

Release

This Release, dated March 17, 2013 is given \_\_\_\_\_  
BY the Releasor SARA H. HUMPHREY, Administratrix Ad Prosequendum and General Administratrix of the Estate of JOHNATHAN DAWKINS, Deceased

referred to as "I", \_\_\_\_\_  
UNION COUNTY CORRECTIONS AND ITS OFFICERS FRANK M. CROSE, ANTHONY BONITO, LT., WAYNE CAFFREY, TO RICHARD GRISWOLD, JR., VICTOR POZSONYI, STANLEY TERRELL, LEONARD MAYER and RICHARD TROWER, CHRISTOPHER CALAS & PASCAL TYRA  
referred to as "You"

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

1. **RELEASE.** I release, give up and forever discharge any and all claims and rights which I may have against You. This releases all claims, including those of which I am not aware and those not mentioned in this Release. This Release applies to claims resulting from anything which has happened up to now. I specifically release the following claims:

**Any and all claims for personal injury arising out of an incident that occurred on October 13, 2007 involving Johnathan Dawkins while incarcerated at the defendant Union County Correction Facility from October 1, 2007 up to and including the beginning of the cell extraction on 10/13/2007 and resulting in a lawsuit filed in the United States District Court, District of New Jersey and bearing Civil Action No. 2:09-cv-04811-WJM.**

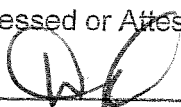
Liens. For an in consideration of the above sum, the undersigned hereby agrees to satisfy all liens or encumbrances which may apply to the above sum including but not limited to medical providers, medical insurance companies, HMOs, Medicare, Medicaid, Workers' Compensation liens and any and all subrogation claims and hereby agrees to indemnify all the above named Releasees and their representative insurance carriers against any further liability for the satisfaction of any such liens or encumbrances.

2. **PAYMENT.** I have been paid a total of \$ 500,000.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, in full payment for making this Release. I agree that I will not seek anything further, including any other payment, from You.

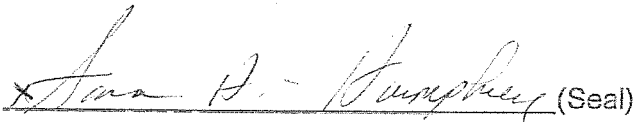
3. **WHO IS BOUND.** I am bound by this Release. Anyone who succeeds to my rights and responsibilities, such as my heirs or the executor of my estate, is also bound. This Release is made for your benefit and all who succeed to your rights and responsibilities, such as your heirs of the executor of your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

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

Witnessed or Attested by:



\_\_\_\_\_  
DAVID GELBAND, An Attorney-at-Law  
Of the State of New Jersey



\_\_\_\_\_  
SARA H. HUMPHREY

\_\_\_\_\_  
(Seal)

STATE OF NEW JERSEY, COUNTY OF ESSEX SS:

CERTIFY that on March 17, 2013, SARA H. HUMPHREY personally came before me and stated under oath o my satisfaction that this person (or if more than one, each person):

- (a) was the maker of the attached instrument; and,
- (b) executed this instrument as his or her own act.



\_\_\_\_\_  
DAVID GELBAND, ESQ.

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

DAVID GELBAND, ESQ.  
KIRSCH, GELBAND & STONE, P.A.  
17 ACADEMY STREET - SUITE 707  
NEWARK, NEW JERSEY 07102  
(973) 623-0100  
Attorneys for Plaintiff(s)  
Our File No. 2007-276

JOHNATHAN DAWKINS; SARA H. )  
HUMPHREY, GUARDIAN AD LITEM OF )  
JOHNATHAN DAWKINS, A MENTALLY )  
INCAPACITATED PERSON; SARA H. )  
HUMPHREY, INDIVIDUALLY; AND SARA )  
H. HUMPHREY, ADMINISTRATRIX AD )  
PROSEQUENDUM OF THE ESTATE OF )  
JOHNATHAN DAWKINS. )

Civil Case No. 2:09-cv-04811

CORRECTED  
SECOND AMENDED  
COMPLAINT  
AND  
JURY DEMAND

Plaintiff(s), )  
Vs. )

COUNTY OF UNION; CORRECTIONAL )  
HEALTH SERVICES, INC.; COUNTY OF )  
ESSEX; VICTOR POZSONYI; STANLEY )  
TERRELL; LEONARD MAYER; RICHARD )  
TROWER; JOHN MANFRE; RICHARD )  
GRISWOLD, JR.; ANTHONY BONITO; )  
LT. CAFFREY; OFFICER CALAS; )  
PASCAL TYRA; CHRISTOPHER SLOAN; )  
KIMBERLY H. KEHL; LATRINA TENNET; )  
DENISE ROBERSON; ERNESTINE )  
BLAINE; BILLY PROSPERI (Essex )  
County Medical Records Supervisor); )  
FRANK M. CROSE (Director, Union )  
County Corrections); JOHN DOE (a )  
fictitious name); MANNY MOE (a fictitious )  
name); ABC CORPORATION (a fictitious )  
corporation), and ST. MARY'S LIFE CARE )  
CENTER POPE JOHN PAUL II PAVILION )  
NURSING HOME, )

Defendant(s).

**COMPLAINT PRELIMINARY STATEMENT**

1. This is an action alleging a deprivation of civil rights resulting from the use of unlawful and excessive force by County of Union correction officers/employees. Money damages are sought.
2. This is an action alleging negligence resulting from the failure of plaintiff Johnathan Dawkins' medical records being timely transferred from Essex County Correction Facility to Union County Correction Facility in the time prescribed by State Regulation, policy and/or procedure, so that Union County Correction Facility personnel and/or employees could assess, diagnose and dispense appropriate psychiatric medication to control plaintiff Johnathan Dawkins' long standing psychiatric medical condition. This includes employees of the County of Union and/or employees of Corrections Health Services, Inc., requesting, obtaining, and reviewing the medical records of plaintiff Johnathan Dawkins, from the County of Essex, in the time prescribed by State Regulation, policy and/or procedure. Money damages are sought.
3. This is an action alleging nursing/medical negligence resulting from deviations in the standard of nursing and medical care in the timely assessment, diagnosis and treatment of plaintiff Johnathan Dawkins, including the accessibility and maintenance of emergency medical equipment. Money damages are sought.
4. Plaintiff Johnathan Dawkins remains profoundly brain damaged due to injuries sustained from the use of unlawful and excessive force by the

defendant Union County correction officers/employees; and from deviation(s) from the standard of nursing and medical care in the assessment, diagnosis and medical treatment received by plaintiff Johnathan Dawkins from Correctional Health Services, Inc., and its defendant nurse employees. Money damages are sought.

#### **JURISDICTION**

5. The jurisdiction of this Court of the within pleaded matter is brought pursuant to 42 U.S.C. Sections 1983, 1985(3), 1986 and the Fourth, Eighth and Fourteenth Amendments to the United States Constitution. Pendant jurisdiction over state claims is also invoked.
6. Jurisdiction is founded on 28 U.S.C. Section 1331 and Section 1343 (1)(2)(3)(4) and the aforementioned statutory and constitutional provisions.

#### **PARTIES**

7. Johnathan Dawkins is presently 37 years old and remains profoundly brain damaged at Pope John Pavilion, a long term medical facility located in Orange, New Jersey, following the facts giving rise to the within allegations. Sara H. Humphrey is the mother of Johnathan Dawkins and resides at 32 Bayard Place, Newark, New Jersey. She consents to act as Johnathan Dawkins' guardian ad litem due to his mental incapacity.
8. Defendant County of Union, is a public entity in the State of New Jersey, with offices for service of process located at Elizabethtown Plaza, Elizabeth, New Jersey, 07207, and with various departments under its direction, including the

Union County Correction Facility and/or Jail, which employed the individually named defendants as correction officers/employees.

9. Defendants Victor Pozsonyi, Stanley Terrell, Leonard Mayer, Richard Trower, John Manfre, Richard Griswold, Jr., Anthony E. Bonito, Lt. Caffrey, Officer Calas, Pascal Tyra, and Christopher Sloan were and at all times relevant hereto, employed as Union County correction officers/employees at the County of Union and/or Union County Correction Facility/Jail, located at 15 Elizabethtown Plaza, Elizabeth, New Jersey 07207, and are being sued individually, and in their official capacity as agents, servants and/or employees of the County of Union acting within the scope of their authority.
10. Defendant Frank M. Crose was at all times relevant hereto the Director of Corrections for the County of Union, located at 15 Elizabethtown Plaza, Elizabeth, New Jersey 07207, and employed by the County of Union. As such, he was the commanding officer of the defendant correction officers/employees and was responsible for the training, supervision and conduct of said defendants. He is also required by law to enforce the regulations of the County of Union, State of New Jersey and of the United States of America. He is sued individually and in his official capacity as an agent, servant and/or employee of the County of Union acting within the scope of his authority.
11. Defendant Correctional Health Services, Inc., is a corporation registered to do business in the State of New Jersey, with offices located at Union County Jail, 15 Elizabethtown Plaza, Suite 2013, Elizabeth, New Jersey 07207, and

maintains a contract with the County of Union and County of Essex to provide health/medical related services to the inmates at Union County and Essex County Correction Facility/Jail, and are otherwise required to timely request, provide, obtain and review inmates' medical records, in accordance with state regulations, policy and procedure, when inmates are transferred from Essex County Correction Facility to Union County Correction Facility.

12. Defendants Kimberly H. Kehl, Latrina Tennet, Denise Roberson and Ernestine Blaine are nurse employees of defendant Correctional Health Services, Inc., working out of Union County Jail, 15 Elizabethtown Plaza, Suite 2013, Elizabeth, New Jersey 07207, and were specifically in charge of providing nursing/medical related services to plaintiff Johnathan Dawkins on October 13, 2007.
13. Defendants Billy Prospero, the Essex County Medical Records Supervisor, and John Doe (a fictitious name), an unknown/unidentified employee(s) of the County of Essex, with offices located at 354 Doremus Avenue, Newark, New Jersey, 07105, were employees of the County of Essex charged with the responsibility of training, supervising and enforcing regulations, policy and procedure regarding the timely transfer of inmate(s) medical records from Essex County Corrections to Union County Corrections, and are being sued individually and in their official capacity.
14. Defendant(s) Manny Moe (a fictitious name), were at all relevant times, a correction employee and/or officer employed by the County of Union or Essex County. Their identify is as yet not known to plaintiffs. They are sued

individually and in their official capacity as an agent, servant and/or employee of the County of Union and/or County of Essex acting within the scope of their authority.

15. Defendant(s) ABC Corporation (a fictitious corporation), and its agents, servants, or employees, contracted by the County of Union and/or County of Essex and otherwise responsible to provide health related services and/or police/correction services to the County of Union and/or County of Essex, whose identity is yet not known to plaintiffs.

**FACTS COMMON TO ALL CAUSES  
OF ACTION AND ALL PARTIES**

16. Paragraphs 1 through 15 are incorporated herein as though fully set forth at length.
17. For approximately several months leading up to October 13, 2007, plaintiff Johnathan Dawkins was an inmate at the Essex County Correction Facility/Jail.
18. On or about October 1, 2007, plaintiff Johnathan Dawkins was transferred from Essex County Jail to Union County Jail.
19. Plaintiff Johnathan Dawkins is and has been diagnosed with long standing paranoid schizophrenia, whose psychologic condition is controlled through psychiatric medication.
20. While incarcerated at Essex County Jail, plaintiff Johnathan Dawkins was dispensed psychiatric medication to control his paranoid schizophrenia.

21. Between October 1, 2007 and October 13, 2007, the defendant County of Essex and its designated employee(s) failed to transfer to Union County jail, plaintiff Johnathan Dawkins' medical records.
22. Between October 1, 2007 and October 13, 2007, the defendant County of Union and its employees and/or the defendant Correctional Health Services, Inc., and its employees failed to request and obtain plaintiff Johnathan Dawkins' medical records from the County of Essex.
23. The defendant County of Union, Correctional Health Services, Inc, and its defendant nurses failed to assess, diagnose, and dispense psychiatric medication to plaintiff Johnathan Dawkins to control his psychiatric medical condition.
24. Between October 1, 2007 and October 13, 2007, plaintiff Johnathan Dawkins' psychiatric condition significantly worsened.
25. On October 13, 2007, plaintiff Johnathan Dawkins' paranoid schizophrenic psychiatric medial condition caused him to become disconnected from reality and prevented him from understanding, acknowledging and obeying verbal commands.
26. On October 13, 2007, the defendant County of Union and its defendant correction officers/employees instituted a forced cell extraction on plaintiff Johnathan Dawkins.
27. On October 13, 2007, plaintiff Johnathan Dawkins was clutching a pillow to his face and chest, as pepper spray was dispensed into his cell by the defendant Union County Correction officers/employees.



28. On October 13, 2007, the defendant County of Union and its defendant correction officers/employees entered the jail cell of plaintiff Johnathan Dawkins, and forcefully extracted him from his cell in full SWAT battle gear. Plaintiff Johnathan Dawkins was forcefully placed on the floor, face-down, by four (4) or more defendant Union County correction officers/employees.
29. The cell extraction was videotaped, with sound, by one of the defendant County of Union correction officers.
30. The videotaped cell extraction, with sound, shows one of the defendant County of Union correction officers forcefully cementing his knee into the back of plaintiff Johnathan Dawkins' head and neck, as plaintiff's mouth and nose smothered into the pillow he was holding, thereby blocking his airway and ability to breathe. Plaintiff Johnathan Dawkins was heard on the videotape gasping for breath, as he was asphyxiating.
31. The videotape shows that plaintiff Johnathan Dawkins' body remains motionless for numerous minutes while the defendant correction officers continue to apply restraints to plaintiff Johnathan Dawkins, while showing no appreciation or concern for his medical condition.
32. On October 13, 2007, plaintiff Johnathan Dawkins was caused to asphyxiate and become profoundly and permanently brain dead.
33. Plaintiff Johnathan Dawkins remains hospitalized at Pope John Pavilion, a long term medical facility located in Orange, New Jersey.

**COUNT ONE**

**FEDERAL CIVIL RIGHTS CLAIM – EXCESSIVE FORCE**

34. Plaintiffs incorporate by reference each and every allegation of paragraphs 1 through 35, as if fully set forth at length herein.
35. The actions of the defendant County of Union and its defendant correction officers/employees, acting individually and in concert, were unjustified, unlawful, malicious, and intentional, and otherwise constituted an excessive use of force which deprived plaintiff Johnathan Dawkins of his civil rights, as secured by the Fourth, Eighth, and Fourteenth Amendments to the United States Constitution, and by 42. U.S.C. Section 1983.
36. The actions of the defendant County of Union and its defendant correction officers/employees were undertaken without probable cause, and were accomplished through the use of excessive force. Further, such improper actions directly and proximately resulted in extreme physical, emotional, and cognitive injuries to plaintiff Johnathan Dawkins, and deprived him of his personal liberty in violation of the Fourth, Eighth and Fourteenth Amendments to the United States Constitution and by 42 U.S.C. Section 1983.
37. As a direct and proximate result of the acts and misconduct described aforesaid, all committed under color of authority as County of Union correction officers/employees, and while acting within the scope of their employment, and pursuant to authority vested in them by the defendant County of Union, defendants caused plaintiff Johnathan Dawkins physical, emotional and cognitive pain and suffering; disability and impairment; loss of

enjoyment of life; and caused expenditure of large sums of money for his medical care and treatment, past, present and future.

38. The unnecessary and unprovoked excessive use of force by the defendants as aforesaid, did in fact result in physical, emotional and cognitive injury, including pain and suffering; disability and impairment; loss of enjoyment of life; and caused expenditure of large sums of money for his medical care and treatment, past, present and future.

**COUNT TWO**

**STATE CLAIM – WILLFUL, WANTON AND RECKLESS CONDUCT**

39. Plaintiffs incorporate by reference each and every allegation of paragraphs 1 through 35, as if fully set forth at length herein.
40. The defendant County of Union and its defendant correction officers/employees failed to exercise due care and acted in a willful, wanton, and reckless manner while engaged in their functions as correction officers/employees, which culminated in the injuries and damages suffered by plaintiff Johnathan Dawkins.
41. Such reckless, wanton and willful conduct directly and proximately caused plaintiff Johnathan Dawkins physical, emotional and cognitive injury, including pain and suffering; disability and impairment; loss of enjoyment of life; and caused expenditure of large sums of money for his medical care and treatment, past, present and future.

**COUNT THREE** ?

**STATE CLAIM – ASSAULT AND BATTERY**

42. Plaintiffs incorporate by reference each and every allegation of paragraphs 1 through 35, as if fully set forth at length herein.
43. The defendant County of Union and its defendant correction officers/employees use of excessive force, which was willful, intentional and unjustified, constituted an assault and battery in violation of New Jersey law.
44. Such reckless, wanton and willful conduct directly and proximately caused plaintiff Johnathan Dawkins physical, emotional and cognitive injury, including pain and suffering; disability and impairment; loss of enjoyment of life; and caused expenditure of large sums of money for his medical care and treatment, past, present and future.

**COUNT FOUR** ?

**STATE CIVIL RIGHTS CLAIM – EXCESSIVE FORCE**

45. Plaintiffs incorporate by reference each and every allegation of paragraphs 1 through 35, as if fully set forth at length herein.
46. As a result of the illegal conduct of the defendants, one or more of them, the plaintiff Johnathan Dawkins' civil rights under the laws of the State of New Jersey were violated, as were the rights and protections provided under the Constitution of the State of New Jersey, including but not limited to Article I, Sections 1, 2a, 5, 6, 7, 8, 10, 11, 12, as well as any and all other rights and protections afforded under all other laws of the State of New Jersey.

47. As a direct and proximate result of the negligence of the aforesaid defendants, plaintiff Johnathan Dawkins was caused physical, emotional and cognitive injury, including pain and suffering; disability and impairment; loss of enjoyment of life; and caused expenditure of large sums of money for his medical care and treatment, past, present and future.

**COUNT FIVE**

**UNLAWFUL CUSTOM, PRACTICE, POLICY/INADEQUATE  
TRAINING/IMPROPER AND INADEQUATE SUPERVISION**

48. Plaintiffs incorporate by reference each and every allegation of paragraphs 1 through 35, as if fully set forth at length herein.
49. The defendant County of Union failed to formulate, implement and comply with generally accepted and established practice, policy, procedure, protocol and regulations in determining the need for a forced cell extraction, conducting the forced cell extraction, and assessing and appropriately treating the physical condition of plaintiff Johnathan Dawkins before, during, and following the cell extraction.
50. The defendant County of Union failed to provide adequate training and supervision to ensure that forced cell extractions were in compliance with generally accepted and established practice, policy, procedure, protocol and regulations in determining the need for a forced cell extraction, conducting the forced cell extraction, and assessing and appropriately treating the physical condition of plaintiff Johnathan Dawkins before, during and following the cell extraction.

51. As a direct and proximate result of the negligence of the aforesaid defendants, plaintiff Johnathan Dawkins was caused physical, emotional and cognitive injury, including pain and suffering; disability and impairment; loss of enjoyment of life; and caused expenditure of large sums of money for his medical care and treatment, past, present and future.

**COUNT SIX**

**UNLAWFUL CUSTOM, PRACTICE, POLICY/INADEQUATE  
TRAINING/IMPROPER AND INADEQUATE SUPERVISION**

52. Plaintiffs incorporate by reference each and every allegation of paragraphs 1 through 35, as if fully set forth at length herein.

53. The defendant County of Union, Correctional Health Services, Inc., its defendant nurse employees, ABC Corporation (a fictitious corporation) and Manny Moe (a fictitious name), failed to comply with established practice, policy, procedure, protocol and regulations in timely forwarding, requesting, obtaining and reviewing the medical records of plaintiff Johnathan Dawkins; assessing/diagnosing his worsening psychiatric medical condition; dispensing appropriate psychiatric medication; maintaining medical equipment in working condition; and providing immediate accessibility to appropriate medical equipment in emergency situations.

54. As a direct and proximate result of the negligence of the aforesaid defendants, plaintiff Johnathan Dawkins was caused physical, emotional and cognitive injury, including pain and suffering; disability and impairment; loss of enjoyment of life; and caused expenditure of large sums of money for his medical care and treatment, past, present and future.

55. Defendants John Doe (a fictitious name), Many Moe (a fictitious name) and ABC Corporation (a fictitious Corporation), are named herein as representing any unknown potential defendant in this law-suit, whose identity might be revealed to the plaintiff during the course of this law-suit and so as to halt the running of the Statute of Limitations as to said presently unknown and unidentified defendants.

**COUNT SEVEN**

**NEGLIGENCE NURSING/MEDICAL**

56. Plaintiffs incorporate by reference each and every allegation of paragraphs 1 through 35, as if fully set forth at length herein.
57. Defendants Correctional Health Services, Inc., its defendant nurse employees, ABC Corporation (a fictitious corporation) and Many Moe (a fictitious name), deviated from accepted standards of nursing and medical practice, and failed to comply with established policy, procedure, protocol and regulations in observing, assessing, diagnosing and providing timely medical care and treatment to plaintiff Johnathan Dawkins during and following the forced cell extraction, including maintaining medical equipment in proper working condition, and providing immediate accessibility to appropriate medical equipment in emergency situations.
58. As a direct and proximate result of the negligence of the aforesaid defendants, plaintiff Johnathan Dawkins was caused physical, emotional and cognitive injury, including pain and suffering; disability and impairment; loss of

enjoyment of life; and caused expenditure of large sums of money for his medical care and treatment, past, present and future.

59. Defendants Many Moe (a fictitious name) and ABC Corporation (a fictitious corporation), are named herein as representing any unknown potential defendant in this law-suit, whose identity might be revealed to the plaintiff during the course of this law-suit and so as to halt the running of the Statute of Limitations as to said presently unknown and unidentified defendants.

**COUNT EIGHT**

**PUNITIVE DAMAGES**

60. Plaintiffs incorporate by reference each and every allegation of paragraphs 1 through 35, as if fully set forth at length herein.
61. The defendant County of Union correction officers/employees involved in plaintiff Johnathan Dawkins' forced cell extraction acted with maliciousness or in wanton and willful disregard of Johnathan Dawkins' health, safety and life.
62. The conduct of the defendant County of Union correction officers/employees constituted deliberate acts, or omissions with knowledge, or a high degree of probability of harm to Johnathan Dawkins.
63. As a result of the conduct of the defendant County of Union correction officers/employees, plaintiff Johnathan Dawkins was caused physical, emotional and cognitive injury including pain and suffering; disability and impairment; loss of enjoyment of life; and caused expenditure of large sums of money for his medical care and treatment, past, present and future.



64. Plaintiff Johnathan Dawkins demands punitive damages against the defendant County of Union correction officers/employees.

**COUNT NINE**

**GUARDIAN AD-LITEM**

65. Plaintiffs incorporate by reference each and every allegation of paragraphs 1 through 35, as if fully set forth at length herein.
66. At all times relevant hereto, plaintiff Johnathan Dawkins is profoundly brain damaged and lacks the mental capacity to bring the within lawsuit on his own behalf. He remains an inpatient at Pope John Pavilion, a long term medical facility, located in Orange, New Jersey.
67. As a result of the acts and negligence of the defendants, plaintiff Johnathan Dawkins incurred, and will incur, substantial medical expense associated with his medical care and treatment.
68. At all times relevant hereto, plaintiff Sara H. Humphrey is the biological mother of Johnathan Dawkins and consents to act as his guardian ad litem for purposes of the within litigation.
69. Plaintiff Sara H. Humphrey will be responsible for Johnathan Dawkins' medical expenses, past, present and future.

**COUNT TEN**

70. Plaintiffs incorporate by reference each and every allegation of paragraphs 1 through 36, as if fully set forth at length herein.
71. At all times relevant hereto, defendant St. Mary's Life Care Center Pope John Paul II Pavilion has refused plaintiff's counsel access to plaintiff Johnathan

Dawkins for the purpose of videotaping "A Day In The Life Of Johnathan Dawkins" and a simultaneously permitting plaintiff's neuropsychiatrist to conduct a forensic medical exam on plaintiff Johnathan Dawkins.

72. Counsel for Plaintiff Johnathan Dawkins demands access to St. Mary's Live Care Center Pope John Paul II Pavilion solely for the purpose of permitting plaintiff's neuropsychiatrist to perform a forensic medical exam on plaintiff Johnathan Dawkins and permitting the videotaping of "A Day In The Life Of Johnathan Dawkins" video.

#### **COUNT ELEVEN**

73. Plaintiff incorporates by reference each and every allegation of paragraph 1 through 72, as if fully set forth at length herein.
74. At all times relevant hereto, Plaintiff Sara H. Humphrey was the mother of the deceased, Johnathan Dawkins, and has been appointed Administratrix Ad Prosequendum of the Estate of Johnathan Dawkins.
75. On 10/13/2007 Johnathan Dawkins was caused profound brain damage, resulting from a forced cell extraction, while Dawkins was an inmate at Union County Correction Facility.
76. As a result, Johnathan Dawkins remained in a comatose condition, until 4/12/2012, when he died from complications caused by his physical condition.
77. Johnathan Dawkins' death is directly and causally related to the actions of Correctional Health Services, its agents, servants and employees, Kimberly H. Kehl, Denise Roberson, Ernestine Blaine, as well as the actions of the County of Essex, County of Union, their agents, servants, all employees,

Victor Pozsonyi, Stanley Terrell, Leonard Mayer, Richard Trower, John Manfre, Richard Griswold, Jr., Anthony Bonito, Lt. Caffrey, Christopher Sloan, Kimberly H. Kehl, Latrina Tennet, Denise Roberson, Ernestine Blaine, and as set forth in plaintiffs Complaint and Amended Complaint.

78. At all times relevant hereto, plaintiff hereby demands all recoverable damages for Wrongful Death under State and Federal Statute, and case law.

**PRAYER FOR RELIEF**

WHEREFORE, plaintiff Sara H. Humphrey, as Administratrix Ad Prosequendum of the Estate of Johnathan Dawkins, deceased, and Sara H. Humphrey Individually, pray for judgment against the defendants, jointly and /or severally, individually and/or collectively, for:

- a. Compensatory damages in the amount of Forty-Four Million Dollars (\$44,000,000).
- b. Punitive Damages in an amount to be determined at trial for the willful and malicious conduct of the defendant County of Union Correction Officers/employees.
- c. Attorneys' fees and costs of this action; and
- d. All other relief which this Honorable Court deems equitable and just.

**DEMAND FOR TRIAL BY JURY**

Plaintiffs hereby demand a trial by jury as to all issues herein.

RESPECTFULLY SUBMITTED,



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Attorneys for Plaintiffs