

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

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U.S. DISTRICT COURT
N.D. OF ALABAMA

JERRY BAKER, ANTHONY,
CABLE, LILL FRAY DAVIS
JOHNNY DEFRIES, TONY
DEXTER, JAMES FR
TED MCGINNIS, DARRELL
MULLIN, RUSSELL

Case No. CV-03-C-1114-M

NATURE OF THE ACTION

This is a civil action brought to vindicate the Plaintiffs' constitutional rights.

Plaintiffs are suffering

serious harm and are at risk of irreparable harm.

all of the named Plaintiffs have been and continue to be provided grossly

are in all ADOC facilities and
monitoring and oversight with care services that have been

contracted out to [redacted] responsible for

ensuring that Alabama prisons operate in a manner that is consistent with
the United States Constitution. He is sued in his official capacity only.

Defendant Daley Hooks is the Warden of St. Clair County Jail.

medical care. Under the terms of the contract, Naphcare is obligated to provide all reasonable and necessary medical, dental, and mental healthcare to Inmates” in

for the healthcare provided to inmates at St Clair. The acts by Naphcare about which the Plaintiffs complain are part of Naphcare’s formal and informal policies and practices.

CEASS ON ALLEGATIONS

The Plaintiffs

“The Plaintiffs are the individuals named in the caption of this lawsuit. They are all current or former inmates of the St. Clair County Jail and are suing Naphcare for the healthcare provided to inmates at St. Clair. The acts by Naphcare about which the Plaintiffs complain are part of Naphcare’s formal and informal policies and practices.

FACTUAL ALLEGATIONS REGARDING THE CLASS

1. The class was formed in 1998.

2. The class was formed by the merger of the following classes:

a. Class of 1998 (1998-1999)

b. Class of 1999 (1999-2000)

c. Class of 2000 (2000-2001)

d. Class of 2001 (2001-2002)

3. The class was formed by the merger of the following classes:

a. Class of 1998 (1998-1999)

b. Class of 1999 (1999-2000)

c. Class of 2000 (2000-2001)

d. Class of 2001 (2001-2002)

e. Class of 2002 (2002-2003)

f. Class of 2003 (2003-2004)

4. The class was formed by the merger of the following classes:

a. Class of 1998 (1998-1999)

b. Class of 1999 (1999-2000)

c. Class of 2000 (2000-2001)

Insufficient Staffing

10. There is insufficient medical and dental staff to properly screen, diagnose and treat inmates with medical and/or dental problems.

The inmates at St. Clair have no access to a primary care physician. In 2010, the over 1500 inmates were served by *one* part-time urologist present at St. Clair only *one* day per week. Although another physician has apparently been hired recently, it is unclear whether this physician

and undentified, and the dentist is available only two days per week. As a result, inmates are denied prompt access to medical care and are forced

practices, resulting in their failure to appropriately refer inmates to

physician for

12. Inmates are charged a \$3.00 co-pay every time they are

prescribed by the M.D. staff even if the doctor does not refer the inmate to the

doctor's office. **When treatment is provided, moreover, inmates must pay**

this fee for each medical consultation that is assessed; inmates are not allowed

to combine medical consultations for illnesses in one sick call request. These

practices **discourage inmates with legitimate medical problems from seeking**

medical attention. Inmates with chronic illnesses are often required

utilize the co-pay system for necessary care (as opposed to elective care)

that is related to their chronic illness. For example, inmates with dialysis

must pay the \$3.00 co-pay **every time they seek treatment for hypoglycemia**

(blood sugar) even

for monitoring and insulin

adjustment.

13. Inmates are typically denied information about the results of

many medical tests even when these results are abnormal. For example, inmates

are informed, they are not educated about their disease or how to manage their illness. As a result, inmates do not always seek proper follow-up treatment that could improve their health.

17. The Defendants have filed to [redacted] annual

tut [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

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Medication and Medical Supply Practices

20. Inmates on medication, including medication for chronic

illnesses, frequently do not receive their prescriptions as prescribed or change

to their abdomen for proper waste removal. Although bags should be

provided daily, the official practice is to only change them once per

week.

Some inmates have gone over one month without a replacement bag,

forcing them to clean feces from the bag in the sinks in their cell.

In addition to the obvious lack of medical gloves or disinfectant, in addition to the obvious

lack of hand soap, the practice poses a risk of infection

to themselves and other inmates from fecal contamination.

Dental Care: Inmates for whom dentures are medically necessary must wait

months and sometimes years to receive them. Inmates who previously

received dentures from the DOC must wait at least five years before

getting another set. Inmates without appropriate dentures cannot eat properly, a problem that

creates ulcers or exacerbates other medical problems, including malnourishment

and acid reflux.

STATEMENT OF FACTS REGARDING NAMED PLAINTIFFS

26. After the original Plaintiff, Jerry Baker

died on Thursday, May 15, 2003, He was diagnosed with cancer disease.

Baker had been previously diagnosed with cancer disease.

and acid reflux.

27. After the original Plaintiff, Jerry Baker

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28. After the original Plaintiff, Jerry Baker

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month

loss of twenty-si

he was not

diagn... treated. Mr. Baker may have been at risk for

ing or colon

cancer, yet his... loss... investigated

His weight loss was caused

at he had only two teeth on the top of his

mouth and ten teeth on the b

ottom. He had been given a top denture plate

but that plate had been broken for over... approximately every year ago, five or six years

back together with Crazy

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a plate in the top of his mou

Even the... in the doctor... extra

had... he t

ays), he was unable to consume enough food and therefore

receive proper

nourishment due to his difficulty in chewing food

28. Plaintiff Anthony Cable is a 42-year-old male who lives with his wife and three children in a house located at 1234 Main Street, Anytown, USA.

On or about January 15, 2023, Plaintiff was injured while working as a construction worker at the site of a new residential development.

Plaintiff sustained a severe injury to his left hamstring. He aggressively sought treatment from his primary care physician, Dr. John Doe, who referred him to a specialist, Dr. Jane Smith.

Plaintiff's condition

has not improved significantly over the past six months, and he continues to experience chronic pain and limited mobility.

Plaintiff has undergone multiple physical therapy sessions and has been prescribed pain medication, but the pain persists, significantly impacting his quality of life and ability to work.

Plaintiff's condition is permanent and disabling, and he requires ongoing medical care and assistance with daily activities.

Plaintiff's injuries have caused him to lose his ability to perform his job as a construction worker, resulting in significant financial hardship.

Plaintiff's medical bills, including those for Dr. Doe, Dr. Smith, physical therapy, and pain medication, amount to approximately \$150,000.

Plaintiff's injuries have also caused him to lose his ability to enjoy his life and spend time with his family, resulting in significant emotional distress.

Plaintiff's injuries are the direct result of the negligence of the defendant, who failed to provide adequate safety training and equipment.

Plaintiff seeks compensation for his medical expenses, lost wages, and pain and suffering, and he requests that the court award him the sum of \$250,000.

Plaintiff's injuries are permanent and disabling, and he requires ongoing medical care and assistance with daily activities.

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spider bite. Three days later, he was sent back to Carraway hospital.

33. Mr. Davis is currently prescribed medication for his lungs.

Termination of the case

Mr. DeTriès is a 68-year-old male, born on [redacted] in [redacted]. He is a [redacted] and has been married to [redacted] for [redacted] years. He has three children: [redacted], [redacted], and [redacted]. He is currently residing at [redacted].

Mr. DeTriès has a long history of [redacted] and [redacted]. He has been treated by [redacted] and [redacted] for [redacted] years. He has also been treated by [redacted] and [redacted] for [redacted] years. He has a [redacted] and [redacted] of [redacted].

Mr. DeTriès has a [redacted] and [redacted] of [redacted]. He has a [redacted] and [redacted] of [redacted]. He has a [redacted] and [redacted] of [redacted]. He has a [redacted] and [redacted] of [redacted].

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constant pain during the month following the surgery, the Lortab that was prescribed for him was only given to him sporadically.

38. Mr. DeTriès uses dentures that are approximately two years old. He has no teeth on the top of his mouth; that is, he has only his natural teeth.

His denture is virtually unusable because it is so worn and does not fit his mouth properly. During a recent visit to the [redacted] dental plate was improperly re-lined, causing pain when the plate is worn. Without dentures, Mr. DeTriès has a total of three teeth in his mouth. Despite

multiple requests, the Defendants refuse to replace his dentures.

Although Mr. Defries has multiple nutritional needs, he cannot chew any solid food, exacerbating the r

St. Clair suffers from a type of hemophilia

Willebrand Type III case, a bleeding disorder characterized by the inability of the blood to prop

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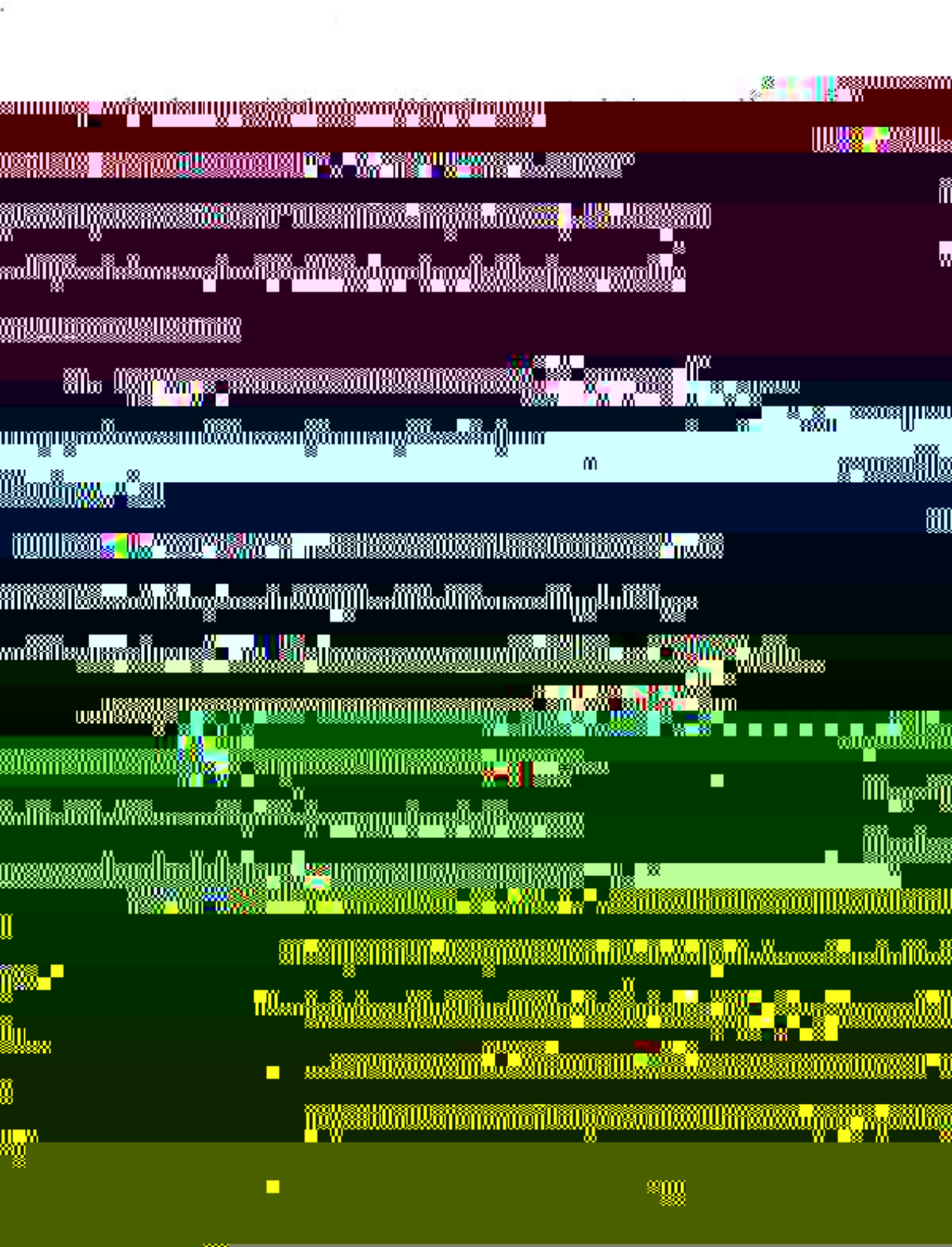
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used to treat HCV. Despite that physician's recommendation, Mr.

McGinness has not been given biopsy or any follow-up treatment. Instead,

he has placed on a chronic care list to be treated for a liver di-

was not

Defendants on March 10, 2003.

Defendants on March 10, 2003.

is 40 years old and has

he was at St. Clair for six

years. Mr. Strickland has cataracts in his right

eye, causing blurry

vision from

and has

to have

in his right eye.

40. Mr. Strickland is 31 years old and has

lived at St. Clair since March 2002. He is extremely hard of hearing

and has multiple requests

for a hearing aid have been ignored. Mr. Youngbloom's inability to hear makes it difficult for him to adequately monitor his surroundings, placing him at risk of harm from other inmates and at danger of getting in trouble from correctional officers for not following orders.

49. Plaintiff's [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] 18

[REDACTED]

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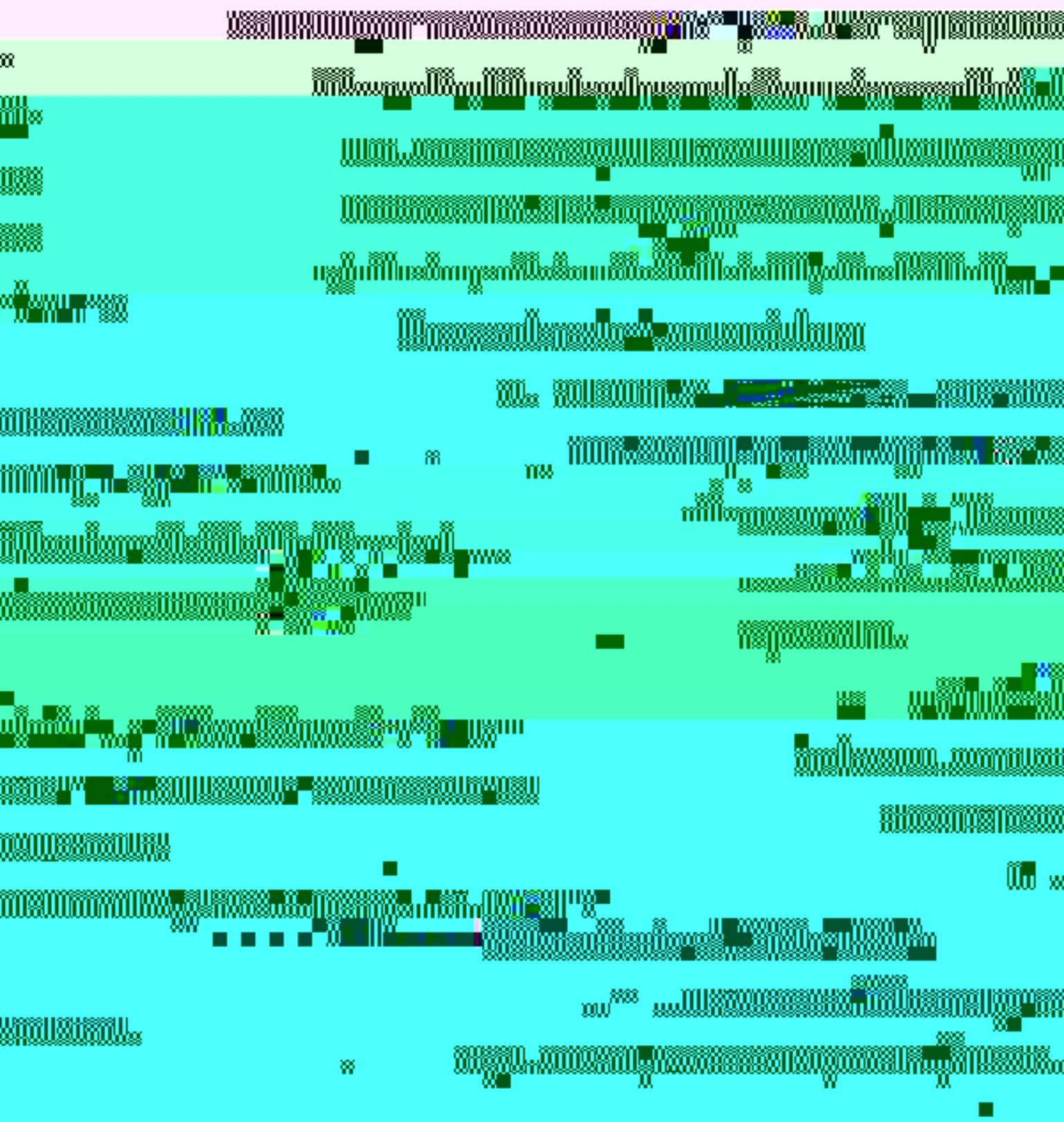
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[REDACTED]

[REDACTED]

[REDACTED]



d. Plaintiff Defries submitted com

CLAIMS FOR RELIEF

32. The Defendants' deliberate indifference to the serious medical

need

at this Court grant the

following relief:

1. Certify the plaintiff class;
2. Declare that the acts and omissions of the Defendants with regard to the class members violate the Fourteenth Amendments to the United States Constitution;

3. Enter a preliminary and permanent injunction requiring the Defendants, their agents, employees, and all persons acting in concert with them to

pay the costs and attorneys' fees;

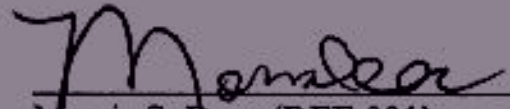
and

Grant the Plaintiffs such other relief as the Court deems

necessary and

just.

Respectfully submitted,



Morris S. Dees (DEE 001)

Rhonda

6:00

(334) 956-8481 (fax)

Attorneys for

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the document _____ on the _____ of May, 2003, by facsimile and first-class mail, postage prepaid, on the following persons at the addresses listed below:

William Addison,

P.O. Box 301501
Montgomery, AL 36110
(615) 333-3367

McLellan Farms, Inc.
Nashville, Inc.
950 22nd Street, North

Shelby County
1000 International Blvd., Suite 100
Nashville, TN 37203