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of the ESTATE OF ADDISON WILCOX,

SILVIA WILCOX, individually, and as
Administratrix ad Prosequendum of the
ESTATE OF ADDISON WILCOX,

Plaintiff,

vs.

COUNTY OF UNION, UNION
COUNTY JAIL, UNION COUNTY
SHERIFF'S DEPARTMENT, SHERIFF
RALPH E. FROEHLICH, ABC
CORPS. 1-20 (fictitious names, true
names unknown), and JOHN DOES 1-
25 (fictitious names, true names
unknown),

Defendants.

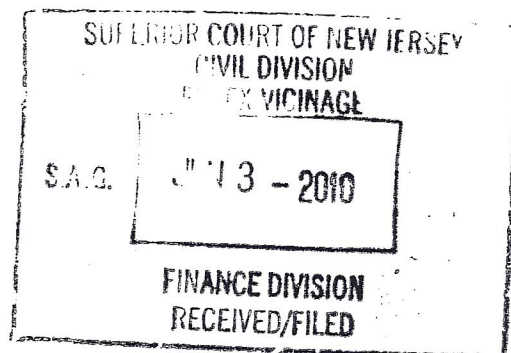
SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: UNION COUNTY
DOCKET NO:

CIVIL ACTION

COMPLAINT AND JURY DEMAND

3479-10



Plaintiff, SILVIA WILCOX, residing at 63 Skylar Avenue, City of Newark, County of
Essex, State of New Jersey, personal representative of the ESTATE OF ADDISON WILCOX,
deceased, and *Administratrix ad Prosequendum* for ADDISON WILCOX, deceased,
complaining of the Defendants alleges as follows:

PLAINTIFFS

1. **Addison Wilcox.** Addison Wilcox, now deceased, was at all times relevant herein a resident
of the City of Hillside, County of Union, State of New Jersey, at the time of his death.

2. **Estate of Addison Wilcox.** The Estate of Addison Wilcox is suing for the pain, suffering, shock, agony, and personal injury incurred by him before his death at the hands of the Defendants, and/or their unknown agents on June 5, 2008. This claim is being presented by and through Administratrix ad Prosequendum, Silvia Wilcox.
3. **Silvia Wilcox.** Silvia Wilcox is the mother of Addison Wilcox, and at all times relevant herein a resident of the City of Newark, County of Essex, State of New Jersey, at the time of his death. She is suing for the loss of the support, comfort, care, protection and society of her son, Silvia Wilcox, as well as for the civil rights violations, personal injuries and other harm inflicted upon or caused to her by the wrongful acts or omissions of Defendants and/or their agents.

II.

DEFENDANTS

4. **Union County Jail.** Union County Jail, located at 15 Elizabethtown Plaza, Elizabeth, New Jersey, is a facility operated and controlled by the County of Union, and is responsible for the hiring, supervision, training and retention of corrections personnel at that facility, and is being sued under 42 U.S.C. § 1983 and the New Jersey Tort Claims Act for the actions of its agents and employees and for failing to train, negligently training, failing to supervise and negligently supervising these agents and employees, with deliberate indifference to the rights of the Plaintiff.
5. **Union County Sheriff's Department and Sheriff Ralph G. Froehlich.** At the time this cause of action arose, Sheriff Ralph G. Froehlich, in his official capacity, responsible for establishing the policies and procedures for the hiring, supervision, training and retention of corrections personnel within the Union County Sheriff's Department as well as the Union

County Jail, and is being sued under 42 U.S.C. § 1983 and the New Jersey Tort Claims Act for the actions of agents and employees of the Union County Sheriff's Department and Union County Jail, for failing to train, negligently training, failing to supervise and negligently supervising these agents and employees, with deliberate indifference to the rights of the Plaintiff.

6. **John Does 1 through 25.** John Does 1 through 25 are agents and employees of the County of Union, Union County Jail, Union County Sheriff's Department and/or ABC Corporations, individually and under color of state law. John Doe Defendants are being sued in their official and individual capacities for assault, battery, negligence, gross negligence, and civil rights violations as set forth below.
7. **ABC Corporations 1 through 20.** ABC Corporations 1 through 20 and/or its parent company or companies or subsidiaries, individually and under color of state law, independently contract with the County of Union, Union County Jail, and/or Union County Sheriff's Department or its authorized agent to provide medical care and treatment to inmates in the facility. ABC Corporations 1-20 are being sued in for negligence, gross negligence, and civil rights violations as set forth below.

III.

COMPLIANCE WITH NEW JERSEY TORT CLAIMS ACT

8. Plaintiffs have complied in all particulars with the provisions and requirements of the New Jersey Tort Claims Act, serving notice on Defendants on or about August 13, 2008.

IV.
SCOPE OF EMPLOYMENT/RATIFICATION

9. Addison Wilcox died at the Union County Jail in Elizabeth, New Jersey, on or about June 5, 2008. The Union County Jail is a prison facility under the management and control of the County of Union and the Union County Sheriff's Department.
10. Addison Wilcox was an inmate at the Union County Jail at the time of his death. At the time of his death, Addison Wilcox was a ward of the County of Union and the Union County Sheriff's Department.
11. Addison Wilcox did not proximately cause or otherwise contribute to the injuries that led to his death. Instead, Addison Wilcox died as a result of injuries deliberately, wantonly and maliciously inflicted upon him by presently known and unknown agents and employees of the Defendants.
12. Addison Wilcox died as a result of a deliberate refusal by the individual Defendants, and/or other presently unknown agents and employees of the Union County Sheriff's Department, Union County Jail, and the County of Union to promptly provide him with the necessary medical care and attention to treat his serious injuries, and/or other life threatening conditions.
13. Those individuals responsible for Addison Wilcox's injuries and resulting death were officers, agents and/or employees of the Union County Jail and/or Union County Sheriff's Department and were, therefore, "investigative or law enforcement officers".
14. The injuries and wrongs constituting the claims set forth herein were perpetrated upon Plaintiffs by the individual Defendants and/or other presently unknown officers, agents and/or employees of the Union County Jail and/or Union County Sheriff's Department while acting within the scope and in furtherance of their office, agency, and/or employment.

15. The injuries and wrongs constituting the claims set forth herein were perpetrated upon Plaintiff by the individual Defendants and/or other presently unknown officers, agents and/or employees of the Union County Jail pursuant to the authorization, either express or implied, of the County of Union and the Union County Sheriff's Department.
16. The wrongful acts and omissions by the individual Defendants complained of herein were also subsequently ratified, confirmed, and approved by the County of Union and the Union County Sheriff's Department.

V.

PATTERN OR COURSE OF CONDUCT

17. Within the Union County Sheriff's Department and the County of Union, and more specifically, the Union County Jail, there is an invidious and discriminatory custom, practice or policy of protecting employees and/or guards who have intentionally beaten, brutalized and/or otherwise violated the civil rights of inmates. Rather than prosecuting, disciplining or discharging such agents and employees, pursuant to this custom, either no action is taken or the practice or policy is that these agents or employees are transferred to other facilities.
18. Pursuant to this custom, practice or policy, the County of Union, Union County Jail and the Union County Sheriff's Department, also invidiously discriminate against inmates and their families by intentionally, deliberately, and wantonly suppressing any investigation into and/or prosecution of guards responsible for violating the civil rights of inmates through harassment, assault and battery.
19. As a result of this custom, practice or policy of protecting rather than disciplining or discharging guards who are known to violate the civil rights of inmates, Defendants recruited, allowed and encouraged a number of such guards with known histories of

intentionally harming and abusing the civil rights of inmates to be transferred to and become part of the staff at the Union County Jail

20. Prior to, on and after June 5, 2008, it was known to Defendants that guards at the Union County Jail were denying medical attention, using excessive force to intentionally and deliberately inflict upon inmates unnecessary and wanton injury, pain and suffering, as well as retaliate against inmates for exercising their rights pursuant to the First, Eighth and Fourteenth Amendments to the U.S. Constitution.
21. Despite such knowledge and existing duty, however, Defendants showed deliberate indifference to the situation knowing that by doing so they were creating a substantial risk of certain harm to inmates such as Addison Wilcox.

VI.

GENERAL FACTUAL ALLEGATIONS

22. Plaintiff, Addison Wilcox, while incarcerated as an inmate at Union County Jail, Elizabeth, New Jersey, died on or about June 5, 2008.
23. While incarcerated, Plaintiff repeatedly complained of difficulty breathing, shortness of breath, and upper respiratory problems. His repeated requests for medical attention were ignored and denied.
24. On June 5, 2008, Addison Wilcox collapsed and expired shortly afterwards.
25. On June 5, 2008, presently known and unknown officers, agents and/or employees of the Union County Jail and Union County Sheriff's Department were deliberately indifferent to the medical needs of Decedent Addison Wilcox.
26. These presently known and unknown officers, agents and/or employees of the County of Union, Union County Jail, and Union County Sheriff's Department did intentionally ignore

and otherwise fail to provide proper medical treatment to Addison Wilcox with the intent of inflicting serious bodily harm and even death upon Addison Wilcox and/or acted so recklessly as to create a substantial as well as certain risk of serious bodily harm or death to Addison Wilcox.

27. Addison Wilcox did sustain massive injury, deliberately and/or negligently inflicted upon him by these presently unknown officers, agents and/or employees. This trauma inflicted upon Addison Wilcox was intended to and did result in his extreme pain and suffering. As a result of the failure to provide proper medical treatment, Addison Wilcox suffered great physical and mental pain, shock, and agony.
28. Defendants, and presently known and unknown officers, agents and/or employees, did show deliberate indifference to Addison Wilcox's serious medical needs by denying him medical care and treatment of his life threatening condition(s).

VII.

CLAIMS FOR RELIEF

FIRST COUNT

(Negligence)

29. Plaintiffs hereby reallege and incorporate by reference the allegations contained in the preceding paragraphs.
30. At the time of his death, Addison Wilcox was under the sole and exclusive custody, control, and supervision of the County of Union, Union County Jail, and Union County Sheriff's Department, which were responsible for the care, health, safety and welfare of all prisoners within their custody, including Addison Wilcox.
31. Defendants, therefore, owed to Addison Wilcox a duty to exercise extraordinary care in providing for his care, safety, health and welfare. This duty of care, which Defendants owed to Addison Wilcox, included, among others, the duty to protect Addison Wilcox and to promptly provide him with medical attention.
32. This heightened duty of care owed by Defendants to Addison Wilcox was in fact breached when his requests for medical treatment were ignored, by presently known and unknown agents and/or employees of the Union County Jail, the County of Union, and the Union County Sheriff's Department.
33. The death of Addison Wilcox was also not of a type that ordinarily occurs in the absence of a breach of duty and, as such, Addison Wilcox's death could not have occurred but for a breach of this duty of care owed to him by Defendants. Defendants are thus strictly liable for Addison Wilcox's death and the resulting injury to Plaintiffs.

34. As a direct, proximate, and natural result of the wrongful acts and omissions by the individual Defendants and other presently unknown agents and/or employees of the County of Union, Union County Jail, and Union County Sheriff's Department, as described hereinabove, Plaintiffs have suffered and continue to suffer special and general damages in amounts that together with prejudgment interest will be proven at trial.
35. The nature of the special damages inflicted upon Decedent by the individual Defendants and other agents and/or employees of the County of Union, Union County Jail, and Union County Sheriff's Department, are such that they continue and increase daily.
36. As a direct and proximate result of the negligence as set forth above, Plaintiff has suffered damages.
37. WHEREFORE, Plaintiff requests judgment for compensatory and punitive damages against these Defendants, together with attorney's fees, and costs of suit, and such other and further relief as the court deems proper.

WHEREFORE, on all claims Plaintiffs pray judgment against Defendants, and each of them, as follows:

- a. For the Estate of Addison Wilcox, an award of general damages in an amount to be proven at trial, together with prejudgment interest as allowed by law.
- b. For Plaintiffs, an award of special damages in an amount to be proven at trial, together with prejudgment interest as allowed by law.
- c. For Plaintiffs, an award of punitive damages sufficient to punish or make an example of the individual Defendants.
- d. For Plaintiffs, an award of their attorneys' fees and costs of suit.
- e. For Plaintiffs, such other and further relief as to the Court seems just, merited and proper.

SECOND COUNT

(Negligence)

38. Plaintiffs hereby reallege and incorporate by reference the allegations contained in the preceding paragraphs.
39. The heightened duty of care owed by Defendants to Addison Wilcox was in fact breached when Defendants failed to properly respond to Addison Wilcox's medical needs on June 5, 2008.
40. Addison Wilcox's death could not have occurred but for a breach of this duty of care owed to him by Defendants. Defendants are thus strictly liable for Addison Wilcox's death and the resulting injury to Plaintiffs.
41. As a direct, proximate, and natural result of the wrongful acts and omissions by the individual Defendants and other presently unknown agents and/or employees of the County of Union, Union County Jail, and Union County Sheriff's Department, as described hereinabove, Plaintiffs have suffered and continue to suffer special and general damages in amounts that together with prejudgment interest will be proven at trial.
42. The nature of the special damages inflicted upon Decedent by the individual Defendants and other agents and/or employees of the County of Union, Union County Jail, and Union County Sheriff's Department, are such that they continue and increase daily.
43. As a direct and proximate result of the negligence as set forth above, Plaintiff has suffered damages.
44. WHEREFORE, Plaintiff requests judgment for compensatory and punitive damages against these Defendants, together with attorney's fees, and costs of suit, and such other and further relief as the court deems proper.

WHEREFORE, on all claims Plaintiffs pray judgment against Defendants, and each of them, as follows:

- a. For the Estate of Addison Wilcox, an award of general damages in an amount to be proven at trial, together with prejudgment interest as allowed by law.
- b. For Plaintiffs, an award of special damages in an amount to be proven at trial, together with prejudgment interest as allowed by law.
- c. For Plaintiffs, an award of punitive damages sufficient to punish or make an example of the individual Defendants.
- d. For Plaintiffs, an award of their attorneys' fees and costs of suit.
- e. For Plaintiffs, such other and further relief as to the Court seems just, merited and proper.

THIRD COUNT

(Civil Rights Violations)

45. Plaintiffs hereby reallege and incorporate by reference the allegations contained in the preceding paragraphs.

46. Such conduct of all Defendants as described above was objectively unreasonable under the circumstances and constituted excessive force in violation of the Fourth Amendment and constituted cruel and unusual punishment in violation of the Eight Amendment to the United States Constitution and the Constitution of the State of New Jersey.

47. Such further failure to provide medical attention and refusal to provide immediate attention under the circumstances constituted a denial of the due process right under the Fourteenth Amendment to proper medical care while incarcerated.
48. These Defendants had actual or constructive knowledge, and knew or should have known that Plaintiff was in need of immediate and proper medical care and attention.
49. These Defendants exhibited deliberate indifference towards requests for proper medical care from Plaintiff, which constituted a denial of the due process right under the 14th Amendment to medical care and the Constitution of the State of New Jersey.
50. As a direct and proximate result of the deprivation of proper medical treatment for Plaintiff by Defendants, Plaintiff suffered a deprivation of his civil rights, severe physical pain, mental anguish and emotional trauma.
51. As a direct and proximate result of the deprivation of proper medical treatment for Plaintiff by Defendants, Plaintiff suffered the deprivation of his due process rights guaranteed by the Fifth, Eighth, and Fourteenth Amendments to the United States Constitution and the Constitution of the State of New Jersey.
52. Defendants, their agents and employees, with knowledge of Plaintiff's medical needs, and/or with deliberate indifference to such medical needs, have acted or failed to act in such a way as to deprive Plaintiff of necessary and adequate medical care, thereby endangering Plaintiff's health and well-being, resulting in death. Such acts and omissions of the Defendants violate rights secured to the Plaintiff under the Fifth, Eighth, and Fourteenth Amendments to the United States Constitution and the Constitution of the State of New Jersey.
53. Defendants, their agents and employees, with knowledge of Plaintiff's medical needs, and/or with deliberate indifference to such medical needs, have acted or failed to act in such manner as to prevent Plaintiff from obtaining needed medical treatment and care and/or to prevent needed medical

treatment and care from reaching Plaintiff thereby endangering Plaintiffs' health and well-being, resulting in death. Such acts and omissions of the Defendants violate rights secured to the Plaintiff under the Fifth, Eighth, and Fourteenth Amendments to the United States Constitution and the Constitution of the State of New Jersey.

54. Defendants, their agents and employees, with knowledge of Plaintiff's medical needs have a duty under the Fifth, Eighth, and Fourteenth Amendments to the United States Constitution and the Constitution of the State of New Jersey to provide needed medical care to inmates of the Union County Jail in conformity with the standards for delivery of such medical care in the State of New Jersey as a whole.

55. Defendants, their agents and employees, with knowledge of Plaintiff's medical needs, or with deliberate indifference to such medical needs, acted or failed to act in such a way as to provide medical care to Plaintiff in conformity with the standard for delivery of such medical care in the State of New Jersey as a whole and have in fact provided medical care which does not meet such standards thereby endangering the Plaintiff's health and well-being in violation of rights secured to Plaintiff by the Fifth, Eighth, and Fourteenth Amendments to the United States Constitution and the Constitution of the State of New Jersey.

WHEREFORE, on all claims Plaintiffs pray judgment against Defendants, and each of them, as follows:

- a. For the Estate of Addison Wilcox, an award of general damages in an amount to be proven at trial, together with prejudgment interest as allowed by law.
- b. For Plaintiffs, an award of special damages in an amount to be proven at trial, together with prejudgment interest as allowed by law.

- c. For Plaintiffs, an award of punitive damages sufficient to punish or make an example of the individual Defendants.
- d. For Plaintiffs, an award of their attorneys' fees and costs of suit.
- e. For Plaintiffs, such other and further relief as to the Court seems just, merited and proper.

FOURTH COUNT

(Failure to Train/Supervision in violation of 42 U.S.C. § 1983)

56. Plaintiffs hereby incorporate the preceding paragraphs set forth above as if fully set forth herein.
57. Defendants, the County of Union, Union County Jail and Union County Sheriff's Department are required to supervise the actions of its agents and employees.
58. Defendants created an unreasonable risk of harm to the Plaintiff by failing to adequately supervise, control or otherwise monitor the actions of its employees.
59. Defendants have caused damages by way of negligent supervision; and, the Plaintiff is entitled to recover against Defendants for deprivation of his civil rights, injuries, damages and losses.
60. Defendants, knowing of the medical needs of Plaintiff, and knowing also of the inadequacies and deficiencies in the medical facilities, staffing and procedures at the facility, have a duty under the Fifth, Eighth, and Fourteenth Amendments to the United States Constitution and the Constitution of the State of New Jersey to establish and implement policies, practices and procedures designed to assure that Plaintiff and those similarly situated receive medical care and treatment in conformity with the standards for delivery of such medical care and treatment in the State of New Jersey as a whole.
61. Defendants, knowing of the medical needs of Plaintiff, and with deliberate indifference to the inadequacies and deficiencies in the medical facilities staffing and procedures at the facility, and to

Plaintiff's needs, have failed and neglected to establish and implement policies, practices and procedures designed to assure that Plaintiff and those similarly situated receive medical treatment and care at the standards in New Jersey as a whole, or have adopted policies, practices and procedures which defendants knew, or reasonably should have known, would be ineffective in delivering medical treatment and care at such standards, thereby endangering the Plaintiff's health and well-being in violation of rights secured to Plaintiff by the Fifth, Eighth, and Fourteenth Amendments to the United States Constitution and the Constitution of the State of New Jersey.

62. Defendants, knowing of the medical needs of Plaintiff have a duty under the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States to instruct, supervise and train their employees and agents to assure the delivery of medical care to Plaintiff which is consistent with the standards of medical care in the State of New Jersey as a whole.

63. The Defendants' actions and/or omissions were committed under color of law and/or pursuant to policies, customs, practices, rules, regulations, ordinances, and/or statutes.

64. As a direct and proximate result of the above described actions and omissions of Defendants, Plaintiff has suffered damages.

65. Defendants are also required to adequately train its agents and employees.

66. Defendants created an unreasonable risk of harm to the Plaintiff for failing to adequately train its employees Defendants. Specifically, Defendants were negligent for failing to adequately train its employees regarding the provision of medical attention to inmates who they knew or should have known were suicidal.

67. Defendants caused injuries, damages and losses to the Plaintiff by virtue of its negligent training; and, the Plaintiff is entitled to recover against the Defendants for the injuries, damages and losses caused by the Defendant's conduct as set forth herein.

68. Defendants knowing of the medical needs of Plaintiff or with deliberate indifference to such needs, have failed to instruct, supervise and train their employees and agents in such a manner as to assure the delivery of medical care to Plaintiff which is consistent with the standards of medical care in the State of New Jersey as a whole thereby endangering the Plaintiff's health and well-being in violation of rights secured to Plaintiff and those similarly situated by the Fifth, Eighth, and Fourteenth Amendments to the United States Constitution and the Constitution of the State of New Jersey.
69. The Defendants' actions and/or omissions were committed under color of law and/or pursuant to policies, customs, practices, rules, regulations, ordinances, statutes and/or usages of the State of New Jersey.
70. As a direct and proximate result of the above described actions and omissions of defendants, Plaintiff has suffered damages.

WHEREFORE, on all claims Plaintiffs pray judgment against Defendants, and each of them, as follows:

- a. For the Estate of Addison Wilcox, an award of general damages in an amount to be proven at trial, together with prejudgment interest as allowed by law.
- b. For Plaintiffs, an award of special damages in an amount to be proven at trial, together with prejudgment interest as allowed by law.
- c. For Plaintiffs, an award of punitive damages sufficient to punish or make an example of the individual Defendants.
- d. For Plaintiffs, an award of their attorneys' fees and costs of suit.
- e. For Plaintiffs, such other and further relief as to the Court seems just, merited and proper.

FIFTH COUNT

(Wrongful Death)

71. Plaintiffs hereby incorporate the preceding paragraphs set forth above as if fully set forth herein.

72. The actions and inactions of all Defendants caused the death of Addison Wilcox.

73. Addison Wilcox is survived by Silvia Wilcox and other family members. The survivors of Addison Wilcox are entitled to take decedent's intestate personal property.

74. As a further direct and proximate result of the negligence and carelessness of Defendants, as described above, Plaintiff, Silvia Wilcox, and the additional survivors of the Estate of Addison Wilcox, have suffered pecuniary injury, including loss of Addison Wilcox's financial support, companionship, advice, and guidance, and has incurred hospital, medical, and funeral expenses on behalf of Addison Wilcox.

75. This action was commenced within two (2) years of the date of the decedent's death.

WHEREFORE, the plaintiff demands judgment against the defendants, together with interest and costs of suit.

SIXTH COUNT

(Survivorship)

76. Plaintiffs hereby incorporate the preceding paragraphs set forth above as if fully set forth herein.

77. The actions and inactions of all Defendants caused the death of Addison Wilcox and caused Addison Wilcox to experience conscious pain and suffering before his death.

78. As a direct and proximate cause of the Defendants' actions and inactions, the Plaintiffs have been harmed.