

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

08 MAY 23 PM 5:08
U.S. DISTRICT COURT
N.D. OF ALABAMA

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

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

NATURE OF THE ACTION

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

rights under the Constitution and laws of the United States.

and

to obtain relief from the Defendants' actions and to prevent further harm.

are suffering

serious harm and are at risk of further harm.

and

and

and

and

and

and

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

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

contracted out to [redacted] responsible for

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

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

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

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

CEASS ON ALLEGATIONS

The Plaintiffs

“The plaintiffs are the following individuals: [names of individuals]”

Insufficient Staffing

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

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

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

practices, resulting in their failure to appropriately refer inmates to

physician for

12.

Inmates are charged a \$3.00 co-pay every time they are prescribed by the M.D. staff. Inmates are not referred to the physician for treatment is provided. Moreover, inmates must pay this fee for each medical consultation that is assessed; inmates are not allowed to combine medical consultations for illnesses in one sick call request. These practices prevent inmates with legitimate medical problems from seeking

medical attention. Inmates with chronic illnesses are often required to utilize the co-pay system for necessary care (as opposed to elective care) that is related to their chronic illness. For example, inmates with diabetes must pay the \$3.00 co-pay to seek treatment for hypoglycemia

monitoring and insulin adjustment.

13. Inmates are typically denied information about the results of medical tests even when those results are abnormal. For example, inmates

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

17. The Defendants have filed to [redacted] annual

tut [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

Medication and Medical Supply Practices

20. Inmates on medication, including medication for chronic

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

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

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

week.

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

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

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

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

to themselves and other inmates from fecal contamination.

Inmates for whom dental care is medically necessary must wait

months and sometimes years to receive them. Inmates who previously

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

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

creates ulcers or exacerbates other medical problems, including malnourishment

and acid reflux.

STATEMENT OF FACTS REGARDING NAMED PLAINTIFFS

26. After the original Plaintiff, Jerry Baker

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

Baker had been previously diagnosed with cancer disease.

and acid reflux.

and acid reflux.

and acid reflux.

STATEMENT OF FACTS

REGARDING NAMED PLAINTIFFS

26. After the original Plaintiff, Jerry Baker

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

Baker had been previously diagnosed with cancer disease.

proble... but unful... almost two

month

loss of twenty-si

he was not

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

ing or colon

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

His weight loss was caused

at he had only two teeth on the top of his

mouth and ten teeth on the b

ottom. He had been given a top denture plate

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

back together with Crazy

When... it to the infirmary, they glued

Glue; it did not hold... For the last

a plate in the top of his mou

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

had... he t

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

receive proper

nourishment due to his difficulty in chewing food

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

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

[REDACTED] termination of the [REDACTED]

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

38. Mr. Defries uses dentures that are over two years old. [REDACTED]

[REDACTED] has no teeth on the top of [REDACTED]

[REDACTED] is virtually unusable because it is so worn and does not fit his mouth properly. During a recent visit to the [REDACTED] dentist, the top plate was improperly re-lined, causing pain when the plate is worn. [REDACTED]

[REDACTED] century, Mr. Defries has a total of three teeth in his mouth. Despite [REDACTED]

multiple requests, the Defendants refuse to replace his dentures.

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

St. Clair suffers from a type of hemophilia

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

1852

1852

1852

1852

1852

1852

1852

1852

1852

1852

1852

1852

1852

1852

1852

1852

1852

1852

1852

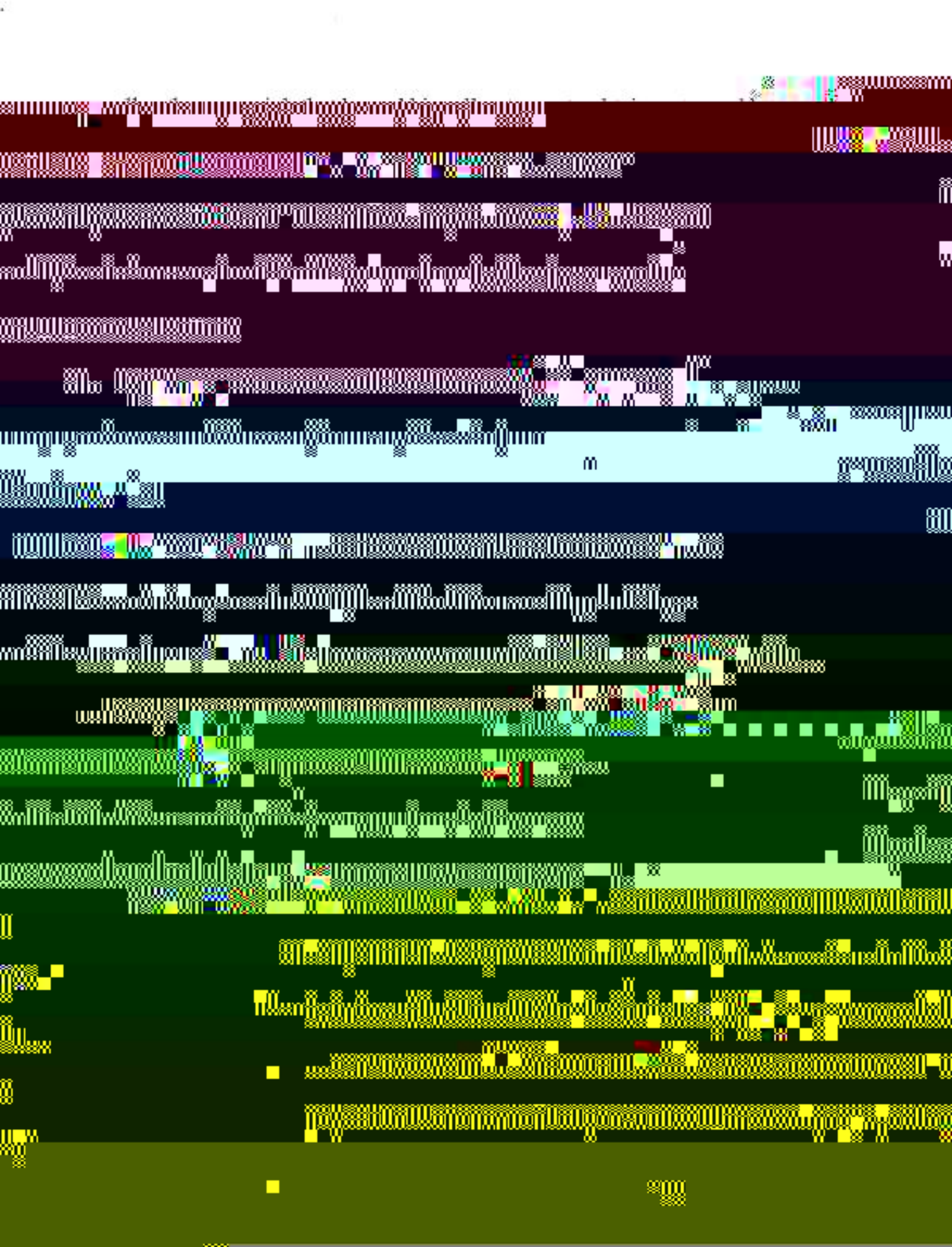
1852

1852

1852

1852

1852



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

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

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

was not

Defendants on March 10, 2003.

years. Mr. Strickland has cataracts in his right

home at St. Clair for six

eye, causing blurry

vision from his right eye. He has been to

his eye doctor for a long time.

He has been to

for a long time. He has been to his eye doctor for a long time.

40. Mr. Strickland is 31 years old and has

lived at St. Clair since March 2002. He is extremely hearing-impaired

and has multiple requests.

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

49. Plaintiff [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

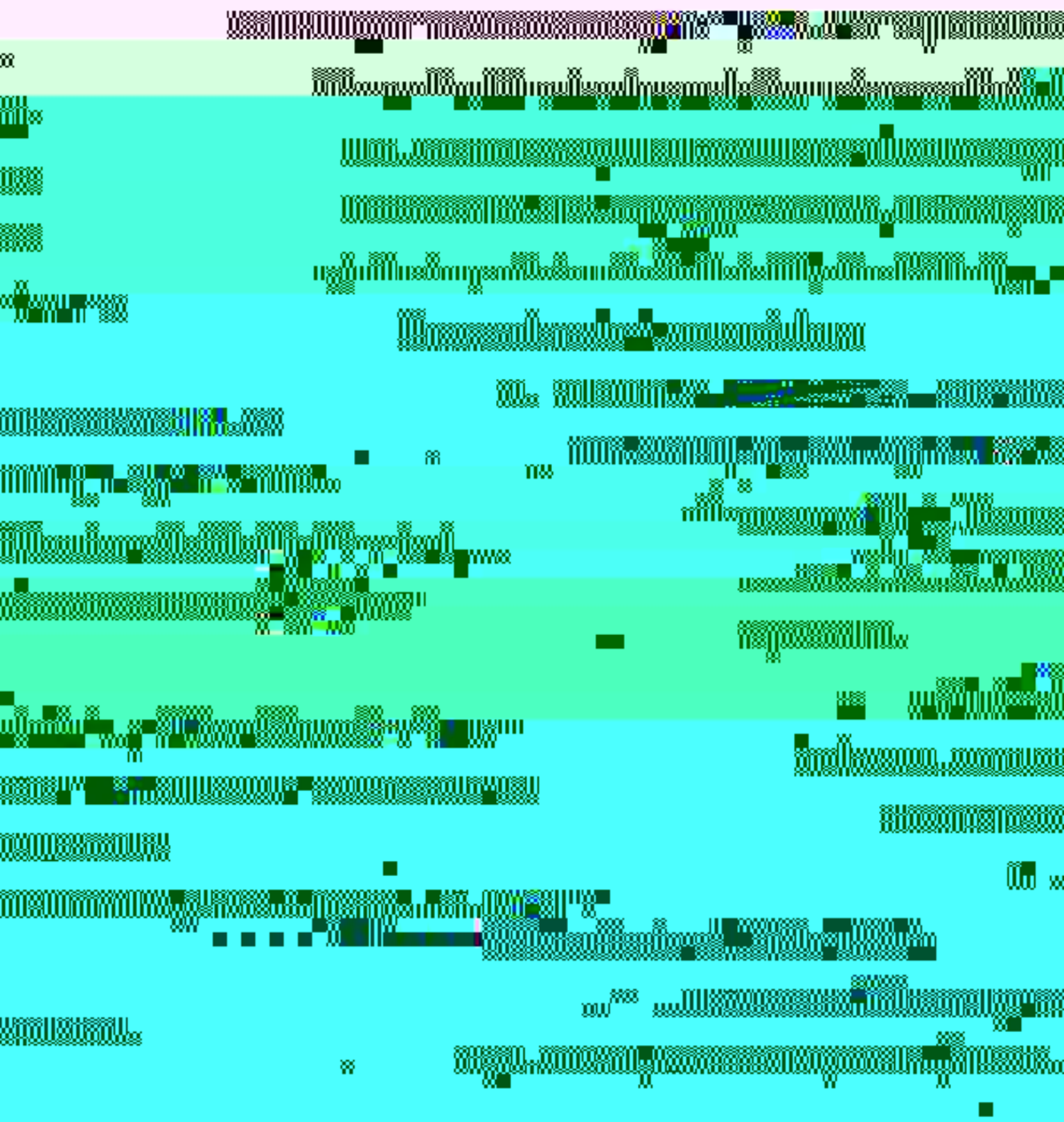
[REDACTED]

50. The current contract medical [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



d. Plaintiff Defries submitted com



CLAIMS FOR RELIEF

serious medical need. The Defendants' deliberate indifference to the

at this Court grant the

following relief:

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

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

pay the costs and attorneys' fees;

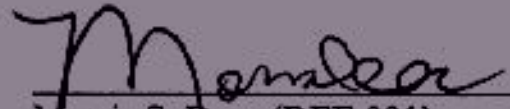
and

Grant the Plaintiffs such other relief as the Court deems

necessary and

just.

Respectfully submitted,



Morris S. Dees (DEE 001)

Rhonda

6:00

(334) 956-8481 (fax)

Attorneys for

CERTIFICATE OF SERVICE

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

William Addison,

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

M. LaRue Ferris, Inc.
Nashville, Inc.
950 22nd Street, North

Shelby County
Nashville, Tennessee
(615) 259-4444