

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

BELINDA LEE MALEY, individually,)
and on behalf of the ESTATE of)
MATTHEW CLINTON LOFLIN,)
deceased,)

Plaintiffs,)

v.)

CORIZON HEALTH, INC., a Delaware)
Corporation; CORIZON, LLC., a)
Missouri Limited Liability Company;)
CHATHAM COUNTY, a Georgia)
County; ROY HARRIS, in his capacity)
as Acting CHATHAM COUNTY)
SHERIFF; Estate of AL ST)
LAWRENCE; JOHN WILCHER,)
individually and in his capacity as)
CCDC Jail Administrator; SCOTT H.)
KENNEDY, M.D.; ADAMAR)
GONZALEZ, M.D.; VIRGINIA O'NEILL,)

Defendants.)

C/A No.: CV 416 - 060

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW, Plaintiff, Belinda Lee Maley, individually and on behalf of the Estate of Matthew Clinton Mr. Loflin, deceased, by and through counsel, and files this action against the above-named Defendants, respectfully showing the Court as follows:

INTRODUCTION

1.

This is a civil rights action for relief from violations of rights guaranteed by the Fourth, Eighth and Fourteenth Amendments to the Constitution of the United States, Title 42, Section 1983 of the United States Code, the laws of the United States, and the laws of the State of Georgia.

2.

Matthew Loflin died because Defendants were deliberately indifferent to his serious medical need. Corizon, by and through its agents, chose to protect its own profits rather than preserve Mr. Loflin's life. The Chatham County Defendants, in turn, chose to ignore Mr. Loflin's cries for help and instead protected their private contractor.

3.

Defendant Corizon Health is contractually obligated to provide medical care to inmates detained at Chatham County Detention Center ("CCDC").

4.

For Fiscal Year 2014, Corizon's agreement with the County, structured according to an average daily population ("ADP") of 1650 inmates, provided that Corizon would be paid \$5.07 million to provide medical services in the jail. Under the terms of the agreement, Corizon was compensated, according to an annual base cost schedule, at \$422,852 per month, with an additional per diem premium if the ADP exceeded 1650. The cost to the taxpayers of providing medical care was approximately \$256 per inmate per month.

5.

Whatever Corizon does not spend providing medical care it retains as profit under the terms of the agreement.

6.

The average daily population of the CCDC for calendar year 2014, as reported by the Chatham County Sheriff to GBI/GCIC was less than 1500 inmates. This 10% decrease in actual ADP over projected ADP should have corresponded to a 10% increase in Corizon's retained profits, while preserving Corizon's ability to fulfill its constitutional and contractual obligations to the inmates detained at the CCDC.

7.

The "keep what you do not spend" compensation structure provides Corizon with a direct, dollar-for-dollar incentive to deny medical care to inmates.

8.

During 2014, Corizon's executive and administrative teams deliberately engaged in a pattern of delaying medically necessary treatment for as long as possible in order to avoid responsibility for the costs of basic medical care. The primary motivation for Corizon's conduct was to enlarge its profit margin.

9.

At the 2014 Corizon annual meeting a Corizon utilization management official gave a presentation lasting approximately 1.5 hours. The focus of said presentation was how to save money. One of the topics emphasized was minimizing the number of emergency room referrals of jail inmates.

10.

Also at the 2014 Corizon annual meeting, the Corizon CEO, Dr. Woodrow Myers, took the stage. Myers told the audience that the primary function of Corizon was to make money and that he was not embarrassed to say it.

11.

Corizon's strategy to increase profit at the expense of patient care included Corizon's regional managers and executives denying local providers' requests for outpatient referral. This practice directly contradicts CCDC inmates' constitutionally protected right to receive treatment for serious medical needs.

12.

Matthew Loflin was one such inmate. After being detained at CCDC and evaluated by local staff including the site medical director, Mr. Loflin was identified as a patient in need of immediate hospitalization due to a serious cardiac condition.

13.

Corizon's Southeast Regional Medical Director, first Scott H. Kennedy then Adamar Gonzalez, repeatedly denied local staff requests to have Mr. Loflin sent to the hospital because any hospitalization had the potential to undermine Corizon's profit margin.

14.

As a proximate result of Corizon's preference for profits over patients, Matthew Loflin died. His mother, Belinda Maley, now brings this case on behalf of herself and on behalf of Mr. Loflin's Estate, to redress Mr. Loflin's wrongful death and Corizon's deprivation of Mr. Loflin's rights as guaranteed by the Constitution and laws of the United States and the state of Georgia.

JURISDICTION

15.

This Court has jurisdiction pursuant to 28 U.S.C. § 1331 as to the Plaintiffs' claims that arise under the Fourth, Eighth, and Fourteenth Amendments to the Constitution and laws of the United States, to wit 42 U.S.C. § 1983, and pursuant to § 1343, to redress the deprivation, under color of state law, of Plaintiffs' rights guaranteed by Constitution of the United States pursuant to § 1983 and § 1988.

16.

This Court also has supplemental jurisdiction over the state law claims, which arise from the same facts and circumstances, pursuant to 28 U.S.C. § 1367.

17.

Venue is properly laid in this Court pursuant to 28 U.S.C. § 1391.

PARTIES

18.

Plaintiff Belinda Lee Maley (hereinafter, "Belinda Maley," "Ms. Maley," or "Plaintiff") is the duly-appointed Administratrix of the Estate of Matthew Clinton Loflin, Deceased, Liberty County Probate Case No. 2014-A-204, and at all times relevant is, and was, a citizen of the United States of America, residing in the state of Georgia.

19.

Belinda Lee Maley is the mother of Matthew Loflin.

20.

In bringing this action against the above-named Defendants, Belinda Maley acts in her individual capacity as the mother of Matthew Loflin and in her representative capacity for the benefit of, and on behalf of, the Estate of Matthew Loflin, and the Decedent's next of kin.

21.

Prior to his death, Decedent Matthew Loflin was a citizen of the United States of America, residing in the state of Georgia, and entitled to the protections of the Constitution and laws of the United States and the Constitution and laws of the State of Georgia.

22.

Defendants CORIZON HEALTH, INC. and CORIZON, LLC—together, the “Corizon Defendants”—are Delaware and Missouri entities, respectively. Corizon Health, Inc. contracted with Chatham County, Georgia to provide physical and mental health care, screening, assessment, treatment, and attention to those inmates detained at the CCDC. Both Corizon Defendants may be served at their principal office address, 103 Powell Court, Brentwood, Tennessee 37027.

23.

Defendant CHATHAM COUNTY (“the County”) is a political subdivision of the State of Georgia. The County entered into an agreement with the Corizon Defendants to provide inmate healthcare services at the CCDC.

24.

ROY HARRIS is a resident of the state of Georgia and can be served with process at 1050 Carl Griffin Dr., Savannah, GA 31405. He is sued in his official capacity as Acting CHATHAM COUNTY SHERIFF.

25.

JOHN WILCHER is a resident of Chatham County and the state of Georgia. He is sued individually and in his capacity as former Chatham County Detention Center Jail Administrator.

26.

At all times relevant to this Complaint, Al St Lawrence was Chatham County Sheriff. St Lawrence died on November 24, 2015. His estate, the ESTATE OF AL ST LAWRENCE is sued for claims arising from actions taken by St Lawrence in his individual capacity.

27.

SCOTT H. KENNEDY, M.D. is an individual and a resident of the state of Florida. At all times relevant to this Complaint, Dr. Kennedy was Regional Medical Director for Corizon. Upon information and belief, Dr. Kennedy may be served with process at 3217 Coventry N., Safety Harbor, Florida 34695.

28.

ADAMAR GONZALEZ, M.D. is an individual, and resident of the state of Florida, who at all times relevant to this Complaint was Regional Medical Director for Corizon. Upon information and belief, Dr. Gonzalez may be served with process at 2889 Spring Breeze Way Kissimmee, Florida 34744-9269.

29.

Upon information and belief, Defendant VIRGINIA O'NEILL is a resident of Chatham County and the state of Georgia, with a permanent residence at 3 South Point Cross, Savannah, Georgia 31411. At all times relevant to this Complaint, Defendant O'Neill was Corizon's Healthcare Service Administrator ("HSA") at Chatham County Detention Center.

FACTUAL ALLEGATIONS

30.

The Chatham County Sheriff's Office ("CCSO") and Chatham County ("the County") jointly operate the Chatham County Detention Center ("CCDC").

31.

Both the CCSO and the County have a legal obligation to provide medical care to the inmates who are either detained or incarcerated at the CCDC.

32.

The County contracted with Corizon Health, Inc. ("Corizon") for Corizon to provide medical care to the inmates at the CCDC.

33.

On February 6, 2014, Mr. Loflin was arrested for non-violent drug charges and transported to the CCDC.

34.

In mid-February, Mr. Loflin began losing consciousness in his jail cell. Deputies were called to his cell on February 10 for a "Signal 55" (i.e. unconscious inmate) and again on February 11 for a second Signal 55. After each of these initial events, CCSO staff responded, and Corizon staff evaluated Mr. Loflin's condition.

35.

On February 21, 2014, Corizon staff collected a medical history from Mr. Loflin and performed a physical exam on him.

36.

Also on February 21, 2014, Corizon staff administered an electrocardiogram (“ECG”) of Mr. Loflin’s heart activity. The ECG indicated that Mr. Loflin’s heart rate was elevated (125 bpm) and showed results consistent with congestive heart failure. Despite this result, Corizon staff took no further action.

37.

On March 3, 2014, Mr. Loflin complained to CCSO staff that his heart was racing and that he could not sleep. A Corizon nurse, “V. Black,” responded. She noted a heart rate of 140 bpm and that Mr. Loflin had signs of syncope (i.e. fainting). Despite these findings, Nurse Black merely marked the file to be reviewed later but took no further action. She left Mr. Loflin in his cell.

38.

On March 4, 2014, Mr. Loflin again complained of passing out, anxiety, and a racing heart rate, stating further that he needed to be seen by the medical staff. A second Corizon nurse, “M. Stokes,” responded. Nurse Stokes made no notation of Mr. Loflin’s elevated heart rate or signs of syncope. Instead, she scheduled a *mental* health appointment for March 6, 2014 and left Mr. Loflin in his cell.

39.

On March 5, 2014, CCSO staff called a third Signal 55 for Mr. Loflin after he became unconscious and appeared to be having difficulty breathing. Nurse Stokes again responded, only to note that the *mental* health appointment she scheduled the day before was still on the calendar. She provided no further medical care and left Matthew in his cell.

40.

At Mr. Loflin's mental health appointment on March 6, 2014, Corizon staff prescribed medication for anxiety. Mr. Loflin refused to take this medication, however, because he knew that he did not have a mental health problem. He had a serious physical medical need.

41.

On March 19, 2014 and March 20, 2014, Mr. Loflin again became unconscious in his cell. CCSO staff called Signal 55s on both days.

42.

On March 19, Nurse "D. Thrift" responded. Rather than take any action, Nurse Thrift merely marked the file to be reviewed later and left Mr. Loflin in his cell.

43.

On March 20, Mr. Loflin asked for medical care and stated "no one will help me." Nurse "K. Smith" scheduled Mr. Loflin for an appointment with a doctor, gave Mr. Loflin an additional blanket, but provided him no further medical care. A copy of the March 20, 2014 "General Sick Call" form is attached hereto as Exhibit "A."

44.

On March 20, 2014, Mr. Loflin had a chest x-ray which was read by Dr. Merrill Berman. The results showed that Mr. Loflin had an enlarged heart (cardiomegaly) and pneumonia. Mr. Loflin's chart also notes that he was "coughing up blood," had a heart rate of 121, and had swelling of his feet. All of these results were consistent with congestive heart failure. Despite these results, Corizon staff took no further action.

45.

On March 22, 2014, Mr. Loflin complained to staff at the CCSO and Corizon that they were “covering up symptoms and not treating them.”

46.

On March 24, 2014, a woman named Betty McRae called Ms. Maley. She informed Ms. Maley that her husband, Darrell McRae, was in the cell next to Mr. Loflin. Mr. Loflin had asked Mr. McRae to have his wife get in touch with Ms. Maley and inform her that he (Mr. Loflin) was not being treated, needed to go to the hospital, and was afraid he was going to die. Mr. McRae told his wife that Mr. Loflin was yelling out for help but was receiving no help, and that this had been going on for some time.

47.

For more than one month after the ECG report indicated Mr. Loflin was suffering from congestive heart failure, Corizon’s nursing staff prevented Mr. Loflin from being transferred to the medical unit. Finally, on or about March 24, 2014 Mr. Loflin was transferred to the medical unit.

48.

On March 24, Mr. Loflin was evaluated by Dr. Charles Pugh, the Corizon doctor at the CCDC.

49.

Upon his initial evaluation, Dr. Pugh determined that Mr. Loflin needed to be sent to the hospital.

50.

Corizon's policies, however, did not permit Dr. Pugh to send Mr. Loflin to the hospital without the approval of the Regional Medical Director, Scott Kennedy.

51.

Dr. Kennedy works in the Corizon regional office located in Punta Gorda, Florida.

52.

As Regional Medical Director for Corizon, Kennedy convenes a conference call at least once per week with the Site Medical Directors reporting to him what patients have been sent to outside medical providers.

53.

Kennedy uses these calls to "woodshed" the Site Medical Directors about such patients and to determine if those patients can be released on bond or brought back from the hospital in order to reduce costs.

54.

Kennedy is compensated with both a base salary and performance incentives. Kennedy's pay increases as Corizon's profits increase.

55.

In 2014 Kennedy received such performance incentives and casually joked that he would be able to "buy some fine scotch" with the increased pay he received.

56.

Dr. Kennedy never personally observed, evaluated, or interacted with Mr. Loflin.

57.

Kennedy overruled Dr. Pugh and refused to allow Mr. Loflin to be sent to the hospital. Dr. Kennedy would only approve Mr. Loflin being referred for an outpatient echocardiogram.

58.

Dr. Pugh, Lynne Williams (who was the Corizon Physician Assistant), and Betty Riner (who was the Corizon Advanced Practice Registered Nurse), all informed their supervisor, Virginia O'Neill (the Corizon Health Services Administrator), that Mr. Loflin needed hospitalization.

59.

Defendant O'Neill refused to intervene, and Mr. Loflin was not sent to the hospital.

60.

On or about March 26, 2014, Ms. Maley called the jail to schedule a visit with her son. She was informed that she could not see him until April 1, 2014 because the unit only allowed visitation on Tuesdays.

61.

On March 27, 2014, Mr. Loflin was sent for an outpatient echocardiogram and testing. The test was performed. Mr. Loflin was returned to the CCDC. The results were sent to Dr. Pablo Elizalde, a cardiologist, for evaluation.

62.

On the same day, Nurse Susan West wrote a progress note that indicated that Mr. Loflin was faking his illness by "wretching (sic) neck all positions appearing to try to get himself to cough."

63.

The March 27 notes further indicate that Mr. Loflin "stood up at the flap yelled because he wants to know what we are gonna do for him that he can't breathe...observed yelling and stating that he has a heart condition." A copy of said Progress Notes are attached hereto as Exhibit "B."

64.

On March 28, 2014, Dr. Elizalde informed Dr. Pugh that the results of the echocardiogram were consistent with the diagnosis of congestive heart failure. Mr. Loflin had an Ejection Fraction of 10-15%, and his medical condition was acute.

65.

Dr. Pugh informed Dr. Kennedy of the results and requested authority to send Mr. Loflin to the hospital. Dr. Kennedy again refused to allow Mr. Loflin to be sent to the hospital. A copy of Dr. Pugh's chart notes for March 28, 2014, are attached hereto as Exhibit "C."

66.

Said chart notes read in pertinent part: "Spoke with mother after hipaa signed to report gravity of situation;" "Dr. Kennedy has agreed with outpatient cardiology referral, not ER;" and "Spoke with Dr. Elizalde, cardiologist, and he will see soon, but admits there's probably not much more he can do for him."

67.

Construing those sentences together, it is clear that Dr. Pugh knew Mr. Loflin's condition was grave but that Dr. Pugh was denied the ability to send Mr. Loflin to the ER. Rather, Dr. Pugh was only permitted to send Mr. Loflin back to Dr. Elizalde. However, Drs. Elizalde and Pugh didn't think there was much more that could be done in Dr. Elizalde's office than could be done at the jail.

68.

At 22:53 on March 28, 2014, Nurse Debra Thrift wrote a progress note indicating that Mr. Loflin stated he was in constant pain, grabbed his chest, and rated his pain as a 10 on the 10 scale. Mr. Loflin also said to the nurse, “[I am] not going to make it.”

69.

On March 29, 2014, Nurse Debra Thrift wrote another progress note indicating that Mr. Loflin was “demanding to be taken to a hospital.” A copy of the March 28 and March 29 Progress Notes are attached hereto as Exhibit “D.”

70.

On April 1, 2014, Ms. Maley was permitted to visit with her son. There was a significant delay in Mr. Loflin appearing on the video screen. Maley was informed by the desk Sergeant that the staff were having “difficulties getting [Mr. Loflin] up” for the visit.

71.

Ms. Maley was shocked at Mr. Loflin's appearance and knew that he was deathly ill. He was disoriented, pale, and bloated. Mr. Loflin told his mother that he needed to be taken to the hospital, that he did not want to die in jail, and that he loved her.

72.

Ms. Maley and her husband, Joe Maley, immediately began demanding that Mr. Loflin be sent to the hospital.

73.

The Maleys spoke with Col. John Wilcher and explained the situation to him. Col. Wilcher told them to speak with Sheriff Al St Lawrence. Sheriff St Lawrence's assistant, Gretchen Derryberry, told the Maleys she would pass the information on to the Sheriff.

74.

Sheriff St Lawrence did not respond to the Maleys.

75.

Between March 24 and April 2, the Maleys placed or received twenty-three phone calls to the CCSO in their attempt to have Mr. Loflin sent to the hospital. However, despite the efforts of the Maleys, Mr. Loflin was not sent to the hospital.

76.

On April 2, 2014, Nurse Susan West made entries in Mr. Loflin's chart. Those entries show that at 00:30 Mr. Loflin stated that he "needed to go to the hospital" and "you all don't know what you are doing." At 02:41 Mr. Loflin demanded to go to the hospital. Nurse West told him no. CCSO Officer Dickens was present for this event. Mr. Loflin said "just wait 'til my family finds out you didn't take me to the hospital." Nurse West provided him with no further treatment and "left him fussing." A copy of said notes are attached hereto as Exhibit "E."

77.

Each morning from March 28 through April 7, Dr. Pugh, Ms. Williams, and Ms. Riner informed their supervisor, Virginia O'Neill, that Mr. Loflin needed hospitalization.

78.

Each day, Mr. Loflin's medical condition declined.

79.

Each day, Defendant O'Neill refused to intervene and refused to send Mr. Loflin to the hospital.

80.

Dr. Pugh determined that, because Dr. Kennedy would only approve a cardiology consult, he could send Mr. Loflin to the cardiologist and have the cardiologist admit Mr. Loflin to the hospital.

81.

Thus, on April 7, 2014, Mr. Loflin was sent to Cardiovascular Consultants of Savannah. Dr. Pugh notified them that Mr. Loflin was coming and needed hospitalization.

82.

Upon his arrival at Cardiovascular Consultants, Dr. Brett Burgess immediately sent Mr. Loflin to the Memorial Hospital Emergency Department.

83.

While in the emergency department Mr. Loflin's blood pressure declined, and he coded multiple times. After intensive medical treatment, Mr. Loflin was eventually stabilized cardiologically, but he had suffered irreversible brain damage.

84.

Life support was withdrawn on April 24, 2014, and Mr. Loflin died that night. A copy of the "Death Summary" written by Dr. Burgess is attached hereto as Exhibit "F."

**COUNT I — Violation of 42 U.S.C.A. § 1983
(Sheriff's Policy or Custom of Deliberate Indifference)**

85.

Plaintiff re-adopts, incorporates by reference, and re-alleges Paragraphs 1 through 84 as fully set forth above.

86.

Count I is brought against Defendant Harris in his official capacity as Acting Sheriff of Chatham County, pursuant to 42 U.S.C. § 1983, for deliberate indifference to the critical medical needs of Mr. Loflin, as an individual with an congestive heart failure that required testing and treatment to prevent substantial health deterioration and even death.

87.

The Sheriff knew in March 2014 that Mr. Loflin had a serious medical condition and that if the condition was not adequately monitored and addressed it could result in serious irreparable harm and even death.

88.

The Sheriff adopted a custom or practice of supporting Defendant Corizon's decision to avoid providing adequate medical care to inmates detained at CCDC.

89.

Despite knowledge of Mr. Loflin's serious medical needs, the Sheriff was deliberately indifferent to those serious medical needs in failing to direct Defendant Corizon to provide the necessary medical care and treatment to Mr. Loflin.

90.

The County and the CCSO have been aware that Corizon is deliberately indifferent to the medical needs of the inmates, provides poor care, and regularly violates the law in the execution of its contract with the County.

91.

At all times relevant to this Complaint, it was the Sheriff's widespread custom, policy, practice, and/or procedure to support Corizon's decisions to deny medical treatment of, or be deliberately indifferent to the serious medical needs of Plaintiff, and other prisoners/detainees incarcerated at the Chatham County Detention Center, who had serious and potentially expensive medical problems.

92.

As a direct and proximate result of the Sheriff's institutional outright denial of medical treatment and/or deliberate indifference toward Mr. Loflin's serious medical needs, Mr. Loflin suffered great physical injury, pain, discomfort and mental anguish in violation of his constitutional rights guaranteed by § 1983 and the Fourteenth Amendment.

93.

As a result, Mr. Loflin suffered damages in an amount be determined at trial. Plaintiff also seeks reasonable attorney's fees and costs, pre-judgment interest, and further relief as the Court deems appropriate.

WHEREFORE, Plaintiff respectfully requests this Court to (1) enter judgment declaring that the acts and omissions of Defendant Harris, as set forth above, violate rights secured to Mr. Loflin by the Fourth, Eighth, and Fourteenth Amendments to the Constitution of the United States, (2) that the Court award actual, compensatory, and punitive damages to Plaintiff, (3) the Court require Defendant Harris to pay the legal costs and expenses herein including reasonable attorney's fees, and (4) that the Court grant such further relief as it deems appropriate.

**COUNT II — Violation of 42 U.S.C. § 1983
(Corizon's Deliberate Indifference to Mr. Loflin's Serious Medical
Needs)**

94.

Plaintiff re-adopts, incorporates by reference, and re-alleges Paragraphs 1 through 93 as fully set forth above.

95.

Count II is brought against Corizon Defendants pursuant to 42 U.S.C. § 1983 for deliberate indifference to the critical medical needs of Mr. Loflin, as an individual with a congestive heart failure who required testing and treatment to prevent substantial health deterioration and even death.

96.

Corizon and/or its employees or agents knew in March 2014 that Mr. Loflin had a serious medical condition and that if the condition was not adequately monitored and addressed it could result in serious irreparable harm and even death.

97.

By March 20, 2014, Corizon and/or its employees or agents, knew that Mr. Loflin was suffering from severe cardiologic problems and had lost the ability to walk.

98.

Despite knowledge of Mr. Loflin's serious medical needs, Corizon and its employees or agents were deliberately indifferent to those serious medical needs in failing to provide the necessary medical care and treatment to Mr. Loflin.

99.

Corizon and its employees or agents knew that taking no action and insufficient action could result in the rapid and permanent deterioration of Mr. Loflin's health and even his death.

100.

At all times relevant to this Complaint, it was Corizon's widespread custom, policy, practice, and/or procedure to outright deny medical treatment of, or be deliberately indifferent to the serious medical needs of, Mr. Loflin and other inmates detained or incarcerated at the Chatham County Detention Center who had serious and potentially expensive medical problems.

101.

As a direct and proximate result of Corizon's institutional outright denial of medical treatment and/or deliberate indifference toward Mr. Loflin's serious medical needs, Mr. Loflin suffered great physical injury, pain, discomfort, and mental anguish in violation of his constitutional rights guaranteed by § 1983 and the Fourteenth Amendment.

102.

As a result, Mr. Loflin suffered damages in an amount be determined at trial. Plaintiff also seeks reasonable attorney's fees and costs, pre-judgment interest, and further relief as the Court deems appropriate.

WHEREFORE, Plaintiff respectfully requests this Court to (1) enter judgment declaring that the acts and omissions of Defendant Corizon, as set forth above, violate rights secured to Mr. Loflin by the Fourteenth Amendment to the Constitution of the United States, (2) that the Court award actual, compensatory, and punitive damages to Mr. Loflin, (3) the Court require Defendant Corizon to pay the legal costs and expenses herein including reasonable attorney's fees, and (4) that the Court grant such further relief as it deems appropriate.

COUNT III — Violation of 42 U.S.C. § 1983

(Individual Corizon Defendants)

103.

Plaintiff re-adopts, incorporates by reference, and re-alleges Paragraphs 1 through 97 as fully set forth above.

104.

Count III is brought against Defendants Kennedy, Gonzalez, and O'Neill pursuant to 42 U.S.C. § 1983 for deliberate indifference to the critical medical needs of Mr. Loflin, as an individual with congestive heart failure that required testing and treatment to prevent substantial health deterioration and even death.

105.

Each individual Corizon defendant knew in March 2014 that Mr. Loflin was suffering from a serious medical condition and that if the condition was not adequately monitored and addressed it could result in serious irreparable harm and even death.

106.

As a direct and proximate result of the individual Corizon Defendants' denial of medical treatment and/or deliberate indifference toward Mr. Loflin's serious medical needs, Mr. Loflin suffered great physical injury, pain, discomfort, and mental anguish in violation of his constitutional rights guaranteed by § 1983 and the Fourteenth Amendment.

107.

As a result, Mr. Loflin suffered damages in an amount to be determined at trial. Plaintiff also seeks reasonable attorney's fees and costs, pre-judgment interest and further relief as the Court deems appropriate.

WHEREFORE, Plaintiff respectfully requests this Court to (1) enter judgment declaring that the acts and omissions of the individual Corizon Defendants, as set forth above, violate rights secured to Mr. Loflin by the Fourth, Eighth, and Fourteenth Amendments to the Constitution of the United States, (2) that the Court award actual, compensatory, and punitive damages to Mr. Loflin, (3) the Court require individual Corizon Defendants to pay the legal costs and expenses herein

including reasonable attorney's fees, and (4) that the Court grant such further relief as it deems appropriate.

COUNT IV — Violation of 42 U.S.C. § 1983
(Individual County Defendants)

108.

Plaintiff re-adopts, incorporates by reference, and re-alleges Paragraphs 1 through 107 as fully set forth above.

109.

Count IV is brought against Defendants Estate of Al St Lawrence and John Wilcher pursuant to 42 U.S.C. § 1983 for deliberate indifference to the critical medical needs of Mr. Loflin, as an individual with congestive heart failure who required testing and treatment to prevent substantial health deterioration and even death.

110.

Each individual County defendant knew in March 2014 that Mr. Loflin was suffering from a serious medical condition and that if the condition was not adequately monitored and addressed it could result in serious irreparable harm and even death.

111.

As a direct and proximate result of the individual County Defendants' denial of medical treatment and/or deliberate indifference toward Mr. Loflin's serious medical needs, Mr. Loflin suffered great physical injury, pain, discomfort, and mental anguish in violation of his constitutional rights guaranteed by § 1983 and the Fourteenth Amendment.

112.

As a result, Mr. Loflin suffered damages in an amount be determined at trial. Plaintiff also seeks reasonable attorney's fees and costs, pre-judgment interest and further relief as the Court deems appropriate.

WHEREFORE, Plaintiff respectfully requests this Court to (1) enter judgment declaring that the acts and omissions of the individual County Defendants, as set forth above, violate rights secured to Mr. Loflin by the Fourth, Eighth, and Fourteenth Amendments to the Constitution of the United States, (2) that the Court award actual, compensatory, and punitive damages to Mr. Loflin, (3) the Court require individual County Defendants to pay the legal costs and expenses herein including reasonable attorney's fees, and (4) that the Court grant such further relief as it deems appropriate.

COUNT V — Wrongful Death
(All Defendants)

113.

Plaintiff re-adopts, incorporates by reference, and re-alleges Paragraphs 1 through 112 as fully set forth above.

114.

As is more fully described above, Mr. Loflin's death was preventable. Yet each of the defendants herein failed or refused to fulfill their obligation to provide him with medical care. Mr. Lofin died as a result of the criminal, intentional, and negligent acts of each of the Defendants.

115.

As a direct and proximate result of the Defendants' wrongful acts, Matthew Loflin died by homicide.

116.

Mr. Loflin's death was a wrongful death within the meaning of the Georgia Wrongful Death Act, Ga. Code Ann. § 51-4-1, *et seq.* Section 51-4-4 provides a right of action for the wrongful death of a child killed by homicide.

117.

Under Ga. Code Ann. § 19-7-1(c)(2)(A), Plaintiff Belinda Maley is a parent entitled to prosecute this right of action.

WHEREFORE, Belinda Maley seeks judgment against the Defendants, jointly and severally, for: (a) the full value of the life of Matthew Loflin; (b) the costs of suit and reasonable attorney's fees; and (c) that the Court grant such further relief as it deems appropriate.

{Signatures appear on following page.}

RESPECTFULLY SUBMITTED, this 22nd day of February, 2016

/s/ William R. Claiborne
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

BELINDA LEE MALEY, individually,)	
and on behalf of the ESTATE of)	
MATTHEW CLINTON MR. LOFLIN,)	
deceased,)	
)	C/A No.:
Plaintiffs,)	
)	
v.)	
)	
CORIZON HEALTH, INC., a Delaware)	
Corporation; CORIZON, LLC., a)	
Missouri Limited Liability Company;)	
CHATHAM COUNTY, a Georgia)	
County; ROY HARRIS, in his capacity)	
as Acting CHATHAM COUNTY)	
SHERIFF; Estate of AL ST.)	
LAWRENCE; JOHN WILCHER,)	
individually and in his capacity as)	
CCDC Jail Administrator; SCOTT H.)	
KENNEDY, M.D.; ADAMAR)	
GONZALEZ, M.D.; VIRGINIA O'NEILL,)	
)	
Defendants.)	

Exhibit A



Nursing Encounter Tool
General Sick Call

Silent Signal 05

Facility Name CCDC	Location Seen	Date seen 3 / 20 / 2014	Time Seen <input type="radio"/> AM <input type="radio"/> PM 00:59
Patient's Name Last LOFLIN First MATTHEW MI	ID Number 2014020271	Birth date 10/30/1981	
Medication Allergies <input checked="" type="radio"/> N <input type="radio"/> Y If Yes List:			
Chronic Care Clinic(s) <input type="radio"/> N <input checked="" type="radio"/> Y		Last seen in Sick Call 3/19/14 <input type="checkbox"/> N/A	
<input type="checkbox"/> Seizures	<input type="checkbox"/> Asthma	<input type="checkbox"/> CAD	<input type="checkbox"/> Dyslipidemia
<input type="checkbox"/> DM	<input type="checkbox"/> COPD	<input type="checkbox"/> HTN	<input checked="" type="checkbox"/> Other H.p.c.

Chief complaint with onset: extreme pain, coughing, fever, chest pain, swollen feet

History of chief complaint: "4 day" res one will help me

Associated symptoms: extreme pain, coughing, hot + cold

OTC Medications: N Y: List

New Medication or change in last 30 days N Y: List

Pertinent past medical history: heaviness, h.p.c.

Vital Signs: T 96.7 P 48 RR 21 BP 124/72 FSBG _____ (if diabetes) Wt. _____ Pulse O₂ COB %

General appearance: Acute distress N Y: Describe _____

Skin: Cool N Y Clammy N Y Pale N Y

Eyes: Conjunctiva pale N Y Sclera icteric N Y

Additional examination: BS present x4, Bilat Lung (TA), non productive cough, abd tender UQ, Bilat feet cold to touch, mottled edema present, pedal pulses thready but present, ^{no edema} ^{place of} legs tender entire leg

<u>K. Smith</u>	K Smith	LN
Nurse's Signature	Print/Stamp	Title



Nursing Encounter Tool
General Sick Call

Patient's Name	Last LOFLIN	First MATTHEW	MI	ID Number 2014020271
<input checked="" type="checkbox"/> Emergency intervention not required. Notify practitioner after EMS activation due to Describe: _____ _____ _____ Practitioner notified: _____ Time: _____ <input type="radio"/> AM <input type="radio"/> PM		<input type="checkbox"/> Emergency intervention required due to: EMS process activated Time: _____ <input type="radio"/> AM <input type="radio"/> PM EMS Arrival Time: _____ <input type="radio"/> AM <input type="radio"/> PM EMS Transport Time: _____ <input type="radio"/> AM <input type="radio"/> PM Consider: <input type="checkbox"/> O ₂ <input type="checkbox"/> AED <input type="checkbox"/> CPR <input type="checkbox"/> Other: _____		
<input type="checkbox"/> Urgent intervention not required. Practitioner contact required for: (check all that apply) <input type="checkbox"/> Vital signs: _____ <input type="checkbox"/> Unimproved or worsening symptoms <input type="checkbox"/> Clammy <input type="checkbox"/> Pale <input type="checkbox"/> Jaundice <input type="checkbox"/> Altered mental status <input checked="" type="checkbox"/> Other: <u>see next</u> <input type="radio"/> Seen by Practitioner <input type="radio"/> Contacted Practitioner Name: <u>provider sick call ocheal</u> <u>05/20/14</u> Time: _____ <input type="radio"/> AM <input type="radio"/> PM		<input checked="" type="checkbox"/> Urgent intervention required due to: See physician orders Disposition <input type="checkbox"/> Same day practitioner visit/consult <input type="checkbox"/> Monitor: _____ <input type="checkbox"/> Admit to: _____ <input type="checkbox"/> Other: _____ <input type="checkbox"/> Sick call follow up: <input type="radio"/> Practitioner <input type="radio"/> Nurse <input type="checkbox"/> Transport via: _____ to _____ Time: _____ <input type="radio"/> AM <input type="radio"/> PM		
<input type="checkbox"/> Disposition: Medical referral required for: (check all that apply) <input type="checkbox"/> Recurrent complaint (2 x 72 hours) without urgent findings <input type="checkbox"/> Medication review <input type="checkbox"/> Other: _____ <input type="radio"/> Practitioner referral completed <input type="radio"/> Chart designated for practitioner review <input checked="" type="radio"/> No Medical Referral Required		<input type="checkbox"/> Routine intervention Interventions: (check all that apply) OTC medication given per guidelines <input type="radio"/> N <input type="radio"/> Y <input type="checkbox"/> Medication: _____ <input type="checkbox"/> N/P <input type="checkbox"/> Other: _____ Xtra blanket given for night to elevate legs		
Contact a practitioner or nursing supervisor if you have any concerns about the status of the patient.				
<input checked="" type="checkbox"/> Patient Education: <input checked="" type="checkbox"/> Patient educated to contact medical if symptoms develop or worsen <input type="checkbox"/> Written information provided <input checked="" type="checkbox"/> The patient demonstrates an understanding of self-care, symptoms to report and when to return for follow-up care.		Follow Up/.Follow Through Nurse follow up scheduled <input checked="" type="checkbox"/> N <input type="checkbox"/> Y Custody notified of special needs <input checked="" type="checkbox"/> N <input type="checkbox"/> Y		
Nurse's Signature		Print/Stamp K. Smith		Title LPN

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

BELINDA LEE MALEY, individually,)	
and on behalf of the ESTATE of)	
MATTHEW CLINTON MR. LOFLIN,)	
deceased,)	
)	C/A No.:
Plaintiffs,)	
)	
v.)	
)	
CORIZON HEALTH, INC., a Delaware)	
Corporation; CORIZON, LLC., a)	
Missouri Limited Liability Company;)	
CHATHAM COUNTY, a Georgia)	
County; ROY HARRIS, in his capacity)	
as Acting CHATHAM COUNTY)	
SHERIFF; Estate of AL ST.)	
LAWRENCE; JOHN WILCHER,)	
individually and in his capacity as)	
CCDC Jail Administrator; SCOTT H.)	
KENNEDY, M.D.; ADAMAR)	
GONZALEZ, M.D.; VIRGINIA O'NEILL,)	
)	
Defendants.)	

Exhibit B

Chatham County

Name: LOFLIN, MATTHEW

Arrest #: 2014020271

Facility: CCDC

DOB: 10/30/1981

DIN #: 65011088

Housing: TRAH, TRAH

Progress Note

Note Detail

Event: Other

Event Date: 3/27/2014

Service: Infirmery/Observation

Note Type: NARRATIVE

Entered in Error: No

Narrative: 0000AM OBSERVED SITTING UP ON SIDE OF BED.. WRETCHING NECK ALL POSITIONS APPPEARING TO TRY TO GET HIMSELF TO COUGH.. THEN OBSERVED NERVOUS TIC OF HIS RIGHT LEG AND ARM AS IF ALMOST SEIZURE LIKE NO COUGHING.. THEN FINALLY GOT A CUP OF WATER DRANK ENTIRE CUP THEN ACTED AS IF HE WAS GONNA FALL DYER AND LAID ON RIGHT SIDE AT FOOT OF BED.. STARTED COUGHING THEN.
Keyed By: West RN, Susan on Friday, March 28, 2014 / 00:21

Vitals Detail

Date	Time	Temperature	Pulse	Respiration	BP	Finger Stick	Pulse Ox	Peak Flow	Height	Weight

Added by West RN, Susan 3/28/2014 00:21

Note Detail

Event: Other

Event Date: 3/27/2014

Service: Infirmery/Observation

Note Type: NARRATIVE

Entered in Error: No

Narrative: 1155 PM OBSERVED ON MONITOR HOLDING HIS BREATH THEN WHEN NO LONGER CAN HOLD BREATHEES AND CALLS OUT FOR HELP..SECURITY WILL NOT ALLOW ME TO GO TO HIS BEDSIDE THEY ARE TALKING TO HIM NOW.
Keyed By: West RN, Susan on Friday, March 28, 2014 / 00:05

Vitals Detail

Date	Time	Temperature	Pulse	Respiration	BP	Finger Stick	Pulse Ox	Peak Flow	Height	Weight

Added by West RN, Susan 3/28/2014 00:05

Chatham County

Name: LOFLIN, MATTHEW

Arrest #: 2014020271

Facility: CDDC

DOB: 10/30/1981

DM #: 85011088

Housing: TRAH, TRAH

Progress Note

Note Detail

Event: Other

Event Date: 3/27/2014

Service: Infirmary/Observation

Note Type: NARRATIVE

Entered In Error: No

Narrative: CALLED L. WILLIAMS PA BECAUSE OF ROWDY BEHAVIOR AND NEED TO MONITOR BUT KEEPING ROOMMATES AWAKE AND CURSING. CALLED WATCH COMMANDER AND GIVEN PERMISSION TO MOVE TO ANOTHER CELL. WALKED TO FEMALE ISO 2.. CHEST CLEAR BRATERALLY VSS.. WILL CONTINUE TO MONITOR.
 Keyed By: West RN, Susan on Friday, March 28, 2014 / 01:08

Vitals Detail

Date	Time	Temperature	Pulse	Respiration	BP	Finger Stick	Pulse Ox	Peak Flow	Height	Weight

Added by West RN, Susan 3/28/2014 01:08

Note Detail

Event: Other

Event Date: 3/27/2014

Service: Infirmary/Observation

Note Type: NARRATIVE

Entered In Error: No

Narrative: 0020 OBSERVED FROM MONITOR.. STOOD UP AT FLAP YELLED BECAUSE HE WANTS TO KNOW WHAT WE ARE GONNA DO FOR HIM THAT HE CANT BREATHE..OBSERVED YELLING AND STATING HE HAS A HEART CONDITION.. NOT YET DOCUMENTED.. STANDING AT THE FLAP..
 Keyed By: West RN, Susan on Friday, March 28, 2014 / 00:29

Vitals Detail

Date	Time	Temperature	Pulse	Respiration	BP	Finger Stick	Pulse Ox	Peak Flow	Height	Weight

Added by West RN, Susan 3/28/2014 00:29

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

BELINDA LEE MALEY, individually,)	
and on behalf of the ESTATE of)	
MATTHEW CLINTON MR. LOFLIN,)	
deceased,)	
)	C/A No.:
Plaintiffs,)	
)	
v.)	
)	
CORIZON HEALTH, INC., a Delaware)	
Corporation; CORIZON, LLC., a)	
Missouri Limited Liability Company;)	
CHATHAM COUNTY, a Georgia)	
County; ROY HARRIS, in his capacity)	
as Acting CHATHAM COUNTY)	
SHERIFF; Estate of AL ST.)	
LAWRENCE; JOHN WILCHER,)	
individually and in his capacity as)	
CCDC Jail Administrator; SCOTT H.)	
KENNEDY, M.D.; ADAMAR)	
GONZALEZ, M.D.; VIRGINIA O'NEILL,)	
)	
Defendants.)	

Exhibit C



Progress Note

Name: Lipin

Date of Birth:

ID #:

Date	Time	Description	Signature/Title
3-27-14	8AM	<p>Want to keep getting better when it comes to chest x-rays - good thing at all.</p> <p>They are asking him to @ Bill LE... because US 'debit' are request for taking US or Echo.</p> <p>Was taking US would want another, GP thinking 'but no stat' - no portal or hepatic vein eval.</p> <p>ECHO in pending.</p> <p>Official reports of all to follow.</p> <p>For CTR this AM 'later should be returned to you.'</p>	
		<p>98% 120 16 100/71</p> <p>ChR [Signature]</p> <p>CXR - still large cardiomegaly but not clearing all -</p> <p>ChR [Signature]</p>	
3-28-14	9:45AM	<p>S/ Pt about done - saying: Not saying more - definite. Leg thro but outp.</p> <p>Of Johnson - Fall 1-69 ALT 870/AST 667. Bud 32/50 1-24 E 44 File 3.1 all the 128</p> <p>HIV @ CBC w/ was rec'd 9.2</p> <p>1+ elev to hem - study off. 97% - CXR - massive cardiomegaly</p> <p>ChR - heart, R.</p> <p>Chest - fairly clear - but could be more ECHO - global hypokinesia LVEF 10-15%</p>	
		<p>A/ from cardiomegaly - LVEF 10-15% - global hypokinesia P/ D/M to heart - patient also seen they C- from outp. D/M to kidney - will ask Cardiology/ help of</p>	

COMPLETE BOTH SIDES BEFORE USING ANOTHER SHEET

ChR [Signature]
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Progress Note

Name: <u>Inflon</u>		Mottler	
Date of Birth:		ID #:	
Date	Time	Description	Signature/Title
3-29-14	(Cont'd)	Apch is not a HIPAA sign to report family of status. Dr Kennedy has signed a report on child's report, not DR. Pt on hospital, drug 2 will be given 8:20	
3/29		Apch is Dr Elyette, Cerebral, & he will see soon, but about this probably not much more he can do for him.	
C. R. P. J. M.			
3-31-14	6:30 am	S/ Pt still. Any hi's seen. Nurse says cough in middle of night. (Living hell on wheel 2 & 3)	
		O) Good urine output 97.2 Hct ↓ 103 R 16 Bt 87/67 Cr at P100% chest fairly clear - just faint crackles @ post trachea CV - RR, faint. H. clear. A.O.K.S.	
		A) Cardiac cath - bad story Hyp C CHF -	
			P/ Report DP-1 ↓ Give to Mom (kg 20) / by 8:30 hospital & day. Cont comparison, TEAL, get up of chest. Cerebral, crackle pink.
C. R. P. J. M.			
4-1-14	0:57 am	S/ Father called earlier. At had pt sign HIPAA form! then called his back. Pt fully at work. believe. Long talk to him & he's good for today. DOB -	
		O) CV - RR, faint. chest still fairly clear - faint (R) post back crack H. clear A.O.K.S. old app - take over home	
			P/ Wts, DP-1 in responsibility.
C. R. P. J. M.			

A/ In above

COMPLETE BOTH SIDES BEFORE USING ANOTHER SHEET

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

BELINDA LEE MALEY, individually,)	
and on behalf of the ESTATE of)	
MATTHEW CLINTON MR. LOFLIN,)	
deceased,)	
)	C/A No.:
Plaintiffs,)	
)	
v.)	
)	
CORIZON HEALTH, INC., a Delaware)	
Corporation; CORIZON, LLC., a)	
Missouri Limited Liability Company;)	
CHATHAM COUNTY, a Georgia)	
County; ROY HARRIS, in his capacity)	
as Acting CHATHAM COUNTY)	
SHERIFF; Estate of AL ST.)	
LAWRENCE; JOHN WILCHER,)	
individually and in his capacity as)	
CCDC Jail Administrator; SCOTT H.)	
KENNEDY, M.D.; ADAMAR)	
GONZALEZ, M.D.; VIRGINIA O'NEILL,)	
)	
Defendants.)	

Exhibit D

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

BELINDA LEE MALEY, individually,)
and on behalf of the ESTATE of)
MATTHEW CLINTON MR. LOFLIN,)
deceased,)
) C/A No.:
)
) Plaintiffs,)
)
)
)
) v.)
)
)
)
) CORIZON HEALTH, INC., a Delaware)
) Corporation; CORIZON, LLC., a)
) Missouri Limited Liability Company;)
) CHATHAM COUNTY, a Georgia)
) County; ROY HARRIS, in his capacity)
) as Acting CHATHAM COUNTY)
) SHERIFF; Estate of AL ST.)
) LAWRENCE; JOHN WILCHER,)
) individually and in his capacity as)
) CCDC Jail Administrator; SCOTT H.)
) KENNEDY, M.D.; ADAMAR)
) GONZALEZ, M.D.; VIRGINIA O'NEILL,)
)
) Defendants.)

Exhibit E

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

BELINDA LEE MALEY, individually,)	
and on behalf of the ESTATE of)	
MATTHEW CLINTON MR. LOFLIN,)	
deceased,)	
)	C/A No.:
Plaintiffs,)	
)	
v.)	
)	
CORIZON HEALTH, INC., a Delaware)	
Corporation; CORIZON, LLC., a)	
Missouri Limited Liability Company;)	
CHATHAM COUNTY, a Georgia)	
County; ROY HARRIS, in his capacity)	
as Acting CHATHAM COUNTY)	
SHERIFF; Estate of AL ST.)	
LAWRENCE; JOHN WILCHER,)	
individually and in his capacity as)	
CCDC Jail Administrator; SCOTT H.)	
KENNEDY, M.D.; ADAMAR)	
GONZALEZ, M.D.; VIRGINIA O'NEILL,)	
)	
Defendants.)	

Exhibit E

Chatham County
Facility: CCDC

Name: LOFLIN, MATTHEW

DOB: 10/30/1981

Arrest #: 2014020271

OIN #: S6011086

Vitals

04/02/2014 08:34 97.7 102 18 06:40 200

Type: NARRATIVE
Narrative: LYING IN BED AWAKE AND ALERT, REQUESTING ICE AND JUICE. 250CC AMBER COLORED URINE EMPTIED FROM URINAL, REMINDED OF NEED TO MEASURE ALL URINE, STRICT MD, VERBALIZES UNDERSTANDING, SKIN WARM AND DRY TO TOUCH. LOWER EXTREMITIES REMAIN SWOLLEN, ENCOURAGED TO KEEP ELEVATED, TED HOSE ON, CUP WITH TISSUE WITH BLOOD TINGED SPUTUM NOTED AT BEDSIDE, SPUTUM NOTED ON FLOOR, INMATE ENCOURAGED NOT TO SPIT ON FLOOR DUE TO INFECTION CONTROL ISSUE, VERBALIZES UNDERSTANDING, ICE AND JUICE GIVEN AS REQUESTED, RHONCHI SCATTERED THROUGHOUT LUNG FIELDS, NO ACUTE RESP. DISTRESS NOTED, WILL CONTINUE TO MONITOR AND OFFER ENCOURAGEMENT AS NEEDED.
Keyed By: Todd, Debra on Wednesday, April 02, 2014 / 21:29

04/02/2014 31:22 97.8 103 20 06:00 87

Type: NARRATIVE
Narrative: PT SITTING ON SIDE OF BED AND TIMES THREE GAVE PT A REMINDER TO KEEP LEG ELEVATED TO DECREASE SWELLING PT REFUSED WY. STATED HE DIDNT WANT TO WALK TO SCALE, NO ACUTE DISTRESS NOTED BREATH SOUNDS CLEAR, CONTINUE TO MONITOR, Keyed By: Cate RN, Layelle on Wednesday, April 02, 2014 / 8:38 AM

04/02/2014 07:35 112 14 50:57 88

Type: NARRATIVE
Narrative: OBSERVED EARLIER STAND UP ON SIDE OF BED WITH ALL CLOTHES UNENAPPED, THEN SAT ON SIDE OF BED, STATES MY HEART HURTS, WHEN TOLD HIM NO WE WERE NOT TAKING HIM TO THE HOSPITAL BECAUSE HIS HEART IS IN REGULAR RHYTHM, HE STATED MULTIPLE CURSE WORDS, SECURITY MS DICKENS TOLD NOT TO DISRESPECT NURSE BUT DID NOT STOP, GOT TO LISTEN TO HEART NO IRREGULARITY NOTED, HE STATED JUST WAIT TIL MY FAMILY FINDS OUT YOU DONT TAKE ME TO THE HOSPITAL, LEFT HIM FUSING BUT TOLD HIM HE WILL NOT BE ABLE TO SLEEP IF HE SLEEPS ALL DAY TOO., Keyed By: West RN, Susan on Wednesday, April 02, 2014 / 2:45 AM

04/02/2014 00:30 88 22

Type: NARRATIVE
Narrative: EMPTIED URINAL OF 600 DARK YELLOW URINE, STATES I NEED TO GO TO HOSPITAL, CHEST CLEAR HR 88 NO IRREGULARITY EXPLAINED THAT HE NEEDED TO INCREASE MOVEMENT IN BED SIT UP IF HE FELT BAD, RR EVEN AND REGULAR, YOU ALL DONT KNOW WHAT YOU ARE DOING, OFFERED ORANGE AND REFUSED I WANT AN APPLE, WILL CONTINUE TO MONITOR, Keyed By: West RN, Susan on Wednesday, April 02, 2014 / 2:48 AM

Type: NARRATIVE
Narrative: ANSWERED REQUESTING ENBUREL, TOLD HE COULD HAVE IF HE ATE SANDWICH, GIVEN SANDWICH AND TOOK 4 BITES, WATER JUICE AND MONITORED NO OUTPUT AS YET, NITE HAD LOOSE BM EARLIER TODAY, LAID DOWN W/CLL EATING WHEN THE NURSE IN HE STATED HIS HEART WAS HURTING AND THAT HE WAS NOT GETTING BEDSIDE, NOT TO GET EXHIBITED AND REQUESTED THAT HE CAN

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

BELINDA LEE MALEY, individually,)	
and on behalf of the ESTATE of)	
MATTHEW CLINTON MR. LOFLIN,)	
deceased,)	
)	C/A No.:
Plaintiffs,)	
)	
v.)	
)	
CORIZON HEALTH, INC., a Delaware)	
Corporation; CORIZON, LLC., a)	
Missouri Limited Liability Company;)	
CHATHAM COUNTY, a Georgia)	
County; ROY HARRIS, in his capacity)	
as Acting CHATHAM COUNTY)	
SHERIFF; Estate of AL ST.)	
LAWRENCE; JOHN WILCHER,)	
individually and in his capacity as)	
CCDC Jail Administrator; SCOTT H.)	
KENNEDY, M.D.; ADAMAR)	
GONZALEZ, M.D.; VIRGINIA O'NEILL,)	
)	
Defendants.)	

Exhibit F

BILLING #: 001409700409
 DICTATING PHYSICIAN: Brett C. Burgess, M.D.
 CO-SIGNING PHYSICIAN:
 ROOM AND BED: CV01AEMR
 DATE OF BIRTH: 10/30/1981

University Medical
 Center
 Savannah, Georgia

DEATH SUMMARY

DATE OF ADMISSION: 04/07/2014

DATE OF DEATH:

DATE OF DEATH
 04/24/2014 at 8:15 p.m.

HOSPITAL COURSE

He presented as a new patient consult in my outpatient office. He is brought in from Chatham County Prison with complaints of shortness of breath. Patient had been complaining of increasing and worsening shortness of breath and significant orthopnea, as well as a cough for the past number of months. On 03/26/2014, he was sent for an elective outpatient echocardiogram at Memorial Hospital, which I interpreted as a severe global left ventricular hypokinesis with moderately dilated left ventricle and an ejection fraction of 10% to 15%. There is no obvious thrombus, and the right ventricle was enlarged and hypokinetic as well. There was mild functional mitral regurgitation and a small circumferential pericardial effusion noted. Pericardial effusion was not causing any echocardiographic evidence of hemodynamic compromise. On April 7th, he presented to my office as a new patient consult. He did appear acutely ill, short of breath, and somewhat diaphoretic. Based on the echocardiogram report and clinical findings, he appeared to be in congestive heart failure. He had significant lower extremity edema. While in our office, he coughed a small amount of blood. I determined that he needed inpatient admission. He was taken to the emergency room. At that time, his systolic blood pressure was low normal. He was mildly tachycardic. Initial diuresis was initiated with IV Lasix. While in the emergency department later that evening, his blood pressure started to decline. Chest x-ray results showed a significant right lower lobe effusion versus consolidation, as well as significant cardiomegaly and some pulmonary congestion. I consulted Pulmonary Critical Care for their assistance. A CT of his chest revealed enlarged heart. No mediastinal adenopathy. Lungs showed bilateral pleural effusions, greatest on the right, and scattered areas of consolidation predominantly at the bases. There was enhancement of pleura on the right, which may represent empyema. His blood pressure continued to deteriorate throughout the night requiring initiation of pressors. He was intubated because of altering mental status and concern about protecting his airway. Apparently, he developed PEA arrest around the time of intubation, and ACLS protocol was initiated. He will reportedly had a couple other occurrences of PEA arrest requiring ACLS. He was successfully resuscitated on numerous occasions, but required extensive pressors including norepinephrine, dopamine, dobutamine, and vasopressin, and his blood pressure was in the 60s systolic. I consulted Cardiothoracic Surgery, Dr. London to consider an Impella

DEATH SUMMARY - Page 1 of 2

PRINTED BY: HUGHESH1
 DATE 5/8/2014

BILLING #: 001409700409
DICTATING PHYSICIAN: Brett C. Burgess, M.D.
CO-SIGNING PHYSICIAN:
ROOM AND BED: CV01AEMR
DATE OF BIRTH: 10/30/1981

University Medical
Center
Savannah, Georgia

DEATH SUMMARY

placement as a last-ditch effort. He recommended ECMO. We took him immediately to the cardiac cath lab where I helped guide right atrial placement of a cannula via transesophageal echocardiography. He placed the cannulas in the left groin and patient was successfully placed on ECMO. We saw fairly dramatic improvement in his hemodynamic status. He was then moved to cardiovascular intensive care unit on ECMO with 24-hour perfusionist. It was determined he had a significant right lower lobe consolidation and pneumonia. He was felt to be in septic and cardiogenic shock. ECMO was continued for approximately 1 week. He was slowly weaned off ECMO successfully and cannulas were removed. He maintained an adequate blood pressure and eventually, all the pressors were discontinued. He was left on dobutamine for a few extra days for improved inotropic support. Sedation was weaned and he was not responding appropriately neurologically. Neurology consult was obtained. An EEG showed apparently significant slowing. MRI of the brain was then obtained, which revealed bilateral anoxic injury without hemorrhagic transformation or mass effect. His neurologic prognosis was felt to be extremely poor per Neurology. He was receiving broad-spectrum antibiotics throughout his hospital course. Ethics committee met regarding his case and felt at this point it was a futile care. Family meeting with Dr. Morris and the patient's mother and father. They agreed that they wanted to withdraw support. Patient was subsequently extubated and expired later that evening.

Brett C. Burgess, M.D.

BCB/MOUL
D: 04/25/2014 6:20 P
T: 04/26/2014 5:27 A
Job #795974/Document #608535334
cc: Brett C. Burgess, M.D.

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

BELINDA LEE MALEY, individually,
and on behalf of the ESTATE of
MATTHEW CLINTON MR. LOFLIN,

(b) County of Residence of First Listed Plaintiff Liberty County, Georgia
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

William R. Claiborne, Cameron C. Kuhlman, The Claiborne Firm, P.C.
410 E Bay Street, Savannah, GA 31401; S. Wesley Woolf, S. Wesley
Woolf, P.C. 408 E Bay Street, Savannah, GA 31401

DEFENDANTS

CORIZON HEALTH, INC.; CORIZON, LLC.; CHATHAM COUNTY;
ROY HARRIS; Estate of AL ST. LAWRENCE; JOHN WILCHER; Scott
H. KENNEDY, M.D.; ADAMAR GONZALEZ, M.D.; VIRGINIA O'NEILL

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

CV 416 - 060

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY	FEDERAL TAX SUITS
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 1983

Brief description of cause:
Violation of § 1983, deliberate indifference to serious medical needs; wrongful death

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE **02/22/2016** SIGNATURE OF ATTORNEY OF RECORD
/s/ William R. Claiborne

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____