pain and suffering and eventual death.

126. These harms were inflicted maliciously and sadistically to cause harm and were inflicted with deliberate indifference to and callous disregard for Plaintiff's decedent's rights.

127. Plaintiff's decedent's physical injuries, emotional distress, pain and suffering and eventual death were proximately caused by the custom, pattern and practice of permitting, allowing, condoning, tolerating and/or encouraging corrections officers and/or other inmates to physically and emotionally abuse pretrial detainees in the in the custody of the Cumberland County Jail.

128. Defendants' custom, pattern and practice of permitting, allowing, condoning, tolerating and/or encouraging corrections officers and/or other inmates to physically and emotionally abuse pretrial detainees in the custody of the Cumberland County Jail constitutes deliberate indifference and willful and wanton disregard for Plaintiff's decedent's safety, well-being and life and warrants the imposition of punitive damages.

WHEREFORE, Plaintiff-Administrator demands judgment against Defendants, jointly, severally and/or in the alternative for compensatory damages, punitive damages, plus attorneys fees,

interests and costs as recoverable under federal and state law, and such other relief as this Court deems just and for a trial by jury on all issues so triable as a matter of right.

COUNT IX
PLAINTIFF vs. ALL DEFENDANTS
(DISREGARD OF SERIOUS MEDICAL NEEDS OF PRETRIAL DETAINEES)

129. Plaintiff hereby incorporates by reference the preceding paragraphs.

130. Plaintiff's decedent had a fundamental and well-established right to be free from the unnecessary and wanton infliction of pain and to receive appropriate and timely medical care and treatment while in custody.

131. The refusal and/or denial of medical care by prison officials, corrections officers, and/or members of the jail medical staff, acting under color of state law, amounted to deliberate indifference to the serious medical needs of the Plaintiff's decedent, constituted unnecessary and wanton infliction of pain and suffering and violated Plaintiff's decedent's substantive due process rights guaranteed by the Fourteenth Amendment to the United States Constitution.

132. The actions and/or inactions of the Defendants, acting under color of state law, directly and proximately caused Plaintiff's decedent's physical injuries, emotional distress, pain and suffering and death.

133. These harms were inflicted maliciously and sadistically to cause harm and were inflicted with deliberate indifference to and callous disregard for Plaintiff's decedent's rights.

134. Plaintiff's decedent's physical injuries, emotional distress, pain and suffering and death were proximately caused by the custom, pattern and practice of permitting, allowing, condoning, tolerating and/or encouraging prison officials, corrections officers, and members of the

jail medical staff to disregard serious medical needs of pretrial detainees in the custody of the Cumberland County Jail in the following respects:

- a. Failure to ensure that serious emergent medical needs of detainees would be treated in a reasonable time and manner.
- b. Failure to have a reasonably equipped or staffed emergency medical response team.
- c. Severely understaffing corrections officers and medical personnel at the Cumberland County Jail despite knowing that such understaffing greatly increases the likelihood that pretrial detainees' serious medical needs go untreated.
- d. Failure to have ready access to competent and qualified medical doctors, nurses, and other medical professionals.
- e. Failure to adequately monitor, supervise and evaluate the medical staff with respect to their treatment and care of pretrial detainees/inmates.
- f. Failure to adequately respond to and investigate incidents or complaints regarding employee misconduct, including incidents of refusal, failure and/or denial of medical treatment.
- g. Failure to adequately train and educate officers and medical staff with respect to providing medical attention to persons suffering serious and obvious injuries while in custody.
- h. Failure to require appropriate in-service training or re-training of employees, who were known to have engaged in incidents of misconduct, including refusal, failure and/or denial of medical treatment.
- i. Failure to provide appropriate medical training for jail personnel.
- j. Failure to arrange for timely and regular medical personnel to address inmate medical needs.
- k. Entering into an agreement or contract for medical care or services which was inadequate.
- l. Entering into an agreement or contract for medical services which allowed for medical staff to administer medical advice, care or treatment to pretrial detainees/inmates from locations outside of the jail.

- m. Entering into an agreement or contract for medical services which provided a disincentive for the physician or other member of the medical staff to be present and physically exam pretrial detainees/innates who have been seriously injured.
- n. Entering into an agreement or contract for medical services which caused the Cumberland County Jail to be understaffed and unable to promptly and adequately deal with the serious medical needs of pretrial detainees, such as Plaintiff's decedent.
- o. Failure to properly and forcefully discipline acts of misconduct by employees.
- p. Failure to properly train and educate employees in recognizing when persons in custody require emergency and urgent medical attention.

135. Defendants were all well aware that prison officials, corrections officers, and members of the jail medical staff regularly and routinely disregarded serious medical needs of pretrial detainees in custody at the Cumberland County Jail.

136. Defendants' custom, pattern and practice of permitting, allowing, condoning, tolerating and/or encouraging prison officials, corrections officers, and members of the jail medical staff to disregard serious medical needs of pretrial detainees in the custody of the Cumberland County Jail constitutes deliberate indifference and wanton and willful disregard to Plaintiff's decedent's safety, well-being and life and warrants the imposition of punitive damages.

WHEREFORE, Plaintiff-Administrator demands judgment against Defendants, jointly, severally and/or in the alternative for compensatory damages, punitive damages, plus attorneys fees, interests and costs as recoverable under federal and state law, and such other relief as this Court deems just and for a trial by jury on all issues so triable as a matter of right.

COUNT X

**PLAINTIFF vs. DEFENDANTS CUMBERLAND COUNTY, JOHN AND/OR JANE DOE
MEDICAL DIRECTOR, CFG HEALTH SYSTEMS, AND GLENN SAUNDERS
(FAILURE TO PROVIDE ADEQUATE AND COMPETENT MEDICAL STAFFING)**

137. Plaintiff hereby incorporates by reference the preceding paragraphs.

138. Plaintiff's decedent had a fundamental and well-established right to be free from the unnecessary and wanton infliction of pain and to receive appropriate and timely medical care and treatment while in custody.

139. The refusal and/or failure by the Defendants to provide adequate medical staffing to competently deal with pretrial detainees' serious medical needs violated Plaintiff's decedent's substantive due process rights guaranteed by the Fourteenth Amendment to the United States Constitution.

140. The actions and/or inactions of the Defendants, acting under color of state law, directly and proximately caused Plaintiff's decedent's physical injuries, emotional distress, pain and suffering and eventual death.

141. These harms were inflicted maliciously and sadistically to cause harm and were inflicted with deliberate indifference to and callous disregard for Plaintiff's decedent's rights.

142. Plaintiff's decedent's physical injuries, emotional distress, pain and suffering and death were directly and proximately caused by the custom, pattern and practice of refusing and/or failing to provide adequate medical staffing to competently deal with pretrial detainees' serious medical needs.

143. Defendants were all well aware that prison officials, corrections officers, and members of the jail medical staff regularly and routinely refused and/or failed to provide adequate medical staffing to competently deal with the serious medical needs of pretrial detainees in custody

at the Cumberland County Jail.

144. Defendants' custom, pattern and practice of refusing and/or failing to provide adequate medical staffing to competently deal with the serious medical needs of pretrial detainees in custody at the Cumberland County Jail constitutes deliberate indifference and wanton and willful disregard to Plaintiff's decedent's safety, well-being and life, and warrants to imposition of punitive damages.

WHEREFORE, Plaintiff-Administrator demands judgment against Defendants, jointly, severally and/or in the alternative for compensatory damages, punitive damages, plus attorneys fees, interests and costs as recoverable under federal and state law, and such other relief as this Court deems just and for a trial by jury on all issues so triable as a matter of right.

COUNT XI

PLAINTIFF vs. DEFENDANT CUMBERLAND COUNTY

(FAILURE TO PROVIDE SUFFICIENT FUNDS TO ADEQUATELY STAFF JAIL)

145. Plaintiff hereby incorporates by reference the preceding paragraphs.

146. Defendant has a duty to provide the Warden of the Cumberland County Jail with sufficient funds to properly staff and operate the Cumberland County Jail.

147. Defendant had a policy, practice and custom of refusing and/or failing to provide the Warden of Cumberland County Jail with sufficient funds to properly and adequately staff the Cumberland County Jail.

148. Defendant knew or should have known that it would be extremely difficult, if not impossible, for a reduced number of corrections officers to safely deal with aggressive, violent, and/or combative inmates and for a reduced number of medical staff to appropriately and timely provide medical care and treatment to seriously injured pretrial detainees, such as Plaintiff's

decedent.

149. Defendant knew or should have known that an inadequate number of corrections officers would result in an increase in the use of excessive force by overworked and overstressed corrections officers and/or that the inadequate number of medical personnel would result in the delivery of unacceptable, life-threatening and/or substandard medical treatment and care for seriously injured pretrial detainees in custody at the Cumberland County Jail.

150. Defendant knew or should have known that its policy, practice and custom of contracting for telemedicine services would result in or cause serious injury or death to pretrial detainees and other inmates at the Cumberland County Jail, yet they knowingly disregarded that risk.

151. Defendant knew or should have known that its policy, practice and custom of jail understaffing due to insufficient funds would cause serious injury or death to pretrial detainees and other inmates at the Cumberland County Jail, yet they knowingly disregarded that risk.

152. Defendant's policy, practice and custom of refusing and/or failing to provide sufficient funds to the Warden of the Cumberland County Jail to properly staff the Cumberland County Jail demonstrated deliberate indifference and willful and wanton disregard for a serious risk of harm to pretrial detainees in custody at the Cumberland County Jail, was a direct and proximate cause of Plaintiff's decedent's beating and eventual death, and warrants to imposition of punitive damages.

WHEREFORE, Plaintiff-Administrator demands judgment against Defendants, jointly, severally and/or in the alternative for compensatory damages, punitive damages, plus attorneys fees, interests and costs as recoverable under federal and state law, and such other relief as this Court deems just and for a trial by jury on all issues so triable as a matter of right.

COUNT XII

**PLAINTIFF vs. DEFENDANTS CUMBERLAND COUNTY, JOHN AND/OR JANE DOE
MEDICAL DIRECTOR, JOHN AND/OR JANE DOE DOCTORS, JOHN AND/OR JANE
DOE NURSES, CFG HEALTH SYSTEMS, JOHN AND/OR JANE DOE CFG MEDICAL
AND HEALTHCARE PROFESSIONALS
(NEGLIGENCE)**

153. Plaintiff hereby incorporates by reference the preceding paragraphs.

154. At all times relevant hereto, Defendants undertook and/or assumed a duty to render reasonable, proper, adequate, prompt, and appropriate medical care to Plaintiff's decedent and to avoid harm to him, which duty was breached.

155. As a pretrial detainee in the care, custody and control of prison officials at the Cumberland County Jail, Plaintiff's decedent relied on the medical knowledge, treatment, and advice of Defendants.

156. After decedent was brutally and viciously beaten into unconsciousness, Defendants moved decedent from his holding cell for an examination or diagnosis for the purpose of treatment.

157. In the course of rendering care and treatment, Plaintiff's decedent was laid on a portable stretcher either face-down in vomit and green mucus or in a position which allowed him to become face-down with green mucus and vomit covering his body.

158. Through their carelessness, negligence, and recklessness, Defendants did not provide the Plaintiff's decedent medically necessary treatment and care, even though Defendants and/or their authorized agents and employees, knew or should have known that Plaintiff's decedent required treatment for a serious medical condition.

159. The injuries suffered by Plaintiff's decedent resulted from and were directly and proximately caused by the deliberate indifference and wanton and willful disregard for Plaintiff's

decedent's serious medical needs.

160. The carelessness, negligence and recklessness of Defendants, which is more particularly set forth above and herein, increased the risk of harm sustained by Plaintiff's decedent.

161. Defendants were careless, negligent and reckless and their care was substandard in the following respects:

- a. Failing to exercise the standard of skill and care, commonly exercised by doctors in like cases.
- b. Failing to exercise the standard of skill and care, commonly exercised by nurses in like cases.
- c. Failing promptly and properly to treat the Plaintiff's decedent during the time that treatment, if any, was undertaken.
- d. Failing promptly and properly to recognize, diagnose, and treat Plaintiff's decedent's medical condition.
- e. Failing promptly and properly to recognize, diagnose, and treat certain obvious and overt symptoms or conditions clearly indicating a serious injury.
- f. Failing to promptly and properly consult with appropriate physicians with regard to Plaintiff's decedent's medical condition
- g. Failing promptly and properly to order, administer, and/or recommend appropriate tests and/or diagnostic procedures with regard to Plaintiff's decedent's medical condition.
- h. Failing promptly and properly to perform an appropriate medical examination of Plaintiff's decedent.
- i. Failing promptly and properly to investigate the cause(s) of Plaintiff's decedent's medical signs and symptoms.
- j. Providing insufficient, inaccurate and/or misleading information, advice or instructions concerning Plaintiff's decedent's medical condition or its cause.
- k. Failing promptly and properly to diagnose Plaintiff's decedent's medical condition.

- l. Placing decedent on a portable stretcher face-down in his own vomit and green mucus.
- m. Placing decedent on a portable stretcher in a position which allowed him to become face-down while covered in vomit and green mucus.
- n. Failing promptly and properly to consult with physicians more qualified and experienced in the diagnosis and treatment of patients with medical signs and symptoms such as Plaintiff's decedent.
- o. Failing promptly and properly to provide emergency medical treatment and care to Plaintiff's decedent.
- p. Failing promptly and properly to call for emergency medical assistance to treat and care Plaintiff's decedent's serious medical needs.
- q. Failing promptly and properly to transfer Plaintiff's decedent to a hospital or other medical facility outside the jail to treat and care for Plaintiff's decedent's serious medical needs.
- r. Providing inadequate and substandard medical treatment and care to Plaintiff's decedent.
- s. Defendants increased the risk of harm to Plaintiff's Decedent as a result of the negligence and carelessness as set forth in paragraphs (a)-(r), above.

WHEREFORE, Plaintiff-Administrator demands judgment against Defendants, jointly, severally and/or in the alternative for compensatory damages, punitive damages, plus attorneys fees, interests and costs as recoverable under federal and state law, and such other relief as this Court deems just and for a trial by jury on all issues so triable as a matter of right.

COUNT XIII
PLAINTIFF vs. DEFENDANTS JOHN AND/OR JANE DOE CORRECTIONS
OFFICERS
(ASSAULT AND BATTERY)

162. Plaintiff hereby incorporates by reference the preceding paragraphs.

163. Plaintiff's decedent was brutally and viciously assaulted by Defendants.

164. As set forth above and herein, the assault by Defendants was done wantonly, recklessly and with malicious and with premeditated criminal intent and with an absolute disregard for the health, safety and welfare of Plaintiff's decedent.

165. In doing the acts described herein, Defendants committed an offensive, abusive, harmful, illegal, unlawful, immoral and criminal touching of Plaintiff's decedent.

166. The harm suffered by Plaintiff's decedent was a direct, foreseeable and proximate result of the criminal acts, as described more fully above.

167. As a result of the criminal conduct of Defendants, Plaintiff's decedent suffered severe and excruciating pain and eventual death.

WHEREFORE, Plaintiff-Administrator demands judgment against Defendants, jointly, severally and/or in the alternative for compensatory damages, punitive damages, plus attorneys fees, interests and costs as recoverable under federal and state law, and such other relief as this Court deems just and for a trial by jury on all issues so triable as a matter of right.

COUNT XIV
PLAINTIFF vs. DEFENDANT CUMBERLAND COUNTY
(RESPONDEAT SUPERIOR)

168. Plaintiff hereby incorporates by reference the preceding paragraphs.

169. In committing the actions and/or inactions described above and herein, the individual defendants named herein were Cumberland County employees, acting at all relevant times within the course and scope of their employment.

170. Defendant is liable as a principal for all torts committed by its agents and/or employees.

WHEREFORE, Plaintiff-Administrator demands judgment against Defendants, jointly, severally and/or in the alternative for compensatory damages, punitive damages, plus attorneys fees, interests and costs as recoverable under federal and state law, and such other relief as this Court deems just and for a trial by jury on all issues so triable as a matter of right.

COUNT XV
PLAINTIFF vs. DEFENDANT CFG HEALTH SYSTEMS
(VICARIOUS LIABILITY/NEGLIGENCE)

171. Plaintiff hereby incorporates by reference the preceding paragraphs.

172. At all times relevant hereto, Defendants John and/or Jane Doe CFG Medical and Healthcare Professionals were under the control of Defendant, and were held out to the public as being agents or employees of the Defendant possessing the requisite skill and authority on which Plaintiff's decedent relied to his detriment.

173. Pursuant to its agreement or contract, Defendant had a duty to provide appropriate and timely care and treatment to injured pretrial detainees, such as Plaintiff's decedent, housed within the Cumberland County Jail.

174. Upon information and belief, Defendant employed and/or paid medical personnel staffing the Cumberland County Jail, including but limited to Defendants John and/or Jane Doe CFG Medical and Healthcare Professionals, to provide on-site professional medical services, treatment and care to pretrial detainees in custody at the Cumberland County Jail in a timely, reliable and competent manner.

175. In committing the actions and/or inactions described above and herein, the Defendant, acting by and through its agents and/or employees, breached its duties to Plaintiff's decedent by

failing to provide him with appropriate and timely emergency medical care.

176. Defendant is vicariously liable for the negligent performance of its agents/employees.

177. As a direct and proximate result of the negligence of the Defendants John and/or Jane Doe CFG Medical and Healthcare Professionals, for which Defendant is vicariously liable, Plaintiff's decedent suffered severe physical injuries, conscious pain and suffering, and eventual death.

WHEREFORE, Plaintiff-Administrator demands judgment against Defendants, jointly, severally and/or in the alternative for compensatory damages, punitive damages, plus attorneys fees, interests and costs as recoverable under federal and state law, and such other relief as this Court deems just and for a trial by jury on all issues so triable as a matter of right.

COUNT XVI
PLAINTIFF vs. ALL DEFENDANTS
(WRONGFUL DEATH)

178. Plaintiff hereby incorporates by reference the preceding paragraphs.

179. Plaintiff brings this claim on behalf of the two minor children, Matthew Bell (DOB: 9/2/01) and Steven Bell, Jr. (DOB: 8/26/02), heirs-at-law, of Plaintiff's decedent.

180. Plaintiff's decedent left surviving, his wife and two minor children, Matthew Bell and Steven Bell, Jr., who were dependent upon him for support and maintenance and who by reason of the wrongful death were deprived of support and maintenance of Plaintiff's decedent and thereby suffered pecuniary loss from the death of Plaintiff's decedent.

181. By reason of the death of Plaintiff's decedent, his heirs at law and/or his appropriate beneficiaries have suffered compensable pecuniary losses as well as funeral expenses and expenses of administration necessitated by reason of the injuries which caused decedent's death.

182. As a result of Plaintiff's decedent's death, the survivors suffered and will in

the future, suffer harm, loss, injury and damage as a result of the carelessness, negligence and/or recklessness of the Defendants, jointly, severally and/or in the alternative.

183. Plaintiff brings this action pursuant to the provisions of the New Jersey Wrongful Death Statute, N.J.S.A. 2A:31-1 through 2A:31-6, and claims all benefits of the New Jersey Wrongful Death Act.

WHEREFORE, Plaintiff-Administrator demands judgment against Defendants, jointly, severally and/or in the alternative for compensatory damages, punitive damages, plus attorneys fees, interests and costs as recoverable under federal and state law, and such other relief as this Court deems just and for a trial by jury on all issues so triable as a matter of right.

COUNT XVII
PLAINTIFF vs. ALL DEFENDANTS
(SURVIVAL ACTION)

184. Plaintiff hereby incorporates by reference the preceding paragraphs.

185. Plaintiff's decedent was forced to endure great conscious pain and suffering before his death as a result of Defendants' failure to provide constitutionally-required protection from assault and/or medical care.

186. Plaintiff brings this action for the benefit of the Estate of Steven Charles Bell under the provisions of N.J.S.A. 2A: 15-3 and claims all benefits of the New Jersey Survival Statute on behalf of all persons entitled to recover under the law.

187. Plaintiff claims on behalf of Plaintiff's decedent all damages suffered by Plaintiff's decedent, including but not limited to, the great conscious pain and suffering sustained by him, medical expenses, lost earnings, and loss of earning capacity suffered by Plaintiff's decedent from the date of his death.

WHEREFORE, Plaintiff-Administrator demands judgment against Defendants, jointly, severally and/or in the alternative for compensatory damages, punitive damages, plus attorneys fees, interests and costs as recoverable under federal and state law, and such other relief as this Court deems just and for a trial by jury on all issues so triable as a matter of right.

EISENBERG, ROTHWEILER, WINKLER,
EISENBERG & JECK, P.C.

BY: 

NANCY J. WINKLER, ESQUIRE
(NW6035)
DINO PRIVITERA, ESQUIRE
1930 E. ROUTE 70, BUILDING Q-42
CHERRY HILL, NJ 08003
(856) 751-6652
Attorney for Plaintiff

Date: December 29, 2009

RELEASE

This Release dated this ___ day of _____ 2013 is given by the **Releasor**, Jamie M. Bell, Administrator Ad Prosequendum and Administrator of Estate of Steven Charles Bell and as kinship legal guardian (referred to as "I"), to the **Releasees**, Cumberland County, Cumberland County Department of Corrections, Glenn Saunders, Kenneth Lamcken and any and all wardens, deputy wardens, officers, nurses, and correction officers (referred to as "You") in reference to the lawsuit entitled Jamie M. Bell, Administrator Ad Prosequendum and Administrator of Estate of Steven Charles Bell v. Cumberland County, et al., Docket No.: 1:09-cv-6485-JHR-JS.

1. I release and give up any and all claims which I may have against You. This releases all claims including those of which I am not aware and those not mentioned in this Release. This Release applies to claims resulting from anything which has happened up to now including but not limited to any and all claims for dependency, wrongful death, survivorship, wages, pain and suffering, and all other emotional losses, love and affection, and any and all other claims that either were or could have been raised arising from the death of my husband, Steven Charles Bell, for his benefit, his dependents, my benefit, direct claims, indirect claims, or derivative claims, all of which are intended to be released and included within the settlement and this Release.

I specifically release the following claims:

(a) More particularly, for any and all claims arising out of any and all incidences which occurred on or about 31 December 2007, 1 January 2008 to Steven Charles Bell at the Cumberland County Department of Corrections located in Bridgeton, New Jersey, where Steven Charles Bell was incarcerated, including but not limited to all claims for excessive force, failure to intervene/protect pretrial detainee from harm, failure to provide adequate medical care to pretrial detainee, deliberate indifference to pretrial detainee's medical needs, state created danger, failure to train/supervise, physical and emotional abuse of pretrial detainee, disregard of serious medical needs of pretrial detainee, failure to provide adequate and competent medical staffing, failure to provide sufficient funds to adequately staff jail, negligence, assault and battery, respondeat superior, vicarious liability/negligence, wrongful death, survival action, pain, suffering, disability and loss wages.

(b) It is expressly understood and agreed that the acceptance of the said amount is in full accord and satisfaction and in compromise of all disputed claims and that the payment thereof

is not an admission of liability but is made for the purpose of terminating all disputes and litigation between the parties.

(c) It is further understood that Releasor agrees to indemnify and hold harmless Releasees from and against any and all claims and/or liens for reimbursement or payment of workers' compensation benefits, medical bills, lost wages, child/marital support payments, and any other money which Releasor is aware of or shall become aware of in the future which may be recoverable out of the within settlement proceeds.

2. I release and give up any and all claims which I may have against You concerning violations of any and all federal or state civil rights claims of Steven Charles Bell, decedent and/or Jamie M. Bell, individually.

3. I release and give up any and all claims which I may have against You in regards to any and all attorney fees and costs. I hold You harmless from any and all attorney fees and costs associated with this lawsuit.

4. I have been paid a total of **\$650,000.00** in full payment for making this Release. I agree that I will not seek anything further including any other payment from You for whatever purpose. After the payment of legal fees, costs, and liens, if any, the payment shall be allocated \$1.00 to the Estate of Steven Charles Bell, in full satisfaction of his survival claim,

\$1.00 to Jaime M. Bell, in full satisfaction of her wrongful death claim, and 50% of the remaining balance to PLAN/NJ, Trustee of the Steven C. Bell, Jr. Special Needs Trust, and 50% of the remaining balance to PLAN/NJ, Trustee of the Matthew A. Bell Settlement Preservation Trust.

5. I have attached hereto a W-9 signed by my attorney.

6. I have attached hereto a recent Child Support Judgment Search in compliance with the New Jersey State laws under N.J.S.A. 2A:17-56.23(b) which was performed on the following people's names Steven Charles Bell, Jamie M. Bell and Mary Read-Bounfiglio.

7. I have attached hereto the executed Cumberland County Voucher which is needed in order to obtain a check from Cumberland County which indicates the Payee.

8. I am bound by this Release. Anyone who succeeds to my rights and responsibilities, such as my heirs or the executor of my estate, is also bound. This Release is made for your benefit and all who succeed to your rights and responsibilities, such as your heirs, the executor of your estate, or

9. successor corporations and/or successor entities.

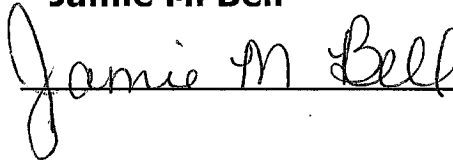
10. I understand and agree to the terms of this Release.

Witnessed by:

**Jamie M. Bell, Administrator Ad
Prosequendum and Administrator of
Estate of Steven Charles Bell and
Individually**

By:

Jamie M. Bell



State of New Jersey :
: SS.
County of :

I CERTIFY that on this 11th day of July 2013, **Jamie M. Bell**, personally came before me and stated to my satisfaction that this person was the maker of this Release; and executed this instrument as her own act.



ATTORNEY AT LAW: DANIEL J. SHERRY, JR., ESQUIRE