

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No: 16-cv-00629 WJM

THE ESTATE OF JOHN PATRICK WALTER,
by and through its personal representative, DESIREE' Y. KLODNICKI,

Plaintiff,

v.

CORRECTIONAL HEALTHCARE COMPANIES, INC.;
CORRECT CARE SOLUTIONS, LLC;
CORRECTIONAL HEALTHCARE PHYSICIANS, P.C.;
CHC COMPANIES, INC.;
THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF FREMONT;
JAMES BEICKER, individually and in his official capacity as Fremont County Sheriff;
TY MARTIN, individually;
RAYMOND HERR, M.D., individually;
THE ESTATE OF ROY D. HAVENS, by and through its personal representative, Linda Havens;
STEPHANIE REPSHIRE, LPN, individually;
KATHLEEN MAESTAS, LPN, individually;
SHARON ALLEN, M.D., individually;
JOHN RANKIN, individually;
CARRIE HAMMEL, individually;
MICHAEL GIRTEN, individually;
MICHAEL ULRICH, individually;
ROBERT MILLER, individually;
JUSTIN GREEN, individually;
GREG OWEN, individually;
DUSTIN MAAS, individually;
RICHARD SALANO, individually;
BILLIE BELL, individually;
ANTHONY TURNER, individually;
BALEY SANDEFUR, individually;
ELOYSA TRUJILLO, individually;
LILA CLEMMERSON, individually;
BRAXTON BUFFINGTON, individually;
CHARLENE COMBS, individually;
JORDAN PENN, individually
SARA LIGHTCAP, individually;

DAVID GREEN, individually;
JOSHUA POHL, individually;
MACKENZIE ROQUEMORE, individually;
ASHLEY RAMEY, individually;
RANDALL CULLEN, individually;
PERRY BURFORD, individually;
CAMERON GONZALES, individually;
LEE COOK, individually;
JAMES WHEATON, individually;
JOHN DOES 1-10, individually;
JANE DOES 1-10, individually;
DOE CORPORATIONS 1-10;

Defendants.

SECOND AMENDED CIVIL RIGHTS COMPLAINT AND JURY DEMAND

Plaintiff, the Estate of John Patrick Walter by and through its personal representative, Desiree' Y. Klodnicki, as represented by her attorneys, Edwin S. Budge and Erik J. Heipt of Budge & Heipt, P.L.L.C., complains against defendants and request a trial by jury as follows:

I. INTRODUCTION

1. This is a civil rights action under 42 U.S.C. § 1983 resulting from events that happened during the pre-trial detention of John Patrick Walter at the Fremont County Detention Center in Cañon City, Colorado.

2. The events that gave rise to this complaint began on April 2, 2014 and culminated in the unnecessary death of Mr. Walter 18 days later on April 20, 2014. Defendants caused Mr. Walter's death by repeatedly violating his rights under the Fourteenth Amendment to the United States Constitution.

3. Defendants' unconstitutional actions included confiscating and discontinuing Mr. Walter's prescription medication, forcing him to go "cold turkey" and into life-threatening drug withdrawal, utterly neglecting his severe and potentially fatal withdrawal symptoms, allowing him to descend into a state of acute withdrawal psychosis, failing to protect him from self-harm, using brutal and excessive force in response to his medical condition rather than providing him with desperately needed medical care, inflicting serious injuries upon him, ignoring his serious physical injuries and critical mental health needs, failing to ensure adequate nourishment and hydration despite his own inability to meet those essential needs, disregarding his obvious malnourishment and dehydration, detaining him under inhumane conditions of confinement, otherwise forcing him to endure extreme and needless pain and suffering, and causing his death.

4. Following this senseless tragedy, Fremont County embarked on an effort to cover up the circumstances surrounding the death of John Patrick Walter. Though its agents and officials, Fremont County knowingly conducted a sham and fraudulent death investigation to conceal the unconstitutional conduct alleged herein. It also wrongfully withheld critical information from Mr. Walter's next of kin, attorneys retained by his family, and public officials responsible for determining the cause of his death.

II. JURISDICTION AND VENUE

5. This Court has original subject matter jurisdiction over the plaintiff's civil rights claims under 42 U.S.C. § 1983, pursuant 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1343 (civil rights).

6. This Court has personal jurisdiction over all of the named defendants because they either reside in the State of Colorado and/or do systematic and continuous business in Colorado.

7. Venue is proper in this jurisdiction under 28 U.S.C. § 1391(b) because all of the events that support the plaintiff's allegations occurred in this judicial district and because the defendants reside in this judicial district.

II. PARTIES

A. Plaintiff

8. Plaintiff is the Estate of John Patrick Walter by and through its court-appointed personal representative, Desiree' Y. Klodnicki. John Patrick Walter was a United States Citizen and a resident of the State of Colorado. He died in the Fremont County Detention Center on April 20, 2014 at the age of 53. The Estate of John Patrick Walter was duly formed under the laws of the State of Colorado. Its personal representative, Ms. Klodnicki, is a United States Citizen and a Colorado resident.

B. Fremont County Defendants

9. Fremont County is a governmental entity chartered under the laws of the State of Colorado. Among other things, Fremont County operates the Fremont County Detention Center, located at 100 Justice Center Rd. in Cañon City, Colorado. The Fremont County Detention Center is a jail that confines pre-trial detainees and convicted prisoners. All pre-trial detainees confined in the jail are entitled to protection under the Fourteenth Amendment to the United States Constitution.

10. Defendant Board of County Commissioners of the County of Fremont represents, oversees, and sets policy for Fremont County Colorado. Under Colo. Rev. Stat. § 30-11-105, the Board of County Commissioners of the County of Fremont is the proper party to name in an action against Fremont County.

11. Defendant James Beicker, in his official capacity, is the Fremont County Sheriff and is a final policymaker for Fremont County with respect to all matters concerning the Fremont County Sheriff's Office (FCSO) and all of its divisions, including the Fremont County Detention Center.

12. Collectively, the Board of County Commissioners and Sheriff Beicker (in his official capacity) are referred to as "Fremont County" or as the "Fremont County Defendants."

13. Fremont County contracted with one or more private individuals and corporate entities to provide medical care and other services to its population of pre-trial detainees and post-conviction prisoners. Although the county sought to privatize the provision of healthcare services to these individuals and for-profit businesses, it cannot contract-away its constitutional obligations and is legally liable for the constitutional violations committed by such providers.

C. Corporate Defendants

14. The intent of the following paragraphs is to identify all corporate entities with which Fremont County contracted, and/or with which subcontracts were made, to provide medical care and/or mental health services to pretrial detainees and inmates at the Fremont County Detention Center during the period in question.

15. Defendant Correctional Healthcare Companies, Inc. is a Delaware corporation with its principal street address located at 6200 S. Syracuse Way, Suite 440, Greenwood Village

Co., 80111. Its registered agent for service of process is Corporate Creations Network, Inc. located at 3773 Cherry Creek North Drive # 575, Denver, CO 80209. On information and belief, this company contracts with Fremont County through a direct contract or sub-contract with another or related entity to provide medical services to inmates and pretrial detainees at the Fremont County Detention Center and supervises and implements such care. Correctional Healthcare Companies, Inc. sometimes does business under the trade name Correctional Healthcare Management, Inc., an entity from which it took over jail health services contracts (including, but not limited to the Fremont County contract at issue in this case) and with which it has long shared common or joint management, control, operations, employees, policies, procedures, and practices with regard to the provision of jail health services.

16. Defendant CHC Companies, Inc. is a Delaware corporation with its principal street address at 1283 Murfreesboro Rd., Suite 500, Nashville, TN 37217. Its registered agent for service of process is Corporate Creations Network, Inc. located at 3773 Cherry Creek North Drive # 575, Denver, CO 80209. On information and belief, this company contracts with Fremont County through a direct contract or sub-contract with another or related entity to provide medical services to inmates and pretrial detainees at the Fremont County Detention Center and supervises and implements such care.

17. Defendant Correctional Healthcare Physicians, P.C. is a Colorado corporation with its principal street address at 1283 Murfreesboro Rd., Suite 500, Nashville, TN 37217. Its registered agent for service of process is Corporate Creations Network, Inc. located at 3773 Cherry Creek North Drive # 575, Denver, CO 80209. On information and belief, this company contracts with Fremont County through a direct contract or sub-contract with another or related

entity to provide medical services to inmates and pretrial detainees at the Fremont County Detention Center and supervises and implements such care.

18. Defendant Correct Care Solutions, LLC is a Missouri or Kansas limited liability company with its principal street address at 1283 Murfreesboro Rd., Suite 500, Nashville, TN 37217. Its registered agent for service of process is Corporate Creations Network, Inc. located at 3773 Cherry Creek North Drive # 575, Denver, CO 80209. On information and belief, this company contracts with Fremont County through a direct contract or sub-contract with another or related entity to provide medical services to inmates and pretrial detainees at the Fremont County Detention Center and supervises and implements such care. Alternatively, following the death of John Patrick Walter, Correct Care Solutions LLC acquired one or more of the above-named corporate entities pursuant to a transaction or series of transactions that, on information and belief, caused it to acquire the liability of such defendants as alleged herein.

19. The corporate entities named in this lawsuit and identified in the preceding paragraphs are closely related to one another, closely affiliated with one another, closely connected to one another, and/or are successors in interest with regard to the contracts or subcontracts with Fremont County referenced herein and similar contracts or subcontracts with other counties or municipalities. Collectively, they are referred to as the "Corporate Defendants."

20. Upon entering into contracts and/or subcontracts to provide medical and/or other services to Fremont County Detention Center detainees, the Corporate Defendants were assuming public functions, acting under color of state law, and legally responsible to comply with all requirements of the United States Constitution. Each of the Corporate Defendants is considered a "person" and is properly sued under 42 U.S.C. § 1983.

D. Individual Defendants

1. Medical Providers

21. Defendant Raymond Herr, M.D. is an individual who, at all material times, resided in the State of Colorado. Defendant Herr was an agent, employee, and/or subcontractor of one or more of the corporate defendants and was responsible for providing medical care to John Patrick Walter during his pretrial detention. Defendant Herr was a policymaker of the Corporate Defendants and served as the Chief Medical Officer for Correctional Healthcare Companies, Inc. during all relevant time periods. At all material times, this defendant was acting under color of state law.

22. Defendant Stephanie Repshire, LPN is an individual residing in the State of Colorado. Defendant Repshire was an agent, employee, and/or subcontractor of one or more of the corporate defendants and was responsible for providing medical care to John Patrick Walter during his pretrial detention. At all material times, this defendant was acting under color of state law.

23. Defendant Kathleen Maestas, LPN is an individual residing in the State of Colorado. Defendant Maestas was an agent, employee, and/or subcontractor of one or more of the corporate defendants and was responsible for providing medical care to John Patrick Walter during his pretrial detention. At all material times, this defendant was acting under color of state law.

24. Defendant Sharon Allen, M.D. is an individual residing in the State of Colorado. Defendant Allen was an agent, employee, and/or subcontractor of one or more of the corporate

defendants and was responsible for providing medical care to John Patrick Walter during his pretrial detention. At all material times, this defendant was acting under color of state law.

25. Defendant the Estate of Roy D. Havens was duly formed under the laws of the State of Colorado. Its personal representative, Linda Havens, is a United States Citizen and a Colorado resident. Roy D. Havens, P.A., now deceased, was an agent, employee, and/or subcontractor of one or more of the corporate defendants and was responsible for providing medical care to John Patrick Walter during his pretrial detention. At all material times, he was acting under color of state law. Mr. Havens died on or about February 4, 2016. All claims that would have been available to assert against Mr. Havens individually, had he survived, are now properly asserted against the Estate of Roy D. Havens by and through its personal representative, Linda Havens.

2. FCSO Detention Personnel

26. Defendant James Beicker is an individual residing in the State of Colorado. Defendant Beicker is the Fremont County Sheriff. In addition to naming Sheriff Beicker in his official capacity, plaintiff is also naming him in his individual capacity. At all material times, Sheriff Beicker was an elected official of Fremont County, responsible for overseeing the Fremont County Detention Center, and acting under color of state law.

27. Defendant Ty Martin is an individual residing in the State of Colorado. Defendant Martin is the Fremont County Undersheriff. At all material times, Undersheriff Martin was an agent and/or employee of Fremont County, responsible for overseeing the Fremont County Detention Center, and acting under color of state law.

28. Defendant John Rankin is an individual residing in the State of Colorado. At all material times, this defendant was an agent and/or employee of Fremont County, working at the Fremont County Detention Center, and acting under color of state law.

29. Defendant Carrie Hammel is an individual residing in the State of Colorado. At all material times, this defendant was an agent and/or employee of Fremont County, working at the Fremont County Detention Center, and acting under color of state law.

30. Defendant Michael Girten is an individual residing in the State of Colorado. At all material times, this defendant was an agent and/or employee of Fremont County, working at the Fremont County Detention Center, and acting under color of state law.

31. Defendant Michael Ulrich is an individual residing in the State of Colorado. At all material times, this defendant was an agent and/or employee of Fremont County, working at the Fremont County Detention Center, and acting under color of state law.

32. Defendant Robert Miller is an individual residing in the State of Colorado. At all material times, this defendant was an agent and/or employee of Fremont County, working at the Fremont County Detention Center, and acting under color of state law.

33. Defendant Justin Green is an individual residing in the State of Colorado. At all material times, this defendant was an agent and/or employee of Fremont County, working at the Fremont County Detention Center, and acting under color of state law.

34. Defendant Greg Owen is an individual residing in the State of Colorado. At all material times, this defendant was an agent and/or employee of Fremont County, working at the Fremont County Detention Center, and acting under color of state law.

35. Defendant Dustin Maas is an individual residing in the State of Colorado. At all material times, this defendant was an agent and/or employee of Fremont County, working at the Fremont County Detention Center, and acting under color of state law.

36. Defendant Richard Salano is an individual residing in the State of Colorado. At all material times, this defendant was an agent and/or employee of Fremont County, working at the Fremont County Detention Center, and acting under color of state law.

37. Defendant Billie Bell is an individual residing in the State of Colorado. At all material times, this defendant was an agent and/or employee of Fremont County, working at the Fremont County Detention Center, and acting under color of state law.

38. Defendant Anthony Turner is an individual residing in the State of Colorado. At all material times, this defendant was an agent and/or employee of Fremont County, working at the Fremont County Detention Center, and acting under color of state law.

39. Defendant Baley Sandefur is an individual residing in the State of Colorado. At all material times, this defendant was an agent and/or employee of Fremont County, working at the Fremont County Detention Center, and acting under color of state law.

40. Defendant Eloysa Trujillo is an individual residing in the State of Colorado. At all material times, this defendant was an agent and/or employee of Fremont County, working at the Fremont County Detention Center, and acting under color of state law.

41. Defendant Lila Clemmerson is an individual residing in the State of Colorado. At all material times, this defendant was an agent and/or employee of Fremont County, working at the Fremont County Detention Center, and acting under color of state law.

42. Defendant Braxton Buffington is an individual residing in the State of Colorado. At all material times, this defendant was an agent and/or employee of Fremont County, working at the Fremont County Detention Center, and acting under color of state law.

43. Defendant Charlene Combs is an individual residing in the State of Colorado. At all material times, this defendant was an agent and/or employee of Fremont County, working at the Fremont County Detention Center, and acting under color of state law.

44. Defendant Jordan Penn is an individual residing in the State of Colorado. At all material times, this defendant was an agent and/or employee of Fremont County, working at the Fremont County Detention Center, and acting under color of state law.

45. Defendant Sara Lightcap is an individual residing in the State of Colorado. At all material times, this defendant was an agent and/or employee of Fremont County, working at the Fremont County Detention Center, and acting under color of state law.

46. Defendant David Green is an individual residing in the State of Colorado. At all material times, this defendant was an agent and/or employee of Fremont County, working at the Fremont County Detention Center, and acting under color of state law.

47. Defendant Joshua Pohl is an individual residing in the State of Colorado. At all material times, this defendant was an agent and/or employee of Fremont County, working at the Fremont County Detention Center, and acting under color of state law.

48. Defendant Mackenzie Roquemore is an individual residing in the State of Colorado. At all material times, this defendant was an agent and/or employee of Fremont County, working at the Fremont County Detention Center, and acting under color of state law.

49. Defendant Ashley Ramey is an individual residing in the State of Colorado. At all material times, this defendant was an agent and/or employee of Fremont County, working at the Fremont County Detention Center, and acting under color of state law.

50. Defendant Randall Cullen is an individual residing in the State of Colorado. At all material times, this defendant was an agent and/or employee of Fremont County, working at the Fremont County Detention Center, and acting under color of state law.

51. Defendant Perry Burford is an individual residing in the State of Colorado. At all material times, this defendant was an agent and/or employee of Fremont County, working at the Fremont County Detention Center, and acting under color of state law.

52. Defendant Cameron Gonzales is an individual residing in the State of Colorado. At all material times, this defendant was an agent and/or employee of Fremont County, working at the Fremont County Detention Center, and acting under color of state law.

53. Defendant Lee Cook is an individual residing in the State of Colorado. At all material times, this defendant was an agent and/or employee of Fremont County, working at the Fremont County Detention Center, and acting under color of state law.

52. Defendant James Wheaton is an individual residing in the State of Colorado. At all material times, this defendant was an agent and/or employee of Fremont County, working at the Fremont County Detention Center, and acting under color of state law.

E. Unkown Defendants to Be Named

53. Fremont County, through its representatives and agents, including Defendants Beicker and Martin, wrongfully concealed and withheld important information from public

officials, decedent's next of kin, and attorneys representing his family—making it impossible to identify additional defendants as of the filing of this complaint.

54. Following the death of John Patrick Walter, multiple lawful requests for information were issued to the Fremont County Sheriff's Office. This included requests from the Fremont County Coroner, the Fremont County Deputy Coroner, the El Paso County Medical Examiner, family members of Mr. Walter, and attorneys representing his family.

55. By conducting a fraudulent investigation and by refusing to provide relevant information in response to these lawful requests, it was the intent of Fremont County and its representatives to deprive interested parties from learning material information that would have shown, among other things, the identity of individuals and entities who inflicted constitutional violations against John Patrick Walter, the full nature and extent of those violations, and information that would have shed light on the cause of Mr. Walter's death.

56. Fremont County and its agents, including Defendants Beiker and Martin, withheld and continue to withhold, *inter alia*, video recordings of the events in question and critical materials and information identifying who was involved, when such involvement occurred, and the nature of the involvement of individuals.

57. It is anticipated that plaintiff will amend this complaint by naming those parties identified in discovery as proper defendants.

58. At this time, plaintiff notifies defendants of the intent to amend the complaint to add the following:

A. John and Jane Does 1-10, whose identities are not presently known because of Fremont County's fraudulent and wrongful concealment of information.

B. Doe Corporations 1-10, whose identities are not presently known because of Fremont County's fraudulent and wrongful concealment of information.

III. FACTUAL ALLEGATIONS

A. Facts Applicable to All Defendants

59. Klonopin is a psychotropic prescription medication within a group of drugs called benzodiazepines. Generically known as Clonazepam, Klonopin is commonly prescribed by physicians to treat anxiety disorders and various other mental and physical conditions. Klonopin is highly addictive. Individuals who regularly use Klonopin over time become physically dependent on the medication. When a person who is physiologically dependent on Klonopin abruptly stops taking the medication or reduces the dosage too quickly, he or she will go into withdrawal.

60. Benzodiazepine (or "benzo") withdrawal is a serious medical condition that can be life-threatening if not treated appropriately. All reasonable health care providers, including those in the field of corrections, are aware of the symptoms of benzo withdrawal and its potentially fatal consequences. Symptoms of serious benzo withdrawal can include, among other things, abnormal vital signs, acute GI distress, loss of appetite and weight loss, profound disturbances in sleep, severe anxiety and panic, mood swings, paranoia, extreme restlessness and agitation, tremors, hyperthermia, excessive perspiration, bizarre behavior, confusion and cognitive difficulties, hallucinations, delirium, psychosis, and seizures.

61. Benzo withdrawal is physically, mentally, and emotionally torturous in the extreme. Depending on the nature of the benzodiazepine, the dosage and duration of use, and other individual circumstances, benzo withdrawal syndrome can be drawn out over a period of 5

to 28 days—with symptoms peaking roughly two weeks following the discontinuance or abrupt reduction in the medication. Acute, late-stage benzodiazepine withdrawal is a serious medical emergency, which carries a well-recognized and significant risk of death, and requires hospitalization.

62. Upon admission to any correctional facility, it is essential to identify any person who may be using a benzodiazepine in order to prevent serious complications and/or death. Due to the extraordinary risks associated with benzo withdrawal, a person's Klonopin dosage should never be abruptly discontinued or even reduced without a carefully controlled plan of gradual dose reduction instituted under the guidance of trained medical personnel—with close medical monitoring in an appropriate setting. Every medical provider in a county correctional facility must know the risks of benzo withdrawal and must be able to recognize the signs and symptoms thereof. Non-medical detention staff must also be aware of the signs, symptoms, and potentially fatal consequences of benzo withdrawal.

63. For many years, John Patrick Walter was under the care of medical providers who prescribed him Klonopin. He took this prescription medication continuously in doses that gradually increased over time. As of April 2014, Mr. Walter was taking approximately 6 mg of Klonopin per day pursuant to his prescription. He was physiologically dependent on the medication and at serious risk for benzo withdrawal should it be abruptly discontinued or the dosage reduced too quickly.

64. On April 2, 2014, Mr. Walter was arrested by FCSO officers and taken to the Fremont County Detention Center where he was booked and confined. The Fremont County Detention Center lacked an infirmary and, for approximately 12 hours each day, lacked the

presence of any nurse or other medical providers. At all material times following his arrest, Mr. Walter was a pre-trial detainee who had not been convicted of any crime. He was presumed innocent in the eyes of the law, awaiting trial, and entitled to all applicable constitutional protections—including those afforded to him under the Fourteenth Amendment to the United States Constitution.

65. Mr. Walter weighed more than 200 pounds and had no indications of physical injury (other than general “back pain”) upon his admission to the Fremont County Detention Center.

66. When he was arrested and taken to the Fremont County Detention Center on April 2, 2014, Mr. Walter was in the lawful possession of several bottles of prescription medication. The bottles were properly and clearly labeled. Two of them contained his prescribed Klonopin. Mr. Walter was also in the lawful possession of a prescription for Methadone, which he was taking for back pain due to a spinal condition.

67. Upon his arrival at the Fremont County Detention Center, Mr. Walter was provided with a “Pre-Admission Medical Screen” form to fill out. The purpose of the form was to alert medical providers and jail personnel of various issues of medical concern.

68. Mr. Walter wrote on the form that he was on “medication prescribed by a doctor.” He then clearly indicated that this medication consisted of “Klonopin” and also identified his Methadone prescription. When asked whether he was “carrying any medication,” Mr. Walter clearly and unambiguously indicated “Yes” and further indicated that this medication consisted of “Klonopin” and Methadone. Mr. Walter completed the form by identifying the name of his medical provider and his source of health insurance.

69. Defendant Repshire reviewed and signed the Pre-Admission Medical Screen Form indicating that Mr. Walter was on an active prescription of Klonopin and that he was carrying his prescription medication with him when he came into the jail. Defendant Repshire knew and understood the risks of abruptly discontinuing a person's benzodiazepine prescription and was familiar with the signs, symptoms, and seriousness of benzodiazepine withdrawal.

70. At or near the time of his booking, Mr. Walter's prescribed Klonopin was confiscated from him and delivered into the custody of "medical" by unknown members of the Fremont County Sheriff's Office.

71. Like Defendant Repshire, Defendants Maestas, Herr, and Allen and P.A. Havens each knew that Mr. Walter was on a benzodiazepine prescription, understood the risks of abruptly discontinuing a person's benzodiazepine prescription, and were familiar with the signs, symptoms, and seriousness of benzodiazepine withdrawal.

72. On April 3, 2014, after consulting with Dr. Herr about Mr. Walter's prescription medications, P.A. Havens issued a provider's order, which included a tapering schedule for the Methadone and directions to initiate the corporate clinical protocol for benzodiazepine dependent detainees.

73. Specifically, P.A. Havens gave the order to "start" the corporate defendants' clinical "protocol" to discontinue Mr. Walter's benzodiazepine prescription. Upon information and belief, this would have required taking an appropriate history and initiating a tapering schedule with either Klonopin or a substitute benzodiazepine, such as Tranxene or Librium. The benzo protocol would have also required close medical monitoring in an appropriate setting—to include vital signs being measured several times a day, as well as regular observations for the

signs and symptoms of benzodiazepine withdrawal. Not following a benzodiazepine tapering schedule, repeatedly monitoring vitals, and continuously assessing Mr. Walter for signs and symptoms of withdrawal would put him at substantial risk of serious harm, and all of the medical provider defendants knew this. However, the benzo protocol was not followed, and none of these medically necessary steps were taken.

74. Despite knowing that Mr. Walter was taking prescription Klonopin and despite being aware of the serious risks associated with discontinuing this medication, the medical provider defendants did not follow basic and well-known cautionary steps that should be taken whenever a detainee enters with a benzodiazepine prescription. They did not seek to learn information from Mr. Walter, his medical provider, his pharmacies, or any other source about how long he had been taking Klonopin, his dosage over time, any history associated with efforts to reduce his Klonopin dosage (and the consequences thereof), or any other information concerning his use of this medication. Nor did they put him on any sort of tapering schedule with Klonopin or a substitute benzodiazepine.

75. Defendant Kathy Maestas is a licensed practical nurse who was working as the Health Services Administrator at the Fremont County Detention Center. Although she was aware of Mr. Walter's benzodiazepine prescription (and his prescription dosage), she unilaterally made a deliberate choice to discontinue Mr. Walter's Klonopin abruptly—without any tapering or substitute medication. Defendant Maestas made this choice without a plan instituted under the guidance of appropriate medical personnel and without close medical monitoring in an appropriate setting. She decided to disregard the benzo withdrawal protocol, and the other medical provider defendants went along with her decision. They did not take Mr. Walter's vital

signs or observe him for withdrawal-related symptoms. They literally did nothing to address the significant risks that they knew would result from his Klonopin withdrawal.

76. Predictably, in the ensuing days, Mr. Walter descended into a state of benzo withdrawal. A host of serious medical symptoms developed and steadily worsened throughout his confinement. The symptoms, which caused him to endure extraordinary suffering, included, but were not limited to acute gastrointestinal distress, lack of appetite and dramatic weight loss, incontinence, confusion, disorientation as to time and place, bizarre behavior, severe anxiety and panic, rapid mood swings, extreme restlessness and agitation, profound insomnia, delusional thinking, paranoia, hallucinations, delirium, tremors, twitching, incontrollable shaking, and seizures. Because of their association with benzo withdrawal, most of these symptoms constituted life-threatening medical emergencies—requiring immediate hospitalization. But even in the absence of benzodiazepine withdrawal, such symptoms would independently constitute objectively serious medical needs.

77. Between April 3 and April 12, 2014, Mr. Walter's repeatedly asked defendant-nurses Maestas and Repshire for his Klonopin. He also submitted multiple kites requesting to be given his medication. Despite his requests and despite his progressively worsening withdrawal symptoms, Defendants Maestas and Repshire deliberately continued to ignore the clinical benzo withdrawal protocol. They also failed to take even the most basic measures to manage Mr. Walter's increasingly severe withdrawal. They did not check his vital signs; they did not monitor, assess, or document his withdrawal symptoms; and they did not provide him with any substitute medications. Likewise, P.A. Havens knew that Mr. Walter was benzodiazepine dependent, knew that he had been abruptly deprived of his Klonopin and was not given a

substitute benzodiazepine, knew that he was suffering from benzodiazepine withdrawal, knew that he was not being medically monitored, and knew that the failure to appropriately manage his benzodiazepine withdrawal was causing him unnecessary pain and suffering and putting him at substantial risk of serious harm.

78. By April 13, 2014, Mr. Walter state of health had begun to significantly deteriorate, signifying a descent into severe late stage benzodiazepine withdrawal. He had been keeping other inmates up at night due to his insomnia. He was hallucinating and talking to the walls about nonsensical things. He was constantly shaking and twitching. Detention staff reported to the nursing staff, including Defendants Maestas and Repshire, that Mr. Walter was confused and speaking of conversations and events that never took place. One nurse, who was not aware that Mr. Walter entered the jail with a benzodiazepine prescription, noted on April 13th that Mr. Walter's blood pressure was high and recommended in writing that his blood pressure and vitals be checked every day and that he be given additional medication. Her written recommendations were thereafter ignored by Defendants Maestas and Repshire. These same defendant nurses also flagrantly mismanaged Mr. Walter's withdrawal from his prescription Methadone, disregarding basic opiate withdrawal standards and putting his already deteriorating health and wellbeing in further jeopardy.

79. On April 14, 2014, due to his steadily declining health, detention personnel moved Mr. Walter out of his group pod cell, where he had been housed with other detainees and inmates, and into a single cell in another section of the same pod in which he was the only detainee. By then, Mr. Walter was no longer operating in a world of reality. In addition to suffering from a host of other serious withdrawal symptoms, he was profoundly anxious,

severely agitated, disoriented, and confused. He was also continuing to experience significantly worsening withdrawal-related delirium and hallucinations. This was a medical emergency that would have been readily apparent to any medical providers and minimally-trained detention personnel.

80. On April 15, 2014, in reaction to Mr. Walter's ongoing mental health crisis, which was caused by the abrupt and unconstitutional discontinuation of his prescribed medication, FCSO detention personnel repeatedly used extreme and objectively unreasonable force on Mr. Walter. This included, but was not limited to, pepper spraying him, shocking him with a Taser, forcibly strapping him into a restraint chair (on at least two separate occasions), and using multiple forms of hands-on physical force—including pressure points, joint locks, and other pain compliance techniques—as well as severe physical beatings that caused subcutaneous contusions, numerous broken bones, and internal bleeding.

81. The force was used by multiple defendants named in this complaint, including but not limited to the following: Defendants J. Green; Cullen; Cook; Burford; Solano; Gonzalez; Ramey; Wheaton; Owen; Miller; Roquemore; and D. Green. Other FCSO detention personnel defendants named in this complaint also used and/or observed force being used that was not justified under the circumstances.

82. Because of his diminished mental capacity, resulting from his withdrawal-related psychosis, Mr. Walter's was clearly unable to understand or respond rationally to commands from jail personnel. Yet, FCSO detention defendants used his so-called non-compliance to justify the use of force on him. This was objectively unreasonable, caused extreme and unnecessary pain and suffering and severe physical injuries and may have contributed to or hastened his

death. All of the detention defendants named in the complaint either directly participated in using the force, observed the force being used and failed to intervene despite the ability and duty to do so, acquiesced in the use of force, and/or saw the serious injuries on Mr. Walter that resulted from the force used on him and failed to arrange for appropriate medical care including, but not limited to, transport to a hospital or acute care facility despite the objective necessity of such care.

83. From April 15th until his death on April 20, 2014, Mr. Walter was detained in one of the front facing holding cells located across from the booking area. He did sleep during that time period, barely ate, and was given very little, if any, water to drink. Through one or more large windows in his observation holding cell, Mr. Walter was plainly visible to anyone at or near the booking area. This included not only booking officers, such as Defendant Penn, but it also included everyone who entered the jail or who passed by the booking area for any reason during their shifts. At all times, Mr. Walter was on display for everyone to see. His dire condition—both with regard to his mental and physical health—was obvious. Every single FCSO detention supervisor and officer and every single corporate medical provider who entered the FCDC between April 15 and April 20, 2014, including all of the individual defendants named in this complaint (with the possible exception of Defendant Herr), saw Mr. Walter and saw that he was obviously in need of immediate medical attention. It was absolutely clear to all of the individual defendants that he needed to be taken to a hospital or to an acute care facility.

84. For example, corporate medical providers and FCSO detention personnel, including all of the individual defendants named in this complaint (with the possible exception of Defendant Herr), could see that Mr. Walter was not eating his meals or drinking sufficient fluids

and that he was “growing weaker” and wasting away right in front of them. He was plainly suffering from severe malnutrition, extreme calorie deficit, and dehydration. Mr. Walter lost more than 30 pounds in body weight, and his “diminishing size” was visible and apparent to every individual defendant who regularly saw him during his 18-day confinement. The degree of malnourishment and dehydration from which Mr. Walter was suffering constituted an obvious and objectively serious medical need, and the individual defendants were deliberately indifferent to that need.

85. Medical providers and FCSO detention personnel, including all of the individual defendants named in this complaint (with the possible exception of Defendant Herr), could also see that Mr. Walter was incontinent and had lost bowel and/or bladder control, likely defecating and/or urinating on himself or in his surroundings, causing his single cell to “smell” even to hallway observers. They also saw him sweating, twitching, trembling, and lying on the floor while uncontrollably shaking and, most likely, suffering from repeated seizures. These symptoms constituted an obvious and objectively serious medical need, and the individual defendants were deliberately indifferent to that need.

86. Medical providers and detention personnel, including all of the individual defendants named in this complaint (with the possible exception of Defendant Herr), additionally saw Mr. Walter “acting very, very strange,” talking to himself and others who were not there, and speaking nonsensically about events that did not take place. They saw that he was disoriented as to time and place and confused about where he was, why he was there, and what was happening to him. When Mr. Walter was booked in the jail, he was alert and oriented as to time and place; yet, two weeks later, he thought it was “February” and believed he was in a

“community hospital” instead of a jail. For days on end, defendants watched him go without sleep and observed him regularly pacing in his cell, “rolling around on the floor and yelling,” and otherwise exhibiting signs of extreme restlessness and anxiety. They saw him repeatedly removing his clothing and, at times, writhing on the cold floor, naked. They knew he was actively hallucinating and delusional. They literally watched him descend into a state of psychosis. Mr. Walter’s psychotic break from reality was so profound that he was often heard screaming and seen kicking, punching, and clawing at the walls and door in an apparent effort to escape imaginary people in his cell. Mr. Walter’s deteriorating mental health symptoms constituted an objectively serious medical need, and the individual defendants were deliberately indifferent to that need.

87. On April 16th, Defendants Pohl, Ulrich, Hammel, and Bell entered Mr. Walter’s holding cell after they noticed that he had broken the camera off of its ceiling mount and put camera parts under his mat. The four defendant-officers transported Mr. Walter to a different cell at which time they could see that he was completely naked, severely injured, malnourished, dehydrated, and in an emergent mental health crisis. Other defendants, including but not limited to Cook, Sandefur, and Miller, saw him numerous times on that same day. None of them arranged for his transport to a hospital or acute care facility—despite their observation of his emergent medical and mental health needs.

88. Defendants Maestas and Repshire also saw him on April 16th and failed to take his vitals, failed to follow benzodiazepine withdrawal protocols, disregarded basic opiate withdrawal standards, and otherwise continued to ignore his extremely serious medical condition.

89. Defendant Rankin, who was an FCSO captain and the commanding officer at the jail, was continually updated about Mr. Walter's condition and about the force used on him. He knew that Mr. Walter was "fine" when he first came into the jail, knew that he was going through withdrawal, and knew that his health had dramatically deteriorated. He saw Mr. Walter nearly every day and knew and understood that he was suffering from multiple objectively serious medical needs, including significant physical injuries resulting from force used by detention personnel. He repeatedly discussed Mr. Walter's deteriorating mental and physical health with the jail nurses, and he knew that the corporate healthcare staff was ignoring Mr. Walter's serious medical needs. Upon information and belief, Defendant Rankin updated his superiors, Defendants Beicker and Martin, about the forced used on Mr. Walter, his resulting injuries, and his withdrawal-related symptoms. Although they knew that Mr. Walter was no longer fit for confinement in the Fremont County Detention Center and that he belonged in a hospital, they decided not to arrange for outside medical care.

90. On the morning of April 17, 2014, Defendant Sharon Allen, MD came to the jail to assess Mr. Walter. She saw him in person. She could see that he had visible wounds all over his body, some of which were obviously serious and demanded immediate medical attention. She saw that he was emaciated and malnourished. She saw that the was trembling and sweating profusely. She saw that he was disoriented as to time and place. And she saw that he was exhibiting symptoms of acute delirium and psychosis. When she asked him about his medication, Mr. Walter specifically mentioned "Klonopin." It was obvious to any medical provider, let alone a licensed psychiatrist, that this was a medical emergency and that Mr. Walter needed immediate hospitalization. Yet, defendant Allen left the jail without arranging for Mr. Walter to be taken to

the hospital or even recommending that he be hospitalized. She did prescribe him some Benadryl and another medication that would have been useless to treat his withdrawal, but even those medications were never given to him.

91. On that same day, April 17, 2014, Mr. Walter's "continuous screaming" was documented in his inmate notes, which were available for all detention personnel and medical providers to see. It was also documented that detention personnel could hear him over the intercom "whispering something about telling his dad that he didn't kill a boy for money," saw him "repeatedly hitting the window of his cell with an open hand," and heard him continually "asking for the 'other people in his cell' to get out"—even though he was the only person in the cell. Other defendants, including Lightcap, Cook, Pohl, and Combs, saw him numerous times that day. They could see that he was naked, severely injured, malnourished, dehydrated, and in an emergent mental health crisis. Despite Mr. Walter's obvious emergency medical needs, none of the defendants arranged for his transport to a hospital or acute care facility.

92. P.A. Havens, who initially issued the order to start the "benzo protocol," which was he knew was not being followed, also saw Mr. Walter on April 17th. He was aware that Mr. Walter was injured, shaking, disoriented, hallucinating, and suffering from acute, late-stage, life-threatening benzodiazepine withdrawal. Despite knowing that Mr. Walter was in need of hospitalization, he documented that that he had "no suggestions" for the other medical providers and wrote that they "may call Dr. Herr for more advice." P.A. Havens also knew that Defendants Repshire and Maestas were not taking Mr. Walter's vital signs and were ignoring his serious medical needs, yet he failed to take any steps to ensure that Mr. Walter received needed medical attention.

93. Defendants Maestas and Repshire also saw Mr. Walter on April 17th and failed to follow orders to take his vitals, failed to follow the benzodiazepine withdrawal protocol, disregarded opiate withdrawal standards, and otherwise continued to ignore his extremely serious medical condition.

94. It is a basic standard of correctional medicine and a presumed policy of the Corporate Defendants to provide an initial medical intake screening to all newly admitted detainees and, further, to provide them with a thorough health assessment as soon as possible after their arrival but no later than 14 days after that. Such assessments include taking their vitals, weighing them, reviewing their medical history and medications, looking for signs and symptoms of health problems, and otherwise conducting a comprehensive medical examination of their physical and mental health. It was the responsibility of the medical provider defendants to ensure that Mr. Walter received his initial medical screening and his 14-day health assessment. Had Mr. Walter received even a basic health assessment from a minimally competent healthcare provider, his serious medical needs would have been immediately apparent and he should have been transported to a hospital. However, Mr. Walter did not receive an appropriate medical screening on his arrival, and his 14th day of confinement came and went with no health assessment.

95. On April 18th, Defendants Green, Cook, Turner, and other individual defendants observed Mr. Walter “hitting the door continuously again with a closed fist,” documented that he did not eat breakfast, lunch, or dinner, “refused” his meds, tried to stick his leg through the tray slot, and engaged in other erratic behavior. In addition to his obvious mental health crisis, these and other defendants could also see that he was visibly suffering from serious physical injuries

and needed immediate transport to the hospital. Defendants Lightcap, Salano, Sandefur, Miller, and Lee saw him repeatedly that day and knew he was in need of emergency medical attention. Yet none of them arranged for hospital transport. And Defendants Maestas and Repshire continued to ignore protocols and basic standards and continued to act in blatant disregard of Mr. Walter's extremely serious medical needs.

96. The following day Mr. Walter's condition was extremely dire and was described in poignant detail in a report submitted by detention defendant Sara Lightcap. She first notes that Mr. Walter had "excessive bruises" "all over his body." She then describes in graphic detail "four bruises that [stood] out the most." Based on her description, these injuries clearly warranted medical attention. One of them, probably from Taser darts, which had darkened over the past few days, had "two spots that look[ed] like holes that [did] not seem to be getting better." Another was "very dark in color and instead of being round, it look[ed] like a few lines that wrap around to the front of his body." Yet another involved his "big right toe," which looked to her to be "actually broken." She also noted that "[t]here seem[ed] to be more bruises showing up every day." In addition to the bruises, she noted Mr. Walter's "diminishing size" and pointed out that he has not been eating. In the same document, she also noted that Mr. Walter "ha[d] been shaking and it seem[ed] to be getting worse as well." She further reports that another detention staff member (Defendant Combs) told her that Mr. Walter's mat "smelled like urine." Finally, she observed that Mr. Walter's toes had fresh blood and dried blood on them.

97. Defendant Lightcap was not the only FCSO detention defendant to see Mr. Walter on April 19, 2014. He was also repeatedly seen by Defendants Lee, Cook, Owen, Salano, and several other individual defendants, all of whom observed the same things as Defendant

Lightcap. Yet, incredibly, despite his objectively serious medical needs, none of the individual defendants arranged for Mr. Walter to be transported to the hospital. Similarly, the Corporate Defendants' nursing staff continued to ignore protocols and basic standards and continued to act in blatant disregard of Mr. Walter's extremely serious medical needs.

98. Defendant Herr was the Chief Medical Officer for the Corporate Defendants and was the physician supervisor to all of the medical providers working at the Fremont County Detention Center. Although he may not have physically entered the jail during Mr. Walter's pretrial detention, he was well aware of what was happening. He knew that Mr. Walter came into the jail on a benzodiazepine. Because he was being updated by other defendant medical providers, he knew that Mr. Walter was going through severe and life-threatening benzodiazepine withdrawal. He received one of his updates on April 19, 2014, the day before Mr. Walter died.

99. The update that Defendant Herr received on April 19th came from Defendant Repshire, who saw Mr. Walter on repeated occasions throughout his confinement. She called Defendant Herr on April 19th to report Mr. Walter's dire medical condition. She described visible injuries on his body and reported that Mr. Walter was not eating and was becoming weaker. Under corporate policy, approval was needed by Defendant Herr before Mr. Walter could be transported to the hospital. Instead of authorizing such approval, Defendant Herr advised Defendant Repshire that nothing could be done for Mr. Walter and that "we were doing everything we needed to do for his withdrawal." As set forth further below, Defendant Herr was improperly motivated by corporate budgetary concerns and his own personal finances and not with Mr. Walter's health or wellbeing.

100. On April 20, 2014, Mr. Walter was dying. He was seen by Defendant Maestas that morning—lying on the ground, naked, severely injured, manifestly malnourished and dehydrated, shaking, and unable to even sit up on his own. Despite his clear need for emergency medical attention, this defendant medical provider ignored his emergent medical needs. As with Defendant Herr, the motives of Defendant Maestas, the Corporate Defendants’ Health Services Administrator, were driven more by budgetary concerns and medical expenses than Mr. Walter’s health and wellbeing.

101. Mr. Walter spent most of the morning and day of April 20th lying naked on the floor, twitching, shaking, seizing, and convulsing. Multiple FCSO detention defendants, including but not limited to Lightcap, Salano, Turner, Maas, Owen, Clemmerson, and Combs, repeatedly observed Mr. Walter on his final day. Despite his obviously life threatening need for immediate medical attention, they did not call 911 or arrange for him to be transported to the nearest hospital. For example, defendant Greg Owen, an FCSO corporal and supervisor at the Fremont County Detention Center, documented the following about Mr. Walter’s condition on April 20, 2014: “Deputies Combs, Buffington and I then made our way to holding two. While looking through the window in the door, I could visibly see Inmate Walter laying underneath the sink in holding two. He was laying on his right side with his hands shaking above his chest.” Later in the day, he again observed Mr. Walter “laying underneath the sink shaking as he normally does.” Although he does not mention it in this report, Mr. Walter was not only lying on the ground in a fetal position and shaking, he was also naked, obviously injured, and visibly emaciated from over two weeks of malnourishment and dehydration. Yet, neither he nor

defendants Combs or Buffington, or any of the other defendants who saw Mr. Walter in the same condition arranged for him to be taken to the hospital.

102. On evening of April 20, 2014, Mr. Walter was found dead, naked on the floor of his cell. His death was caused by the unconstitutional conduct alleged herein. The conditions in which Mr. Walter was confined were inhumane in the extreme, beyond all bounds of human decency, and in violation of his constitutional rights. From the beginning of his pretrial detention on April 2, 2014 until his death on April 20, 2014, Mr. Walter's Fourteenth rights, including his right to adequate medical care, his right to be free from excessive force, and his right to humane conditions of confinement, were continuously and repeatedly violated by the defendants named herein—resulting in 18 days of mental and physical agony, causing and culminating in his death, and giving rise to this action under 42 U.S.C. § 1983.

103. After his death, Mr. Walter was found by the Fremont County Coroner and the El Paso County Medical Examiner to have numerous abrasions and contusions all over his body, including his forehead, scalp, right ear, chest, upper back, shoulders, arms, wrists, fingers, buttocks, thighs, knees, ankles, shins, feet, toes, toenails, and heels. He also had subcutaneous hemorrhaging of his spine hip, and shoulder, at least nine broken ribs with significant surrounding hemorrhage, internal bleeding, and other significant injuries.

104. The foregoing injuries occurred during Mr. Walter's pretrial detention and were the result of Mr. Walter's benzo withdrawal and of defendants' objectively unreasonable force. Some of the injuries, such as those to his hands, fingers, feet, and toes, may have been self-inflicted due to his withdrawal-induced psychosis. Other injuries, including some of the severe

bruising, broken ribs, and internal bleeding were likely caused by the defendants' unreasonable use of force.

105. Regardless of exactly how Mr. Walter sustained such injuries, they constituted serious medical needs and necessitated medical attention. The wounds were visible to medical providers and FCSO detention staff, including all of the individual defendants identified herein (with the exception of Defendant Herr, who was told about the injuries). Nevertheless, defendants were deliberately indifferent to Mr. Walter's serious medical needs and failed to obtain any medical care for him.

106. All of the individual medical provider defendants named in this complaint acted with deliberate indifference to Walter's serious medical needs and subjected him to inhumane conditions of confinement that amounted to punishment. All of the individual detention defendants named in this complaint acted with deliberate indifference to Walter's serious medical needs, used objectively unreasonable force on him, and subjected him to inhumane conditions of confinement that amounted to punishment. All acts and omissions committed by all of the individual defendants named herein were committed with malice or with reckless disregard for Mr. Walter's constitutional rights.

107. Mr. Walter's damages were the direct and foreseeable result of the defendants' actions and inactions alleged herein.

B. Facts Applicable to the Fremont County Defendants

108. The unconstitutional conduct alleged herein was carried out in accordance with the official policies, procedures, and customs of Fremont County. Fremont County maintained constitutionally deficient screening policies and procedures that were inadequate to protect

detainees, like Mr. Walter, from the serious medical consequences of benzodiazepine withdrawal. Fremont County also maintained unconstitutional policies and procedures for managing individuals who were going through benzo withdrawal and withdrawal from other prescription medication.

109. Fremont County failed to adequately train and/or supervise its personnel and contracted-for providers with regard to complying with constitutionally-minimal rights of confined persons to medical care, food, water, humane conditions of confinement, and the right to be free from excessive force. This includes the county's deliberate choice not to provide training on the subject of benzodiazepine withdrawal and withdrawal from other prescription medication and on recognizing the acute manifestations of benzodiazepine withdrawal. It also includes the County's failure to provide training on managing and responding to detainees who are in a mental health crisis, such as an individual who is suffering from acute withdrawal psychosis.

110. Fremont County engaged in a pattern, practice, or custom of unconstitutional conduct toward confined persons with serious medical and mental health needs. This includes a pattern, practice, or custom of not securing medical care for detainees who are suffering from withdrawal, physical injuries, mental health crises, dehydration, and/or malnourishment, as well as a pattern, practice, or custom of using objectively unreasonable and excessive force on such individuals. In the years leading up to Mr. Walter's death, numerous other detainees were denied or delayed needed medical care and needed prescription medications due to budgetary considerations. Fremont County also had a pattern and practice of not adequately screening

incoming detainees and not ensuring 14-day health assessments in accordance with basic correctional industry standards.

111. The Fremont County Defendants contracted with the Corporate Defendants to provide medical care and services to inmates and detainees at the Fremont County Detention Center. The contract was signed by the Board of County Commissioners and by Defendant Beicker.

112. The Fremont County Defendants had the power and the ability to monitor the contract performance of the Corporate Defendants and the duty to ensure that jail inmates and detainees received constitutionally adequate medical care. Under the contract, the Fremont County Defendants could take corrective action to ensure compliance with constitutional standards and could terminate the agreement or any corporate medical providers who were not meeting the medical needs of inmates and detainees. The Fremont County Defendants did not adequately monitor the performance of the Corporate Defendants and allowed the Corporate Defendants' ongoing practice of substandard medical care to continue, putting the lives of its inmates and detainees at risk.

113. Fremont County ratified the unconstitutional conduct of its employees and/or agents, failed to investigate and/or conducted a sham "death investigation" into the death of John Walter, and attempted to cover up the unconstitutional conduct by wrongfully withholding material information from the decedent's family and their attorneys in response to repeated records requests and from public officials entrusted with determining the cause of Mr. Walter's death.

114. The Fremont County Defendants knew that the aforementioned policies, practices, and customs posed a substantial risk of serious harm to detainees like Mr. Walter, and it was obvious that such harm would occur. Nevertheless, such defendants failed to take reasonable steps to alleviate those risks of harm. There is an affirmative causal link between the aforementioned deliberate indifference and objectively unreasonable force used on Mr. Walter and the policies, practices, and customs described herein. The actions and inactions of the Fremont County Defendants were done under color of state law and were the direct and proximate cause of Mr. Walter's damages.

C. Facts Applicable to the Corporate Defendants

1. Correctional Healthcare Companies, Inc.

115. Correctional Healthcare Companies, Inc. maintained unconstitutional policies and customs. This includes (1) constitutionally deficient screening policies and procedures that were inadequate to protect detainees, like Mr. Walter, from the serious medical consequences of benzodiazepine withdrawal, (2) unconstitutional policies and procedures for managing individuals who were going through benzo withdrawal and withdrawal from other prescription medication and substances, and (3) constitutionally inadequate policies and procedures related to communication amongst its medical providers and between its medical providers and detention personnel regarding detainees who are at risk of benzo withdrawal or who are actively withdrawing from a benzodiazepine.

116. Correctional Healthcare Companies, Inc. failed to adequately train and/or supervise its personnel, agents, and or subcontractors with regard to complying with constitutionally-minimal rights of confined persons to medical care, food, and water. This

includes its deliberate choice not to provide training on (1) the subject of benzodiazepine withdrawal and withdrawal from other prescription medication and substances, (2) the subject of managing and responding to detainees who are in a mental health crisis, such as individuals suffering from acute benzo withdrawal psychosis, and (3) the subject of dehydration and malnourishment. It also includes the deliberate choice not to provide training to detention staff personnel on recognizing the signs, symptoms, and seriousness of benzodiazepine withdrawal.

117. Correctional Healthcare Companies, Inc. engaged in and permitted to exist a pattern, practice, or custom of unconstitutional conduct toward confined persons with serious medical needs, including failing to secure medical care for such individuals. This includes a pattern of not adequately monitoring and/or securing needed medical care for detainees who are suffering from benzodiazepine withdrawal, opiate withdrawal, withdrawal from other substances, physical injuries, mental health crises, dehydration, and/or malnourishment. It also includes an ongoing failure to conduct initial health screenings, ensure the completion of 14-day medical assessments, provide mental health evaluations, and follow basic benzodiazepine, opiate, and other substance withdrawal standards and protocols. As of the time of Mr. Walter's pretrial detention, there had been numerous instances in Colorado and nationwide of inmates and detainees being deprived needed medical care by the Corporate Defendants (including Correctional Healthcare Companies, Inc.) and their agents or employees as a result of the deliberately indifferent corporate customs and practices described herein.

118. Correctional Healthcare Companies, Inc. also engaged in a pattern and practice of denying needed prescription medication to detainees and inmates. In the years leading up to Mr. Walter's death, numerous other detainees and inmates in Colorado and elsewhere were denied or

delayed needed medical care and needed prescription medications in order to avoid the cost and expense of such medical care and medications.

119. As part of the health services contract with Fremont County or subcontracts with one another, the Corporate Defendants (including Correctional Healthcare Companies, Inc.) agreed pay the costs of outside medical care (such as transportation, hospital visits, and other costs) up until it reached a certain point or “cap.” If outside medical care exceeded the cap, then Fremont County would be responsible for amounts above the cap. If, on the other hand, the Corporate Defendants beat the cap, then they would get to keep the difference between the outside medical care costs and the cap as profit. This same cap system was in place for prescription medications.

120. The cap system created a financial disincentive provide constitutionally-required medical care, including but not limited to taking detainees to the hospital and giving them prescription medications. Because of this financial disincentive, the Corporate Defendants (including Correctional Healthcare Companies, Inc.) budgeted extremely low amounts for outside medical care and for prescription medications, which resulted in a pattern and practice of denying medical care to detainees and inmates, such as not taking them to the hospital and not giving them needed medications. While Correctional Healthcare Companies, Inc. was aware that severe withdrawal symptoms could only be safely treated in the hospital, this defendant had an unconstitutional practice of managing withdrawal symptoms at the jail, regardless of the severity of the withdrawal.

121. Detainees and inmates who needed round-the-clock medical care and monitoring, such as those who, like Mr. Walter, were suffering from withdrawal, were routinely kept

confined in the Fremont County Detention Center—despite the lack of any infirmary or 24-hour nursing care. This pattern existed so that the Corporate Defendants (including Correctional Healthcare Companies, Inc.) could meet totally unrealistic medical budgets and maximize profits at the expense of the health and wellbeing of confined citizens.

122. The Corporate Defendants (including Correctional Healthcare Companies, Inc.) also had financial or other incentives for employees, such as Defendants Herr and Maestas, to save costs by denying needed medical care to inmates and detainees. Upon information and belief, these defendants were given bonuses or other incentives based on whether certain profit-oriented goals and projected budgetary costs were met. Because of these incentives, these defendants routinely denied outside medical care and prescription medications to detainees and inmates.

123. Correctional Healthcare Companies, Inc. knew that the aforementioned policies, practices, and customs posed a substantial risk of serious harm to detainees like Mr. Walter, and it was obvious that such harm would occur. Nevertheless, such defendant failed to take reasonable steps to alleviate those risks of harm. There is an affirmative causal link between the deliberate indifference of the individual medical providers towards Mr. Walters medical needs and the policies, practices, and customs described herein. All acts or omissions committed by Correctional Healthcare Companies, Inc. were the direct and proximate cause of Mr. Walter's damages.

124. Correctional Healthcare Companies, Inc. ratified the unconstitutional conduct of its employees, agents, and/or subcontractors with regard to the unconstitutional conduct visited upon Mr. Walter.

124. All acts or omissions committed by Correctional Healthcare Companies, Inc. were done under color of state law, and Correctional Healthcare Companies, Inc. is considered a “person” for purposes of 42 U.S.C. § 1983.

125. All acts or omissions committed by Correctional Healthcare Companies, Inc. were committed with malice or with reckless disregard for Mr. Walter’s constitutional rights under the Fourteenth Amendment.

2. CHC Companies, Inc.

126. CHC Companies, Inc. maintained unconstitutional policies and customs. This includes (1) constitutionally deficient screening policies and procedures that were inadequate to protect detainees, like Mr. Walter, from the serious medical consequences of benzodiazepine withdrawal, (2) unconstitutional policies and procedures for managing individuals who were going through benzo withdrawal and withdrawal from other prescription medication and substances, and (3) constitutionally inadequate policies and procedures related to communication amongst its medical providers and between its medical providers and detention personnel regarding detainees who are at risk of benzo withdrawal or who are actively withdrawing from a benzodiazepine.

127. CHC Companies, Inc. failed to adequately train and/or supervise its personnel, agents, and or subcontractors with regard to complying with constitutionally-minimal rights of confined persons to medical care, food, and water. This includes its deliberate choice not to provide training on (1) the subject of benzodiazepine withdrawal and withdrawal from other prescription medication and substances, (2) the subject of managing and responding to detainees who are in a mental health crisis, such as individuals suffering from acute benzo withdrawal

psychosis, and (3) the subject of dehydration and malnourishment. It also includes the deliberate choice not to provide training to detention staff personnel on recognizing the signs, symptoms, and seriousness of benzodiazepine withdrawal.

128. CHC Companies, Inc. engaged in and permitted to exist a pattern, practice, or custom of unconstitutional conduct toward confined persons with serious medical needs, including failing to secure medical care for such individuals. This includes a pattern of not adequately monitoring and/or securing needed medical care for detainees who are suffering from benzodiazepine withdrawal, opiate withdrawal, withdrawal from other substances, physical injuries, mental health crises, dehydration, and/or malnourishment. It also includes an ongoing failure to conduct initial health screenings, ensure the completion of 14-day medical assessments, provide mental health evaluations, and follow basic benzodiazepine, opiate, and other substance withdrawal standards and protocols. As of the time of Mr. Walter's pretrial detention, there had been numerous instances in Colorado and nationwide of inmates and detainees being deprived needed medical care by the Corporate Defendants (including CHC Companies, Inc.) and their agents or employees as a result of the deliberately indifferent corporate customs and practices described herein.

129. CHC Companies, Inc. also engaged in a pattern and practice of denying needed prescription medication to detainees and inmates. In the years leading up to Mr. Walter's death, numerous other detainees and inmates in Colorado and elsewhere were denied or delayed needed medical care and needed prescription medications in order to avoid the cost and expense of such medical care and medications.

130. As part of the health services contract with Fremont County or subcontracts with one another, the Corporate Defendants (including CHC Companies, Inc.) agreed pay the costs of outside medical care (such as transportation, hospital visits, and other costs) up until it reached a certain point or “cap.” If outside medical care exceeded the cap, then Fremont County would be responsible for amounts above the cap. If, on the other hand, the Corporate Defendants beat the cap, then they would get to keep the difference between the outside medical care costs and the cap as profit. This same cap system was in place for prescription medications.

131. The cap system created a financial disincentive provide constitutionally-required medical care, including but not limited to taking detainees to the hospital and giving them prescription medications. Because of this financial disincentive, the Corporate Defendants (including CHC Companies, Inc.) budgeted extremely low amounts for outside medical care and for prescription medications, which resulted in a pattern and practice of denying medical care to detainees and inmates, such as not taking them to the hospital and not giving them needed medications. While CHC Companies was aware that severe withdrawal symptoms could only be safely treated in the hospital, this defendant had an unconstitutional practice of managing withdrawal symptoms at the jail, regardless of the severity of the withdrawal.

132. Detainees and inmates who needed round-the-clock medical care and monitoring, such as those who, like Mr. Walter, were suffering from withdrawal, were routinely kept confined in the Fremont County Detention Center—despite the lack of any infirmary or 24-hour nursing care. This pattern existed so that the Corporate Defendants (including CHC Companies Inc.) could meet totally unrealistic medical budgets and maximize profits at the expense of the health and wellbeing of confined citizens.

133. The Corporate Defendants (including CHC Companies, Inc.) also had financial or other incentives for employees, such as Defendants Herr and Maestas, to save costs by denying needed medical care to inmates and detainees. Upon information and belief, these defendants were given bonuses or other incentives based on whether certain profit-oriented goals and projected budgetary costs were met. Because of these incentives, these defendants routinely denied outside medical care and prescription medications to detainees and inmates.

134. CHC Companies, Inc. knew that the aforementioned policies, practices, and customs posed a substantial risk of serious harm to detainees like Mr. Walter, and it was obvious that such harm would occur. Nevertheless, such defendant failed to take reasonable steps to alleviate those risks of harm. There is an affirmative causal link between the deliberate indifference of the individual medical providers towards Mr. Walters medical needs and the policies, practices, and customs described herein. All acts or omissions committed by CHC Companies, Inc. were the direct and proximate cause of Mr. Walter's damages.

135. CHC Companies, Inc. ratified the unconstitutional conduct of its employees, agents, and/or subcontractors with regard to the unconstitutional conduct visited upon Mr. Walter.

136. All acts or omissions committed by CHC Companies, Inc. were done under color of state law, and CHC Companies, Inc. is considered a "person" for purposes of 42 U.S.C. § 1983.

137. All acts or omissions committed by CHC Companies, Inc. were committed with malice or with reckless disregard for Mr. Walter's constitutional rights under the Fourteenth Amendment.

3. Correctional Healthcare Physicians, P.C.

138. Correctional Healthcare Physicians, P.C. maintained unconstitutional policies and customs. This includes (1) constitutionally deficient screening policies and procedures that were inadequate to protect detainees, like Mr. Walter, from the serious medical consequences of benzodiazepine withdrawal, (2) unconstitutional policies and procedures for managing individuals who were going through benzo withdrawal and withdrawal from other prescription medication and substances, and (3) constitutionally inadequate policies and procedures related to communication amongst its medical providers and between its medical providers and detention personnel regarding detainees who are at risk of benzo withdrawal or who are actively withdrawing from a benzodiazepine.

139. Correctional Healthcare Physicians, P.C. failed to adequately train and/or supervise its personnel, agents, and or subcontractors with regard to complying with constitutionally-minimal rights of confined persons to medical care, food, and water. This includes its deliberate choice not to provide training on (1) the subject of benzodiazepine withdrawal and withdrawal from other prescription medication and substances, (2) the subject of managing and responding to detainees who are in a mental health crisis, such as individuals suffering from acute benzo withdrawal psychosis, and (3) the subject of dehydration and malnourishment. It also includes the deliberate choice not to provide training to detention staff personnel on recognizing the signs, symptoms, and seriousness of benzodiazepine withdrawal.

140. Correctional Healthcare Physicians, P.C. engaged in and permitted to exist a pattern, practice, or custom of unconstitutional conduct toward confined persons with serious medical needs, including failing to secure medical care for such individuals. This includes a

pattern of not adequately monitoring and/or securing needed medical care for detainees who are suffering from benzodiazepine withdrawal, opiate withdrawal, withdrawal from other substances, physical injuries, mental health crises, dehydration, and/or malnourishment. It also includes an ongoing failure to conduct initial health screenings, ensure the completion of 14-day medical assessments, provide mental health evaluations, and follow basic benzodiazepine, opiate, and other substance withdrawal standards and protocols. As of the time of Mr. Walter's pretrial detention, there had been numerous instances in Colorado and nationwide of inmates and detainees being deprived needed medical care by the Corporate Defendants (including Correctional Healthcare Physicians, P.C.) and their agents or employees as a result of the deliberately indifferent corporate customs and practices described herein.

141. Correctional Healthcare Physicians, P.C. also engaged in a pattern and practice of denying needed prescription medication to detainees and inmates. In the years leading up to Mr. Walter's death, numerous other detainees and inmates in Colorado and elsewhere were denied or delayed needed medical care and needed prescription medications in order to avoid the cost and expense of such medical care and medications.

142. As part of the health services contract with Fremont County or subcontracts with one another, the Corporate Defendants (including Correctional Healthcare Physicians, P.C.) agreed pay the costs of outside medical care (such as transportation, hospital visits, and other costs) up until it reached a certain point or "cap." If outside medical care exceeded the cap, then Fremont County would be responsible for amounts above the cap. If, on the other hand, the Corporate Defendants beat the cap, then they would get to keep the difference between the

outside medical care costs and the cap as profit. This same cap system was in place for prescription medications.

143. The cap system created a financial disincentive provide constitutionally-required medical care, including but not limited to taking detainees to the hospital and giving them prescription medications. Because of this financial disincentive, the Corporate Defendants (including Correctional Healthcare Physicians, P.C.) budgeted extremely low amounts for outside medical care and for prescription medications, which resulted in a pattern and practice of denying medical care to detainees and inmates, such as not taking them to the hospital and not giving them needed medications. While Correctional Healthcare Physicians, P.C. was aware that severe withdrawal symptoms could only be safely treated in the hospital, this defendant had an unconstitutional practice of managing withdrawal symptoms at the jail, regardless of the severity of the withdrawal.

144. Detainees and inmates who needed round-the-clock medical care and monitoring, such as those who, like Mr. Walter, were suffering from withdrawal, were routinely kept confined in the Fremont County Detention Center—despite the lack of any infirmary or 24-hour nursing care. This pattern existed so that the Corporate Defendants (including Correctional Healthcare Physicians, P.C.) could meet totally unrealistic medical budgets and maximize profits at the expense of the health and wellbeing of confined citizens.

145. The Corporate Defendants (including Correctional Healthcare Physicians, P.C.) also had financial or other incentives for employees, such as Defendants Herr and Maestas, to save costs by denying needed medical care to inmates and detainees. Upon information and belief, these defendants were given bonuses or other incentives based on whether certain profit-

oriented goals and projected budgetary costs were met. Because of these incentives, these defendants routinely denied outside medical care and prescription medications to detainees and inmates.

146. Correctional Healthcare Physicians, P.C. knew that the aforementioned policies, practices, and customs posed a substantial risk of serious harm to detainees like Mr. Walter, and it was obvious that such harm would occur. Nevertheless, such defendant failed to take reasonable steps to alleviate those risks of harm. There is an affirmative causal link between the deliberate indifference of the individual medical providers towards Mr. Walters medical needs and the policies, practices, and customs described herein. All acts or omissions committed by this defendant were the direct and proximate cause of Mr. Walter's damages.

147. Correctional Healthcare Physicians, P.C. ratified the unconstitutional conduct of its employees, agents, and/or subcontractors with regard to the unconstitutional conduct visited upon Mr. Walter.

148. All acts or omissions committed by Correctional Healthcare Physicians, P.C. were done under color of state law, and Correctional Healthcare Physicians, P.C. is considered a "person" for purposes of 42 U.S.C. § 1983.

149. All acts or omissions committed by Correctional Healthcare Physicians, P.C. were committed with malice or with reckless disregard for Mr. Walter's constitutional rights under the Fourteenth Amendment.

4. Correct Care Solutions, LLC

150. Correct Care Solutions, LLC maintained unconstitutional policies and customs. This includes (1) constitutionally deficient screening policies and procedures that were

inadequate to protect detainees, like Mr. Walter, from the serious medical consequences of benzodiazepine withdrawal, (2) unconstitutional policies and procedures for managing individuals who were going through benzo withdrawal and withdrawal from other prescription medication and substances, and (3) constitutionally inadequate policies and procedures related to communication amongst its medical providers and between its medical providers and detention personnel regarding detainees who are at risk of benzo withdrawal or who are actively withdrawing from a benzodiazepine.

151. Correct Care Solutions, LLC failed to adequately train and/or supervise its personnel, agents, and or subcontractors with regard to complying with constitutionally-minimal rights of confined persons to medical care, food, and water. This includes its deliberate choice not to provide training on (1) the subject of benzodiazepine withdrawal and withdrawal from other prescription medication and substances, (2) the subject of managing and responding to detainees who are in a mental health crisis, such as individuals suffering from acute benzo withdrawal psychosis, and (3) the subject of dehydration and malnourishment. It also includes the deliberate choice not to provide training to detention staff personnel on recognizing the signs, symptoms, and seriousness of benzodiazepine withdrawal.

152. Correct Care Solutions, LLC engaged in and permitted to exist a pattern, practice, or custom of unconstitutional conduct toward confined persons with serious medical needs, including failing to secure medical care for such individuals. This includes a pattern of not adequately monitoring and/or securing needed medical care for detainees who are suffering from benzodiazepine withdrawal, opiate withdrawal, withdrawal from other substances, physical injuries, mental health crises, dehydration, and/or malnourishment. It also includes an ongoing

failure to conduct initial health screenings, ensure the completion of 14-day medical assessments, provide mental health evaluations, and follow basic benzodiazepine, opiate, and other substance withdrawal standards and protocols. As of the time of Mr. Walter's pretrial detention, there had been numerous instances in Colorado and nationwide of inmates and detainees being deprived needed medical care by the Corporate Defendants (including Correct Care Solutions, LLC) and their agents or employees as a result of the deliberately indifferent corporate customs and practices described herein.

153. Correct Care Solutions, LLC also engaged in a pattern and practice of denying needed prescription medication to detainees and inmates. In the years leading up to Mr. Walter's death, numerous other detainees and inmates in Colorado and elsewhere were denied or delayed needed medical care and needed prescription medications in order to avoid the cost and expense of such medical care and medications.

154. As part of the health services contract with Fremont County or subcontracts with one another, the Corporate Defendants (including Correct Care Solutions, LLC) agreed pay the costs of outside medical care (such as transportation, hospital visits, and other costs) up until it reached a certain point or "cap." If outside medical care exceeded the cap, then Fremont County would be responsible for amounts above the cap. If, on the other hand, the Corporate Defendants beat the cap, then they would get to keep the difference between the outside medical care costs and the cap as profit. This same cap system was in place for prescription medications.

155. The cap system created a financial disincentive provide constitutionally-required medical care, including but not limited to taking detainees to the hospital and giving them prescription medications. Because of this financial disincentive, the Corporate Defendants

(including Correct Care Solutions, LLC) budgeted extremely low amounts for outside medical care and for prescription medications, which resulted in a pattern and practice of denying medical care to detainees and inmates, such as not taking them to the hospital and not giving them needed medications. While Correct Care Solutions, LLC was aware that severe withdrawal symptoms could only be safely treated in the hospital, this defendant had an unconstitutional practice of managing withdrawal symptoms at the jail, regardless of the severity of the withdrawal.

156. Detainees and inmates who needed round-the-clock medical care and monitoring, such as those who, like Mr. Walter, were suffering from withdrawal, were routinely kept confined in the Fremont County Detention Center—despite the lack of any infirmary or 24-hour nursing care. This pattern existed so that the Corporate Defendants (including Correct Care Solutions, LLC) could meet totally unrealistic medical budgets and maximize profits at the expense of the health and wellbeing of confined citizens.

157. The Corporate Defendants (including Correct Care Solutions, LLC) also had financial or other incentives for employees, such as Defendants Herr and Maestas, to save costs by denying needed medical care to inmates and detainees. Upon information and belief, these defendants were given bonuses or other incentives based on whether certain profit-oriented goals and projected budgetary costs were met. Because of these incentives, these defendants routinely denied outside medical care and prescription medications to detainees and inmates.

158. Correct Care Solutions, LLC knew that the aforementioned policies, practices, and customs posed a substantial risk of serious harm to detainees like Mr. Walter, and it was obvious that such harm would occur. Nevertheless, such defendant failed to take reasonable steps

to alleviate those risks of harm. There is an affirmative causal link between the deliberate indifference of the individual medical providers towards Mr. Walters medical needs and the policies, practices, and customs described herein. All acts or omissions committed by Correct Care Solutions, LLC were the direct and proximate cause of Mr. Walter's damages.

159. Correct Care Solutions, LLC ratified the unconstitutional conduct of its employees, agents, and/or subcontractors with regard to the unconstitutional conduct visited upon Mr. Walter.

160. All acts or omissions committed by Correct Care Solutions, LLC were done under color of state law, and Correct Care Solutions, LLC is considered a "person" for purposes of 42 U.S.C. § 1983.

161. All acts or omissions committed by Correct Care Solutions, LLC were committed with malice or with reckless disregard for Mr. Walter's constitutional rights under the Fourteenth Amendment.

162. In the alternative to paragraphs 150 to 161, following the death of John Patrick Walter, Correct Care Solutions, LLC acquired the liabilities of one or more of the other corporate defendants named herein and is liable to the same extent they are.

D. Facts Applicable to Individual Defendants with Supervisory Authority

163. Certain individual defendants named in this lawsuit played a supervisory role over other individuals (including, but not limited to, other individual defendants) working at the Fremont County Detention Center between April 2, 2014 and April 20, 2014. This includes Defendant Herr, Defendant Maestas, and any other named (or unknown) defendants who had supervisory responsibilities over other medical providers working at the Fremont County

Detention Center during the time period in question. It also includes Defendant Beicker (in his individual capacity), as well as Defendants Martin, Rankin, Hammel, Girten, Ulrich, Miller, J. Green, Owen, Maas, and Salano, and any other named (or unknown) defendants who had supervisory responsibilities over other jail personnel working at the Fremont County Detention Center during the time period in question.

164. These individuals either actively participated in the unconstitutional conduct described in this complaint or they acquiesced in the constitutionally offensive conduct by personally directing it, tacitly authorizing it, or otherwise failing to train or supervise their subordinates—thereby giving rise to individual supervisory liability for the constitutional deprivations alleged herein.

165. The actions and inactions of the defendants who played a supervisory role were deliberate and intentional, caused Mr. Walter's damages, and were committed with malice or reckless disregard for Mr. Walter's constitutional rights. All acts or omissions committed by each of the supervisory defendants identified above was the direct and proximate cause of Mr. Walter's extreme physical suffering, severe mental anguish, death, and all other damages alleged herein.

IV. CLAIMS FOR RELIEF

A. Against the Fremont County Defendants: 42 U.S.C. § 1983

166. Plaintiff repeats, realleges, and incorporates all other paragraphs of this complaint as if fully set forth herein.

167. As a result of the allegations contained in this complaint, the Fremont County Defendants—the Board of County Commissioners of the County of Fremont and Sheriff Beicker

in his official capacity—are liable under 42 U.S.C. § 1983 for maintaining unconstitutional policies and customs that resulted in the violation of Mr. Walter’s clearly established Fourteenth Amendment right to adequate medical care and to humane conditions of confinement, as well as his clearly established Fourteenth Amendment right to be free from objectively unreasonable force. As a direct and proximate result of the Fremont County Defendants’ unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

B. Against the Corporate Defendants: 42 U.S.C. § 1983

168. Plaintiff repeats, realleges, and incorporates all other paragraphs of this complaint as if fully set forth herein.

169. As a result of the allegations contained in this complaint, Defendant Correctional Healthcare Companies, Inc. is liable under 42 U.S.C. § 1983 for maintaining unconstitutional policies and customs that resulted in the violation of Mr. Walter’s clearly established Fourteenth Amendment right to adequate medical care and to humane conditions of confinement. As a direct and proximate result of this corporate defendant’s unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

170. As a result of the allegations contained in this complaint, Defendant CHC Companies, Inc. is liable under 42 U.S.C. § 1983 for maintaining unconstitutional policies and customs that resulted in the violation of Mr. Walter’s clearly established Fourteenth Amendment right to adequate medical care and to humane conditions of confinement. As a direct and proximate result of this corporate defendant’s unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

171. As a result of the allegations contained in this complaint, Defendant Correctional Healthcare Physicians, P.C. is liable under 42 U.S.C. § 1983 for maintaining unconstitutional policies and customs that resulted in the violation of Mr. Walter's clearly established Fourteenth Amendment right to adequate medical care and to humane conditions of confinement. As a direct and proximate result of this corporate defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

172. As a result of the allegations contained in this complaint, Defendant Correct Care Solutions, LLC is liable under 42 U.S.C. § 1983 for maintaining unconstitutional policies and customs that resulted in the violation of Mr. Walter's clearly established Fourteenth Amendment right to adequate medical care and to humane conditions of confinement. As a direct and proximate result of this corporate defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death. Alternatively, following the death of John Patrick Walter, Correct Care Solutions, LLC acquired the liabilities of one or more of the other corporate defendants named herein, pursuant to a transaction or series of transactions, and is liable to the plaintiff to the same extent as they are.

C. Against the Individual Defendants: 42 U.S.C. § 1983

173. Plaintiff repeats, realleges, and incorporates all other paragraphs of this complaint as if fully set forth herein.

174. As a result of the allegations contained in this complaint, the individual defendants are liable under 42 U.S.C. § 1983 for the violation of Mr. Walter's clearly established rights under the Fourteenth Amendment to the United States Constitution as more specifically set forth in the paragraphs below.

175. Defendant Raymond Herr, M.D. violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs and otherwise subjecting him to inhumane conditions of confinement that amounted to punishment. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

176. Defendant Stephanie Repshire, LPN violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs and otherwise subjecting him to inhumane conditions of confinement that amounted to punishment. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

177. Defendant Kathleen Maestas, LPN violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs and otherwise subjecting him to inhumane conditions of confinement that amounted to punishment. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

178. Defendant Sharon Allen, M.D. violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs and otherwise subjecting him to inhumane conditions of confinement that amounted to punishment. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

179. Defendant the Estate of Roy D. Havens, by and through its personal representative, Linda Havens, is liable for the actions of Roy D. Havens (now deceased) who

violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs and otherwise subjecting him to inhumane conditions of confinement that amounted to punishment. As a direct and proximate result of the unconstitutional acts and omissions of Roy D. Havens, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

180. Defendant James Beicker violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

181. Defendant Ty Martin violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

182. Defendant John Rankin violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's

unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

183. Defendant Carrie Hammel violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

184. Defendant Michael Girten violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

185. Defendant Michael Ulrich violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

186. Defendant Robert Miller violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane

conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

187. Defendant Justin Green violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

188. Defendant Greg Owen violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

189. Defendant Dustin Maas violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

190. Defendant Richard Salano violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

191. Defendant Billie Bell violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

192. Defendant Anthony Turner violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

193. Defendant Baley Sandefur violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's

unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

194. Defendant Eloysa Trujillo violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

195. Defendant Lila Clemmerson violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

196. Defendant Braxton Buffington violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

197. Defendant Charlene Combs violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane

conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

198. Defendant Jordan Penn violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

199. Defendant Sara Lightcap violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

200. Defendant David Green violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

201. Defendant Joshua Pohl violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

202. Defendant Mackenzie Roquemore violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

203. Defendant Ashley Ramey violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

204. Defendant Randall Culllen violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's

unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

205. Defendant Perry Burford violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

206. Defendant Cameron Gonzales violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

207. Defendant Lee Cook violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

208. Defendant James Wheaton violated Mr. Walter's Fourteenth Amendment rights by acting with deliberate indifference to his serious medical needs, subjecting him to inhumane

conditions of confinement that amounted to punishment, and using or acquiescing in the use of objectively unreasonable force. As a direct and proximate result of this defendant's unconstitutional acts and omissions, Mr. Walter experienced extreme physical pain and suffering, severe mental anguish, and death.

209. All of the individual defendants named in this complaint personally participated in the Fourteenth Amendment deprivations described herein.

210. The individual defendants are liable under 42 U.S.C. § 1983 whether they actively participated in the constitutional deprivations, failed to intervene despite a duty and opportunity to do so, or acquiesced in the unconstitutional conduct by directing it, tacitly authorizing it, or failing to train or supervise their subordinates.

V. JURY DEMAND

211. Plaintiff hereby demands a trial by jury.

VI. PRAYER FOR RELIEF

WHEREFORE, the plaintiff prays that the Court award against defendants:

- A. All available compensatory damages, including, but not limited to, all available damages for pain and suffering, physical, mental and emotional of the decedent, and all other non-economic and economic damages available under federal law;
- B. Punitive damages against all individual and corporate defendants;
- C. Attorneys' fees and costs;
- D. Prejudgment interest as appropriate; and
- E. Any such other relief that this Court deems just and equitable.

DATED this 16th day of June, 2016.

Respectfully submitted,

BUDGE & HEIPT, P.L.L.C.

/s/ Edwin S. Budge

Edwin S. Budge

/s/ Erik J. Heipt

Erik J. Heipt

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CERTIFICATE OF SERVICE

The undersigned certifies that on the date stated below this document was filed with the Clerk of the Court for the United States District Court for the District of Colorado, via the CM/ECF system, which will send notification of such filing to the following e-mail addresses:

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DATED this 16th day of June, 2016.

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