

STATE OF NORTH CAROLINA

BEAUFORT County

20 CVS 364

In The General Court Of Justice
☐ District ☒ Superior Court Division

Name Of Plaintiff

EDWARD ANDERSON, AS ADM ESTATE CORY ANDERSON

Address

PO BOX 104

City, State, Zip

LILLINGTON NC 27546

VERSUS

Name Of Defendant(s)

SOUTHERN HEALTH PARTNERS, INC; COUNTY OF
 BEAUFORT; ERNIE COLEMAN OFFIC CAPACITY SHERIFF
 BEAUFORT COUNTY; OHIO CASUALTY INSURANCE
 COMPANY

Date Original Summons Issued

G.S. 1A-1, Rules 3 and 4

Date(s) Subsequent Summons(es) Issued

CIVIL SUMMONS

☐ ALIAS AND PLURIES SUMMONS (ASSESS FEE)

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant

COUNTY OF BEAUFORT, COUNTY ATTY

DAVID FRANCISCO, 117 W 3RD STREET, WASHINGTON, NC

Name And Address Of Defendant

OHIO CASUALTY INSURANCE COMPANY
 62 MAPLE AVE, KEENE NH 03431



IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out!
 You have to respond within 30 days. You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!

¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales.
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Tiene que contestar a más tardar en 30 días. ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff)

JESSE JONES LAW PLLC

JESSE JONES

PO BOX 104, LILLINGTON NC 27546

Date Issued

5-7-20

Time

8:50

☒ AM

☐ PM

Signature

Virginia Pfeiffer

☒ Deputy CSC

☐ Assistant CSC

☐ Clerk Of Superior Court

☐ ENDORSEMENT (ASSESS FEE)

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement

Time

☐ AM

☐ PM

Signature

☐ Deputy CSC

☐ Assistant CSC

☐ Clerk Of Superior Court

NOTE TO PARTIES: Many counties have **MANDATORY ARBITRATION** programs in which most cases where the amount in controversy is \$25,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

(Over)

Atty to have served

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To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1

SOUTHERN HEALTH PARTNERS, INC
 AGENT CT CORP. SYSTEM
 160 MINE LAKE CT STE 200
 RALEIGH NC 27615

Name And Address Of Defendant 2

ERNE COLEMAN IN official capacity as Sheriff BEAUFORT
 COUNTY
 210 N.MARKET STREET
 WASHINGTON, NC 27889



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You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff)

JESSE JONES LAW PLLC
 JESSE JONES
 PO BOX 104, LILLINGTON NC 27546

Date Issued

5-7-20

Time

8:50

☒ AM ☐ PM

Signature

Virginia Pfeiffer

☒ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court

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Time

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BEAUFORT County

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☐ District ☒ Superior Court Division

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You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff)

JESSE JONES LAW PLLC
 JESSE JONES
 PO BOX 104, LILLINGTON NC 27546

Date Issued

5-7-20

Time

8:50

☒ AM ☐ PM

Signature

Virginia Pfeiffer

☒ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court

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 BEAUFORT; ERNIE COLEMAN OFFIC CAPACITY SHERIFF
 BEAUFORT COUNTY; OHIO CASUALTY INSURANCE

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2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff)

JESSE JONES LAW PLLC
 JESSE JONES
 PO BOX 104, LILLINGTON NC 27546

Date Issued

5-7-20

Time

8:50

☒ AM

☐ PM

Signature

Virginia Pfeiffer

☒ Deputy CSC

☐ Assistant CSC

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(Over)

Atty to have served

STATE OF NORTH CAROLINA
JUSTICE COUNTY OF BEAUFORT

IN THE GENERAL COURT OF
CIVIL SUPERIOR COURT DIVISION

20 CVS FILED 364

EDWARD LEE ANDERSON, as Administrator
of the Estate of CORY ANDERSON

2020 MAY -7 A 8:44

BEAUFORT CO., C.S.C.

BY VTP

PLAINTIFF,

SOUTHERN HEALTH PARTNERS, INC.,
COUNTY OF BEAUFORT, NORTH
CAROLINA, ERNIE COLEMAN, in his official
capacity as SHERIFF OF BEAUFORT
COUNTY, North Carolina, and THE OHIO
CASUALTY INSURANCE COMPANY
DEFENDANTS.

COMPLAINT FOR DAMAGES

NOW COMES THE PLAINTIFF complaining of Defendants and alleging as follows:

PARTIES, JURISDICTION & VENUE

1. The Plaintiff is a citizen and resident of Beaufort County, North Carolina and the duly appointed administrator of the Estate of Cory Edward Anderson, (hereinafter "Decedent"), an estate set up in Beaufort County, North Carolina.

2. Defendant Southern Health Partners, Inc. ("SHPI") is an entity and/or health care provider with a principal place of business at 160 Mine Lake Ct, Suite 200, Raleigh, NC 27615 who was responsible for the medical care and treatment of the Decedent at the relevant and material times noted herein and whose registered agent and agent's address are as follows:

CT Corporation System 160 Mine Lake Ct Ste 200 Raleigh, NC 27615

3. SHPI's President and CEO is Jennifer I. Hairsine and SHPI has the following principal office and mailing address:

2030 Hamilton Place Blvd Suite 140 Chattanooga, TN 37421

4. Defendant Ernie Coleman (hereinafter "Coleman") is a resident of Beaufort County, North Carolina, who was at all times relevant hereto the duly appointed Sheriff of the County of Beaufort. He is sued in his official capacity for compensatory and punitive damages under both state and federal law.

5. Defendant the Ohio Casualty Insurance Company (hereinafter "Ohio") is an insurance and surety corporation which is duly incorporated under the laws of the State of New Hampshire and has a principal place of business located at the following address:

62 Maple Ave, Keene, NH 03431.

6.. On information and belief, at all times relevant hereto, Ohio was the surety for the Beaufort County Sheriff pursuant to N. C. Gen. Stat. §§ 162-8 and 58-76-5 at the relevant and material times noted herein, and by virtue of said surety bond had undertaken that in all things, the Sheriff would faithfully execute the office of Sheriff and perform all duties incumbent upon him by reason of his election to said office.

7.. The Defendants have waived governmental immunity by the purchase of a surety bond through Defendant Ohio and by paying prior claims, and as such all Defendants in this action are subject to liability to Plaintiff for any injuries caused by "the neglect, misconduct, or misbehavior" of any Defendant done "under the color of that officer's office." N.C. Gen. Stat. § 58-76-5. Accordingly, the Defendants in this action have waived governmental immunity with respect to all acts and omissions complained of herein.

8. Upon information and belief, Defendants are also insured by one or more policies of liability insurance with respect to all acts or omissions complained of

herein, or they participate in a government risk pool, or they maintain a funded reserve, and to such extent Defendants have waived – for themselves, their agents, employees, and all personnel acting in their official or individual capacities – any official, sovereign, qualified, or governmental immunity to which they might otherwise be entitled in their official capacities. Defendants, their officers, directors, employees and agents have waived governmental immunity that may apply under state law by the purchase of insurance by Beaufort County, North Carolina, and/or the Sheriff of Beaufort County, insuring the Office of Sheriff of Beaufort County and any of their officers, agents and employees, including the Defendants named herein, against liability for negligent or intentional damage to person or property, or against absolute liability to person or property caused by an act or omission of the Defendants or of any of their officers, agents or employees when acting within the scope of their authority and/or under the color of their offices.

9. Subject matter jurisdiction is appropriate and proper and any and all such governmental immunity and sovereign immunity is and has been fully waived pursuant to N.C. Gen. Stat. §160A-485 and/or N.C. Gen. Stat. §153A-435 and/or N.C. Gen. Stat. §58-76-5.

AUTHORITY, AGENCY & VICARIOUS LIABILITY

10. The allegations set forth in the preceding and foregoing paragraphs are incorporated by reference as though alleged herein.

11. At all times relevant to this action, the Beaufort County Sheriff's Office, under the leadership and authority of Defendant Coleman, exercised jurisdiction throughout the County, including both the incorporated and the unincorporated areas, and the Sheriff's Office provided primary law enforcement for the unincorporated areas of Beaufort County.

12. Defendant Coleman, as Sheriff of Beaufort County, is the final policymaker for

the Beaufort County Sheriff's Office with respect to law enforcement activities within that jurisdiction. Upon information and belief, Defendant Beaufort County reposed in Defendant Coleman's final policymaking authority with respect to the custody, care, and safekeeping of inmates and pretrial detainees held at the Beaufort County Detention Center. The Sheriff signed a Beaufort County Detention Center Medical plan on 10-5-2017

13. At all times relevant hereto, Defendant Coleman was acting in the course and scope of his official duties as the Sheriff of Beaufort County, under the color of his office and/or under the color of state law.

14. At times relevant to the allegations alleged in this Complaint, Defendants Coleman and SHPI, were employed by and/or agents of the Beaufort County Sheriff's Office, and in committing the acts and omissions herein alleged each was acting under the color of state law.

FACTS

15. The allegations set forth in the preceding and foregoing paragraphs are incorporated by reference as though alleged herein.

16. On or about April 28, 2017 and until May 7th, 2017, the Decedent was serving a 30 sentence for a DWI and being held at the Beaufort County Detention Center, which is run by, and a division of, the Beaufort County Sheriff's Department and the County of Beaufort.

17. The Decedent is a recovering Addict who suffered from high anxiety and high blood pressure during his time he was detained at the Beaufort County Detention Center.

18. Defendants and/or their agents and employees were aware at all relevant and material times about the Decedent's medical conditions and the medicines he was taking due to conversations the Decedent had with the Defendant's agents.

19. Defendants Beaufort County, Coleman, and SHPI had a duty to develop and maintain policies and procedures for medical treatment of inmates and pretrial detainees held at the Beaufort County Detention Center, and to perform administrative functions to ensure that those policies, and other requirements for providing medical care to inmates and pretrial detainees, were followed including, but not limited to, those duties listed in NCGS 153A-225(a).

20. Defendants and/or their agents and employees had a duty to obtain for and provide the Decedent with medications as prescribed for his treatment and monitor any illness he had while he was being detained; and to monitor any illness he developed prior to his incarceration. The Defendants had a legal duty in NCGS 153A-225 to provide medical care of their prisoners.

21. Defendants and/or their agents and employees had a duty to conduct routine and regular checks on the Decedent for wellness, check the Decedent's blood pressure levels, order regular and prescribed medication and/or medical device supplies, timely provide the ordered medications and/or medical device supplies to the Decedent, and to follow all policies and procedures for same.

22. On or about April 28, 2017 through May 7th 2017, Defendants and/or their agents and employees did not conduct routine and regular checks on the Decedent for wellness, check the Decedent's blood pressure, follow up with the Decedent's complaints of excessive coughing, vomiting, nausea and order regular and prescribed medication and/or medical device supplies, timely provide to the Decedent ordered medications and/or medical device supplies, or follow all policies and procedures for same.

23. Defendants, and/or their agents and employees, had a duty to provide medical treatment to the Decedent while a detainee at the Beaufort County Detention Center.

24. Defendants, and/or their agents and employees, breached their duty to provide medical treatment to Decedent while a detainee at the Beaufort County Detention Center.

25. Defendant SHPI, and/or their agents and employees, had a duty to provide medical treatment to the Decedent while the Decedent was a detainee at the Beaufort County Detention Center and to follow the medical procedures and policies applicable to the care of inmates at the Beaufort County Detention Center.

26. Defendant SHPI, and/or their agents and employees, breached their duty to provide medical treatment to the Decedent while a detainee at the Beaufort County Detention Center and to follow the medical procedures and policies applicable to the care of inmates and pretrial detainees at the Beaufort County Detention Center.

27. As a result of the foregoing breaches of duty by the Defendants and/or their agents and employees, the Decedent was complaining about having a severe cough, so bad he thought he had pulled a muscle in his chest, he informed the Defendants and other prisoners that he was very sick. The defendants failed to respond to the Decedent's requests and told him it was just alcohol withdrawal. Decedent developed pneumonia while being held in the Beaufort County Jail. The Defendant Coleman's agents told the Decedent that he was faking and they were not going to get him treatment.

28. As a proximate result of the foregoing breaches of duty by the Defendants and/or their agents and employees, the Decedent suffered from severe pneumonia, sepsis and dehydration (flu like) and was rushed to the hospital on May 7th 2017 and died on May 8.2017.

29. Decedent's severe pneumonia, sepsis and dehydration was proximately due to the failure of Defendants to provide Decedent his prescribed medications and/or necessary medical device supplies, to provide medical treatment, and/or to follow procedures and policies applicable to the care of inmates and pretrial detainees at the Beaufort County Detention Center.

30. Defendants were aware that the plaintiff was suffering from flu like symptoms.

The plaintiff had informed the defendants that he had caught the cough that was going around the jail. The Defendant Coleman's agents kept telling the Decedent he was faking and he was not getting medical care.

31. The defendants were aware that the plaintiff had been coughing for over 48 hours that the Decedent had a fever that the Decedent complained how bad he felt, that the Decedent had high blood pressure and suffered from nausea and that these conditions are sufficiently serious which produced significant physical injury to the plaintiff in the form of pneumonia and sepsis.

32. The defendants showed a deliberate indifference to the serious medical condition of the Decedent.

33. The defendants had a complete and deliberate indifference to the medical condition of the Decedent even though they were aware of the substantial risk of serious harm to the plaintiff because of his medical conditions.

34. The decedent's pneumonia and sepsis was proximately caused due to the failure of the defendants to provide the plaintiff with proper medical treatment, and/or to follow procedures and policy applicable to the care of inmates and detainees at the Beaufort County detention Center

AS A FIRST CAUSE OF ACTION FOR ORDINARY NEGLIGENCE

(DEFENDANTS Coleman, Beaufort COUNTY & OHIO)

35. The above allegations are hereby incorporated by reference.

36. The Defendant Coleman had a duty to develop and maintain policies and procedures for medical treatment and to perform administrative functions to make sure those policies, and other requirements for providing medical care to inmates, were followed including, but not limited to, those duties listed in NCGS 153A-225(a).

37. The Defendant Coleman had a duty to properly monitor and supervise detainees, and to properly supervise and train officers assigned to the Beaufort County Detention Center.

38. The Defendant Coleman was aware of a very serious bug/cold/flu that numerous prisoners had developed while the decedent was in their jail and took no precautions to protect the decedent

39. Defendants violated their duties to Decedent on or about April 28, 2017 until May 7th 2017 by failing to comply with the duties outlined in the preceding paragraphs.

40. As a proximate result of the breach of their duties, the Decedent was transported to the hospital because he had developed severe double LUNG pneumonia while in the Beaufort County Jail

**AS A SECOND CAUSE OF ACTION FOR ORDINARY
NEGLIGENCE**

(DEFENDANT SHPI)

41. The above allegations are hereby incorporated by reference.

42. The Defendant SHPI had a duty to conduct routine and regular checks on Decedent for wellness, check Decedent's blood pressure, follow up with the

Decedent's complaint of uncontrolled coughing, order regular and prescribed medications and/or medical device supplies, and timely provide any and all ordered medications and/or medical device supplies to Decedent.

43. Defendant SHPI violated their duties to Decedent on or about April 28, 2017 to May 7th 2017 by failing to comply with the duties outlined in the preceding paragraph

44. As a proximate result of the breach of their duties, the Decedent became very sick from double lung pneumonia and became septic

**AS AN THIRD CAUSE OF ACTION FOR INJURY TO
PRISONER**

PURSUANT TO NCGS § 162-55

(DEFENDANTS COLEMAN & OHIO)

45. The above allegations are hereby incorporated by reference as though set forth herein.

46. Defendant Coleman is the keeper of the Beaufort County Detention Center.

47. Defendant Coleman caused harm and injury to the Decedent, a detainee at the detention center, through his unconstitutional and unlawful failure to create and enforce adequate and appropriate policies and/or procedures to ensure the health and safety of inmates and detainees having serious medical conditions.

48. The Plaintiff is entitled to treble damages in compensation for the

unconstitutional and unlawful injury caused to the Decedent by Defendant Coleman in his capacity as keeper of the Beaufort County Detention Center.

49. Ohio, as the surety for the Beaufort County Sheriff, is liable for the wrongful acts committed by Defendant Coleman in his official capacity.

AS A FOURTH CAUSE OF ACTION FOR THE VIOLATION OF RIGHTS UNDER

THE NORTH CAROLINA CONSTITUTION

(DEFENDANTS COLEMAN, Beaufort COUNTY, & OHIO)

50. The above allegations are hereby incorporated by reference.

51 The Defendants were, at all times relevant herein, responsible for the formulation and execution of policies regarding the custody, care, and safekeeping of inmates and pretrial detainees held at the Beaufort County Detention Center.

52. Upon information and belief, the Defendants, acting under color of state law, had in effect policies, practices, and customs that were a direct and proximate cause of the wrongful, unconstitutional, and unlawful conduct of the officers and/or nurses working in the Beaufort County Detention Center as herein alleged, including but not limited to:

a. The failure to adequately train, supervise, instruct, or monitor officers and/or nurses assigned to the Detention Center in the proper method for evaluating inmates and detainees;

b. The failure to adequately train, supervise, instruct, or monitor officers and/or nurses assigned to the Detention Center in the proper methods for assisting

and treating inmates and detainees with serious medical conditions;

c. The failure to properly supervise officers and/or nurses assigned to the Detention Center;

d. The failure to see that inmates and detainees at the Detention Center were supervised properly to maintain safe custody of such inmates and detainees;

e. The failure to see that officers and/or nurses assigned to the Detention Center supervised inmates and detainees sufficiently to be at all times informed of the inmates' and detainees' general health and medical needs;

f. The failure to institute proper policies and/or procedures necessary to see that inmates and detainees are provided appropriate, necessary, and adequate medical care and protection from emergency and perilous medical conditions, or in failing to follow them if such policies or procedures exist;

g. The failure to implement proper and reasonable policies and procedures regarding the evaluation, monitoring, supervision, observation, and housing of inmates and detainees in the jail including, and especially, inmates and detainees who have a previous record of serious medical conditions; and

h. The failure to see that policies and procedures adopted by the Defendants were written and carried out in a way that complied with applicable statutes and administrative codes.

53. Upon information and belief, the Defendants had actual and/or constructive knowledge that the officers, nurses, supervisors, agents, and/or employees assigned to the Detention Center were, and had been prior to April 30, 2017, engaged in conduct that posed a pervasive and unreasonable risk of constitutional injury to inmates and detainees such as Decedent.

54. Upon information and belief, the Defendants' responses to such actual and/or constructive knowledge were so inadequate as to show deliberate indifference to or tacit authorization of the offensive practices described herein

55. Upon information and belief, the uncorrected misconduct of officers, nurses, supervisors, agents, and/or employees in the detention center resulted in the widespread deprivation of the constitutional rights of inmates and detainees at the Detention Center, including the Decedent, on multiple occasions.

56. As a direct and proximate result of said policies, practices and customs, the Decedent was denied his rights to reasonable medical treatment, to be free from serious risk of harm, and to be free from any cruel or unusual punishment established by the North Carolina Constitution.

57. As a direct and proximate result of the deprivation of the Decedent's state constitutional rights by the Defendants, the Decedent suffered severe and prolonged mental and physical pain culminating in his preventable and unnecessary obtaining of severe pneumonia and sepsis. for which the Plaintiff is entitled to recover compensatory damages in an amount in excess of \$10,000.00.

58. Ohio, as the surety for the Beaufort County Sheriff, is liable for the unconstitutional and unlawful acts committed by the Defendants in their official capacity.

AS AN FIFTH CAUSE OF ACTION FOR CIVIL RIGHTS VIOLATIONS

**PURSUANT TO 42 U.S.C.A. §
1983**

(DEFENDANTS COLEMAN, BEAUFORT COUNTY, & OHIO)

59. The above allegations are hereby incorporated by reference.

60. The Defendants and/or their agents and employees were, at all times relevant to this complaint, responsible for the formulation and execution of policies regarding the custody, care, and safekeeping of inmates and pretrial detainees held at the Beaufort County Detention Center.

61. Upon information and belief, the Defendants, acting under color of state law, had in effect policies, practices, and customs that were a direct and proximate cause of the wrongful, unconstitutional, and unlawful conduct of the officers and/or nurses working in the Beaufort County Detention Center as herein alleged, including but not limited to:

a. The failure to implement reasonable policies and procedures regarding the evaluation, monitoring, supervision, observation, and housing of inmates and pretrial detainees in the Detention Center including, and especially, inmates and pretrial detainees who have a previous record of serious medical condition, or in failing to follow them if such policies and procedures exist;

b. The failure to adequately train, supervise, instruct, or monitor officers and/or other agents and employees of the Defendants, including but not limited to nurses, assigned to the Detention Center in the proper method for evaluating inmates and pretrial detainees;

c. The failure to properly supervise officers and/or other agents and employees of the Defendants, including but not limited to nurses, assigned to the Detention Center;

d. The failure to see that officers and/or other agents and employees of the Defendants, including but not limited to nurses, assigned to the Detention Center supervised inmates and pretrial detainees sufficiently to be at all times informed of the inmates' and detainees' general safety, health and medical needs;

e. The failure to see that inmates and pretrial detainees at the Detention Center were supervised properly to maintain safe custody of such inmates and detainees; and f. The failure to see that policies and procedures adopted by the Defendants were written and carried out in a way that complied with applicable statutes and administrative codes.

62. Upon information and belief, the Defendants had actual and/or constructive knowledge that the officers, nurses, supervisors, agents, and/or other employees assigned to the Detention Center were, and had been prior to April 28, 2017,

engaged in conduct that posed a pervasive and unreasonable risk of constitutional injury to inmates and detainees such as Decedent.

63. Upon information and belief, the Defendants' responses to such actual and/or constructive knowledge were so inadequate as to show deliberate indifference to or tacit authorization of the offensive practices described herein.

64. Upon information and belief, the uncorrected misconduct of officers, nurses, supervisors, agents, and/or other employees in the Detention Center resulted in the widespread deprivation of the constitutional rights of inmates and detainees at the Detention Center, including the Decedent, on multiple occasions.

65. As a direct and proximate result of said omissions, policies, practices and customs, the Decedent was denied his rights to be free from serious risk of harm and to be free from any cruel or unusual punishment guaranteed by the due process clause of the Fourteenth Amendment and the laws of North Carolina and enforceable under 42 U.S.C.A. § 1983.

66. As a direct and proximate result of the deprivation of the Decedent's rights by the Defendants, the Decedent suffered severe and prolonged mental and physical pain culminating in his preventable and unnecessary obtaining of severe pneumonia and sepsis for which the Plaintiff is entitled to recover compensatory damages in an amount in excess of \$10,000.00.

67. Ohio, as the surety for the Beaufort County Sheriff, is liable for the unconstitutional and unlawful acts committed by the Defendants and/or their agents and employees in their official capacity.

AS A SIXTH CAUSE OF ACTION FOR CIVIL RIGHTS

VIOLATIONS PURSUANT TO 42 U.S.C.A. § 1983

(ALL DEFENDANTS)

68. The above allegations are hereby incorporated by reference.

69. The Defendants and/or their agents were, at all times relevant to this complaint, responsible for the formulation and execution of policies regarding the health, care, and welfare of inmates and pretrial detainees held at the Beaufort County Detention Center.

70. Upon information and belief, the Defendants, acting under color of state law, had in effect healthcare policies, practices, and customs that were a direct and proximate cause of the wrongful, unconstitutional, and unlawful conduct of the officers and/or other agents and employees of the Defendants, including but not limited to nurses, working in the Beaufort County Detention Center as herein alleged, including but not limited to:

- a. The failure to implement proper and reasonable policies and procedures regarding the evaluation, monitoring, supervision, observation, and housing of inmates and pretrial detainees in the Detention Center including, and especially, inmates and pretrial detainees who have a previous record of serious medical conditions, or to follow such policies and procedures if they exist;

- b. The failure to institute proper policies and/or procedures necessary to see that inmates and pretrial detainees are provided appropriate, necessary, and adequate medical care and protection from emergency and perilous medical conditions, or to follow such policies or procedures if they exist;

- c. The failure to adequately train, supervise, instruct, or monitor officers and/or other agents and employees of the Defendants, including but not limited to nurses, assigned to the Detention Center in the proper method for evaluating inmates and pretrial detainees with serious medical conditions;

- d. The failure to adequately train, supervise, instruct, or monitor officers and/or other agents and employees of the Defendants, including but not limited to nurses, assigned to the Detention Center in the proper methods for assisting and treating inmates and pretrial detainees with serious medical conditions;

- e. The failure to see that officers and/or other agents and employees of the Defendants, including but not limited to nurses, assigned to the Detention

Center supervised inmates and pretrial detainees sufficiently to be at all times informed of the inmates' and pretrial detainees' general health and medical needs; and

f. The failure to see that policies and procedures adopted by the Defendants and/or their agents were written and carried out in a way that complied with applicable statutes and administrative codes.

71. Upon information and belief, the Defendants had actual and/or constructive knowledge that the officers, nurses, supervisors, agents, and/or employees assigned to the Detention Center were, and had been prior to April 28th, 2017 engaged in conduct that posed a pervasive and unreasonable risk of constitutional injury to inmates and pretrial detainees such as Decedent.

72. Upon information and belief, the Defendants' responses to such actual and/or constructive knowledge were so inadequate as to show deliberate indifference to or tacit authorization of the offensive practices described herein.

73. Upon information and belief, the uncorrected misconduct of officers, nurses, supervisors, agents, and/or other employees in the Detention Center resulted in the widespread deprivation of the constitutional rights of inmates and pretrial detainees at the Detention Center, including the Decedent, on multiple occasions.

74. As a direct and proximate result of said policies, practices and customs, the Decedent was denied his rights to reasonable medical treatment, to be free from serious risk of harm, and to be free from any cruel or unusual punishment established by the due process clause of the Fourteenth Amendment and enforceable under 42 U.S.C.A. § 1983.

75. As a direct and proximate result of the deprivation of the Decedent's constitutional rights by the Defendants, the Decedent suffered severe and prolonged mental and physical pain culminating in his preventable and unnecessary obtaining of severe pneumonia and sepsis for which the Plaintiff is entitled to recover compensatory damages in an amount in excess of \$10,000.00.

^{OHIO}
76. ~~Travelers~~, as the surety for the Beaufort County Sheriff, is liable for the unconstitutional and unlawful acts committed by the Defendants in their official capacity.

**AS A SEVENTH CAUSE OF ACTION FOR CIVIL RIGHTS VIOLATIONS
PURSUANT**

TO 42 U.S.C.A. § 1983

(DEFENDANTS COLEMAN, SHPI, & OHIO)

77. The above allegations are hereby incorporated by reference.

78. Upon information and belief, the Defendants and/or their agents and employees, including but not limited to nurses, were at all times relevant to this complaint responsible for the health and welfare of inmates and pretrial detainees held at the Beaufort County Detention Center, including the provision of medical care and treatment.

79. The Defendants and/or their agents and employees, including but not limited to nurses, were during all times relevant to this complaint actually aware that the Decedent, had extremely high blood pressure, was coming off of alcohol detoxification, had a serious cough, fever, breathing difficulty and an upset

stomach, which all showed a pre-existing serious medical condition which required daily monitoring and treatment and was life-threatening in nature.

80. The Defendants and/or their agents and employees, including but not limited to nurses, under color of state law, did provide the Decedent with necessary medical care and treatment during the timeframes alleged herein.

81. Upon information and belief, the Defendants and/or their agents and employees, including but not limited to nurses, had actual and/or constructive knowledge that on numerous occasions during the timeframes relevant to this complaint, the Decedent experienced significant delays in receiving the prescription medications and/or medical device supplies necessary to treat the Decedent's serious medical condition.

82. Upon information and belief, the responses of Defendants and/or their agents and employees, including but not limited to nurses, to such actual and/or constructive knowledge were so inadequate as to show deliberate indifference to or tacit authorization of the offensive practices described herein.

83. Upon information and belief, the inadequate and deliberately indifferent response of officers, nurses, supervisors, agents, and/or employees in the Detention Center resulted in the deprivation of the constitutional rights of the Decedent.

84. As a direct and proximate result of said actions and/or inactions, the Decedent was denied his rights to reasonable medical treatment, to be free from serious risk of harm, and to be free from any cruel or unusual punishment established by the due process clause of the Fourteenth Amendment and enforceable under 42 U.S.C.A. § 1983.

85. Upon information and belief, the Defendants and/or their agents and employees, including but not limited to nurses, had actual and/or constructive knowledge on or about April 28, 2017 through May 7th 2017 that the Decedent was on that date experiencing complications managing his serious medical condition and as a result sustained an injury which required emergency medical treatment.

86. Upon information and belief, the responses of Defendants and/or their

agents and employees, including but not limited to nurses, to such actual and/or constructive knowledge were so inadequate as to show deliberate indifference to or tacit authorization of the offensive practices described herein.

87. Upon information and belief, the inadequate and deliberately indifferent response of officers, nurses, supervisors, agents, and/or employees in the Detention Center resulted in the deprivation of the constitutional rights of the Decedent.

88. As a direct and proximate result of said actions and/or inactions, the Decedent was denied his rights to reasonable medical treatment, to be free from serious risk of harm, and to be free from any cruel or unusual punishment established by the due process clause of the Fourteenth Amendment and enforceable under 42 U.S.C.A. § 1983.

89. Upon information and belief, the Defendants and/or their agents and employees, including but not limited to nurses, had actual and/or constructive knowledge on or about April 9th through May 7th 2017 that the Decedent was experiencing the symptoms of the flu, a life-threatening complication of the Decedent's serious medical condition.

90. Upon information and belief, the responses of Defendants and/or their agents and employees, including but not limited to nurses, to such actual and/or constructive knowledge were so inadequate as to show deliberate indifference to or tacit authorization of the offensive practices described herein.

91. Upon information and belief, the inadequate and deliberately indifferent response of officers, nurses, supervisors, agents, and/or employees in the Detention Center resulted in the deprivation of the constitutional rights of the Decedent.

92. As a direct and proximate result of said actions and/or inactions, the Decedent was denied his rights to reasonable medical treatment, to be free

from serious risk of harm, and to be free from any cruel or unusual punishment established by the due process clause of the Fourteenth Amendment and enforceable under 42 U.S.C.A. § 1983.

93. As a direct and proximate result of the above deprivations of the Decedent's constitutional rights by the Defendants, the Decedent suffered severe and prolonged mental and physical pain culminating in his preventable and unnecessary catching of double lung pneumonia and sepsis for which the Plaintiff is entitled to recover compensatory damages in an amount in excess of \$10,000.00.

94. Ohio, as the surety for the Beaufort County Sheriff, is liable for the unconstitutional and unlawful acts committed by the Defendants in their official capacity.

**AS AN EIGHTH CAUSE OF ACTION FOR BREACH OF
CONTRACT**

(DEFENDANTS SHPI)

95. The above allegations are hereby incorporated by reference.

96. Upon information and belief, Defendant SHPI entered into a valid and binding contract with Defendant Beaufort County and/or Defendant Coleman for the purpose of providing medical care and treatment to inmates and pretrial detainees held at the Beaufort County Detention Center, including the Decedent.

97. At all times during the execution and fulfillment of the above-described contracts, all parties to said contracts intended that the inmates and pretrial

detainees held at the Beaufort County Detention Center, including the Decedent, were third-party beneficiaries of said contracts.

98. Upon information and belief, Defendant SHPI breached its contractual duties to Defendant Beaufort County and/or Defendant Coleman and to the Decedent by failing to provide adequate and appropriate medical care and treatment to the Decedent, a detainee held at the Beaufort County Detention Center and an intended third- party beneficiary under the terms of the contract.

AS A NINTH CAUSE OF ACTION FOR PUNITIVE DAMAGES

(ALL DEFENDANTS)

99. The above allegations are hereby incorporated by reference.

100. Defendants acted with conscious and intentional disregard of and indifference to the rights and safety of others, which the Defendants knew or should have known was reasonably likely to result in injury, damage, or other harm to the Decedent.

101. Defendants and/or their agents acted in callous disregard and with reckless indifference to Decedent and Decedent's medical needs on or about the times frames noted herein.

102. The Defendants' conduct, as outlined herein, constitutes willful and wanton conduct and the conscious and intentional disregard of, and indifference to, the rights and safety of others, which Defendants knew, or should have known, where likely to result in injury, damage or other harm to Decedent.

103. Such willful and wanton conduct, as described in the preceding paragraphs,

was the proximate cause of the decedent developing severe pneumonia and sepsis.

104 Based on the foregoing, Plaintiff is entitled to recover punitive damages.

WHEREFORE, it is prayed that the Plaintiff have and recover of the Defendants as follows:

1. Damages in an amount in excess of \$25,000.00, with interest from the date this suit was instituted.
2. Costs of this action, including reasonable attorney's fees.
3. Punitive Damages.
4. Such other relief as may be just and proper.
5. To place new protocols in the Beaufort County jail to make sure that when an inmate develops serious medical conditions they have a plan in place to make sure that that prisoner gets the proper medical care, even during the weekends.
6. Plaintiff hereby makes demand for trial by jury.

This the 4th day of May 2020/



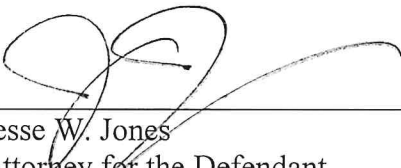
Jesse Jones (NCSB# 21135)
Attorneys for Plaintiff

Jesse Jones Law P.O. BOX 104
Lillington, North Carolina 27546
(910) 814-2661

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that he has served upon the following parties or persons, by law entitled to be served in this proceeding, a copy of the preceding *Complaint* by depositing the same in a postage paid, properly addressed wrapper, placed in a depository under the exclusive care and custody of the United States Postal Service at Lillington, North Carolina, with the same addressed as set forth below.

This the 6th day of May, 2020.



Jesse W. Jones
Attorney for the Defendant
P.O. Box 104
Lillington, NC 27546
910.814.2661
910.814.3709 (fax)

Served Upon:

Ernie Coleman
210 N. Market Street
Washington, NC 27889

Southern Health Partners, Inc.
Agent CT Corp. System
160 Mine Lake Ct. Ste. 200
Raleigh, NC 27615

David C. Francisco
4117 W. 3rd St.
Washington, NC 27889

Ohio Casualty Insurance Company
62 Maple Ave.
Keene NH 03431

STATE OF NORTH CAROLINA

BEAUFORT County

File No.

20 CVS 364

Judgment Abstract No.

Judgment Docket Book And Page No.

TOTAL RECEIPT AMOUNT \$ 200.00

CIVIL RECEIPTING FORM

Payer Name:

(Party to case)

Anderson

Last Name

Edward

First Name

Lee

Middle Name

Payee Name:

(Paid by whom,
e.g., name of attorney,
interested party, etc.)

Last Name

First Name

Middle Name

Flag for VCAP = YES

Flag for VCAP = NO

FILING FEES:

- ☒ (CVSC) Superior \$ 200.00
- ☐ (CVDC) District \$ 150.00
- ☐ (CVMC) Small Claim \$ 96.00
- ☐ (CVAC) Appeal - Magistrate (Mag) to DC \$ 146.00
- ☐ (CVBC) Business Court \$ 1,300.00
- (Account Code If City Facility _____)

Transfer of jurisdiction from one court to another within the same county

- ☐ From Mag to DC (21220-\$50.00, 22220-\$4.00) \$ 54.00
- ☐ From DC to SC (21120) \$ 50.00
- ☐ MISC FILING FEE (21435) \$

SERVICE FEES:

- ☐ WRIT OF EXECUTION (21430) \$
- ☐ WRIT OF POSSESSION (21430) \$
- ☐ SHERIFF (22515) \$
- ☐ Other Agency Service Acct. \$

ALIAS & PLURIES SUMMONS and/or ENDORSEMENTS

- ☐ 21455 \$ 15.00

MISCELLANEOUS FEES:

- ☐ ARBITRATION APPEAL (24310) \$ 100.00
- ☐ CIVIL MOTIONS (21450) \$ 20.00
- ☐ CONFESS JUDGMENT (21400) \$ 25.00
- ☐ COPY (21410) \$
- ☐ (OSA) OUT OF STATE ATTY. \$ 225.00
- ☐ SUPPLEMENTAL PRO. (21400) \$ 30.00
- ☐ TRANSCRIPTS (21440) \$ 10.00
- ☐ OTHER (ACCT # _____) \$
- ☐ REFUND/OVERPAYMENT (29100) \$

JUDGMENT PAYMENT: (Abstracted) 26115 (CV OR M)

- ☐ Full \$
- ☐ Partial \$

DEPOSITS:

- ☐ RENT BONDS (26220) \$

APPROVAL:

REVIEWED BY: VTP

DATE: 5-7-20

FILING FEES:

- ☐ (CDDC) Divorce/DV Center Fund \$ 225.00
- (\$150 filing fee + \$75 DV Center Fund)
- ☐ (CDDC) with former name resumption \$ 235.00
- (+\$10.00 to 21400)
- ☐ (CVDC) Divorce from Bed & Board \$ 150.00
- ☐ Registrations 'R' (21400) \$
- ☐ Other \$
- ☐ MISC FILING FEE (21435) \$

SERVICE FEES:

- ☐ WRIT OF POSSESSION (21400)
- (when a writ of possession is on a non-monetary judgment or old book and page is in existence)
- ☐ SHERIFF (22515) \$
- ☐ Other Agency Service Acct. \$

ALIAS & PLURIES SUMMONS and/or ENDORSEMENTS

- ☐ 21455 \$ 15.00

MISCELLANEOUS FEES:

- ☐ ARBITRATION FEES (24311) \$
- (Only if CVD)
- ☐ CIVIL MOTIONS (21450) \$ 20.00
- ☐ CONFESS JUDGMENT (21400) \$ 25.00
- ☐ COPY (21410) \$
- ☐ SUPPLEMENTAL PRO. (21400) \$ 30.00
- ☐ OTHER (ACCT # _____) \$
- ☐ REFUND/OVERPAYMENT (29100) \$

JUDGMENT PAYMENT: (Old Docketed)

- ☐ Full (26110) \$
- ☐ Partial Book _____ Page _____

DEPOSITS:

- ☐ RENT BONDS (26220) \$
- ☐ CIVIL SURPLUS FUNDS (26600) \$
- ☐ CIVIL TRUST RECEIPT (26310) \$
- ☐ CIVIL BONDS (26210) \$
- ☐ CLAIM OF LIEN BOND (26600) \$
- ☐ CONDEMNATIONS (26130) \$
- ☐ DISPUTED FUNDS (26600) \$
- ☐ INTERPLEADER (26600) \$