

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT

EUGENIO S. MATHIS, as Personal
Representative of the Estate of SAMUEL
ADAM BRYANT, Deceased,

Plaintiff,

Case assigned to Wilson, Matthew Justin

v.

No. D-101-CV-2021-01568

CENTURION CORRECTIONAL
HEALTHCARE OF NEW MEXICO, LLC;
BOARD OF COUNTY COMMISSIONERS
OF BERNALILLO COUNTY, NEW
MEXICO; BERNALILLO COUNTY
METROPOLITAN DETENTION
CENTER; BRANDON CLARK; OLIVIA
EUBANK; FRANK TYLER; ALEJANDRA
JASSO; NAZISH RIZVI; ANTHONY
WAKER; LESLIE GARCIA; ELISA
MANQUERO; VERONICA CARRILLO;
DAVINA DELANO; TAILEIGH
SANCHEZ; LINDA ANDREW;
KIMBERLY BROWN; LEAH GLADE;
CHRISTOPHER HAMMOND; KYLER
BOGGS; MHM HEALTH
PROFESSIONALS, LLC; and JOHN DOES
1-10, (employees, staff, agents of Centurion
Correctional Healthcare of New Mexico,
LLC, MHM Health Professionals, Inc. and
Bernalillo County Metropolitan Detention
Center, respectively),

Defendants.

**COMPLAINT FOR WRONGFUL DEATH,
MEDICAL MALPRACTICE AND RELATED CLAIMS**

COMES NOW, the PLAINTIFF, by and through his attorneys Collins & Collins, P.C.
(Parrish Collins) and Sandoval Firm (Richard A. Sandoval), and for his cause of action states as
follows:

I. PARTIES

1. Plaintiff, Eugenio Mathis, was appointed Personal Representative of the Estate of SAMUEL ADAM BRYANT, deceased, (hereinafter “Mr. Bryant”) on April 18, 2019, and is a resident of San Miguel County, New Mexico (hereinafter “PLAINTIFF”).

2. PLAINTIFF brings this action as the Personal Representative of the Estate of Mr. Bryant, deceased.

3. Mr. Bryant was at all times relevant to this Complaint an inmate at Bernalillo County Metropolitan Detention Center (MDC).

4. Defendant Board of County Commissioners of Bernalillo County, New Mexico (BCC) is a governmental entity located in Bernalillo County, New Mexico.

5. The Bernalillo County Metropolitan Detention Center (MDC) is an agency or subdivision of Bernalillo County and under the authority and control of the BCC.

6. CENTURION DETENTION HEALTH SERVICES, LLC (hereinafter “CENTURION”) is a **Foreign Limited Liability Company** registered to do business in New Mexico, whose registered agent for service of process is CT Corporation System, 206 S. Coronado Avenue, Espanola, New Mexico, 87532-2792.

7. At all times material to this COMPLAINT, CENTURION acted through its owners, officers, directors, employees, agents or apparent agents, including, but not limited to, administrators, management, nurses, doctors, technicians and other staff, and is responsible for their acts or omissions pursuant to the doctrines of respondeat superior, agency and/or apparent agency.

8. MHM HEALTH PROFESSIONALS, LLC. (hereinafter “MHM”) is a staffing company under contract with CENTURION to provide medical providers to CENTURION.

9. MHM is a Delaware for profit corporation licensed to do business in New Mexico, whose registered agent for service of process is CT Corporation System, 206 S. Coronado Avenue, Espanola, New Mexico, 87532-2792.

10. At all material times, MHM acted through its owners, officers, directors, employees, agents or apparent agents, including, but not limited to, administrators, management, nurses, doctors, technicians and other staff, and is responsible for their acts or omissions pursuant to the doctrines of respondeat superior, agency and/or apparent agency.

11. BRANDON CLARK and OLIVIA EUBANK were responsible for and conducted the assessment, intake and medical screening of Mr. Bryant.

12. FRANK TYLER, ALEJANDRA JASSO, NAZISH RIZVI were responsible for treatment orders for Mr. Bryant’s withdrawal.

13. ANTHONY WAKER was responsible for transfer screening.

14. LESLIE GARCIA was upon information and belief a nurse responsible for Mr. Bryant’s assessment and nursing protocol.

15. ELISA MANQUERO, upon information and belief was a nurse responsible for Mr. Bryant’s assessment, history and physical exam.

16. VERONICA CARRILLO, DAVINA DELANO, TAILEIGH SANCHEZ, LINDA ANDREW, KIMBERLY BROWN, LEAH GLADE and CHRISTOPHER HAMMOND were upon information and belief nurses responsible for the medical care of Mr. Bryant.

17. KYLAR BOGGS was upon information and belief a nurse responsible for the monitoring and observation of Mr. Bryant’s behavioral health.

18. Upon information and belief, all INDIVIDUALLY NAMED DEFENDANTS (IND) set forth above reside in and are residents of New Mexico.

19. The employers of the above-named IND have not yet been determined but upon information and belief, they are employed by MHM, Centurion or MDC.

20. John Does 1-10 are additional as of yet unidentified employees, staff or agents of MDC, Centurion or MHM.

21. All of the above-named IND are named in their individual and official capacities.

JURISDICTION AND VENUE

22. All acts complained of herein occurred in Bernalillo County, State of New Mexico.

23. Jurisdiction and venue are proper over all Defendants and their John Doe employees, staff and agents pursuant to NMSA § 38-3-1 (A) lack of complete diversity of named DEFENDANTS under 28 U.S.C.A. § 1332.

24. Jurisdiction over CENTURION is proper in New Mexico State District Court due to lack of complete diversity of named DEFENDANTS under 28 U.S.C.A. § 1332.

25. Jurisdiction and venue are proper over CENTURION'S John Doe employees, staff and agents 1-10 pursuant to NMSA § 38-3-1 (A) or due to lack of complete diversity of named DEFENDANTS under 28 U.S.C.A. § 1332.

26. Jurisdiction over MHM is proper in New Mexico State District Court due to lack of complete diversity of named DEFENDANTS under 28 U.S.C.A. § 1332.

27. Jurisdiction and venue are proper over MHM's John Doe employees, staff and agents 1-10 pursuant to NMSA § 38-3-1 (A) or due to lack of complete diversity of named DEFENDANTS under 28 U.S.C.A. § 1332.

28. This Court has jurisdiction over the subject matter of PLAINTIFF's New Mexico Tort Claims Act claims against Board of County Commissioners of Bernalillo County, New Mexico, the Bernalillo County Metropolitan Detention Center, and their respective John Doe employees, staff and agents under NMSA § 41-4-18 and NMSA § 38-3-1 (A).

29. Jurisdiction over all parties and claims are proper under Article II, § 10 of the New Mexico Constitution and the law of negligence under New Mexico law.

STATEMENT OF FACTS

30. SAMUEL ADAM BRYANT was a 35-year-old male, incarcerated at MDC with a history of IV drug abuse.

31. Mr. Bryant was booked into MDC on September 22, 2020 at 4:03 AM.

32. Mr. Bryant was showing signs of current narcotic usage at the time of booking and was placed on narcotics watch.

33. Mr. Bryant was withdrawing from heroin and placed on detox monitoring for opiates.

34. Mr. Bryant was evaluated by Kimberly Brown, RN for withdrawal treatment. He did not provide any answers regarding his opioid usage. He denied any pain/injury/psychiatric problems/suicide attempt. His heart rate was 72 and BP was 140/97. He was lethargic but responded. He was oriented to person, place and time and his pupils were equal was reactive to light.

35. He was assessed with presumed substance dependency for opioids. It was advised to initiate CIWA/COWS monitoring twice daily if he scores less than 7 on initial assessment.

36. Low bunk for 14 days was advised for alcohol or Benzodiazepine withdrawal risk.

37. On September 22, 2020, combined CIWA/COWS protocol was performed. His combined CIWA/COWS score was 6. His combined CIWA/COWS for nausea, vomiting was 1, for aches was 1, for anxiety was 4.

38. On September 23, 2020, Mr. Bryant was found unresponsive at 0320 hours.

39. It was stated that, he had been screaming all night and had just fell asleep. He was noted to be unresponsive.

40. Code 43 was called and then it was upgraded to Code blue.

41. At 0322 hours, Lt. Brandon was on level and began to perform cardiopulmonary resuscitation.

42. Detox was on level rechecking his blood pressure and he was noted to be unresponsive, and he was face down.

43. At 0323 hours, Med-1 gave instructions to call the ambulance.

44. At 0325 hours, Automated External Defibrillators (AED) was placed and there was no palpable carotid or radial pulse. His pupils were fixed and dilated. His skin was warm and dry to touch. He was noted to have small emesis of yellow bile in his cell.

45. At 0326 hours, oxygen was placed at 15L/Nasal cannula with Lt. Andrews on the airway.

46. At 0327 hours, the AED was analyzing, and it was advised not to shock. Cardiopulmonary resuscitation was resumed. His temperature was 86.4 and capillary blood glucose was 72.

47. At 0328 hours, Narcan 4 mg was given to his left nostril, with no change to his status.

48. At 0329 AED was analyzing, and no shock was advised.

49. At 0330 hours, inmate was moved from the cell to the day room.
50. At 0332 hours, AED analyzed, and no shock was advised.
51. At 0332 Lt. Glade RN attempted IV access to his left hand and was unsuccessful. IV access was attempted again to his right antecubital fossa, IV was patent and was to keep open.
52. At 0335 AED was analyzing, and no shock was advised.
53. At 0337 hours, AED was analyzing, shock was advised, AED re-analyzing, and no shock was advised.
54. At 0340 hours, AED was analyzing, and no shock was advised. IV to right antecubital was infiltrated.
55. At 0345 hours, EMS crew arrived at the facility, Lt. Andrews, LPN attempted IV access. AED continued to monitor and analyze, and no shock was advised.
56. At 0349 hours, EMS crew arrived in the pod, and they were given a report.
57. At 0350 hours, they took over care of the inmate. Resuscitation was continued.
58. At 0353 hours, EMS placed the airway.
59. At 0354 hours, Fire arrived on scene.
60. At 0357 hours, patient was placed on the Lifeband board by fire/EMS, automatic compressions were started.
61. At 0406 hours, patient was noted to be in asystole for more than 20 minutes, code called by Albuquerque Ambulance medic Taylor Alonzo. All life sustaining measures were ended. He was pronounced dead at 0406 hours.

FACTS SPECIFIC TO BCC DEFENDANTS

62. The employees, staff and agents working for Bernalillo County at the Bernalillo County Metropolitan Detention Center will be referred to as MDC Defendants.

63. BCC, acting by and through MDC employees, staff and agents, knew of Mr. Bryant's history of heroin usage and that he was in withdrawal and with wanton, willful and deliberate indifference to his severe and emergent medical condition failed to take action within its authority to protect the health of Mr. Bryant.

64. All of the IND set forth above knew of Mr. Bryant's history of heroin usage and that he was in withdrawal and with wanton, willful and deliberate indifference ignored his severe and emergent medical condition.

65. ALL DEFENDANTS, including as of yet unidentified JOHN DOE DEFENDANTS, individually knew of Mr. Bryant's history of heroin usage and that he was in withdrawal and with wanton, willful and deliberate indifference refused or otherwise failed to provide necessary and proper medical care.

66. BCC Defendants ignored Mr. Bryant's screams throughout the night leaving him to suffer severe physical and psychological pain.

67. BCC recklessly, callously and deliberately failed to take appropriate actions to address Mr. Bryant's pain.

68. MDC understands and recognizes that failure to treat heroin withdrawal constitutes recklessness under New Mexico law.

69. MDC understands and recognizes that failure to treat heroin withdrawal constitutes in reckless under state law.

70. MDC had full authority to enforce the PSA.

71. MDC had at all times relevant to this COMPLAINT the authority to compel its CENTURION to properly treat heroin withdrawal.

FACTS SPECIFIC TO CENTURION AND MHM DEFENDANTS

72. General Services Contract (PSA) #16-770-1300-0097 was executed by MDC and CENTURION on or about June 2016.

73. CENTURION entered a contract with Bernalillo County, Professional Services Agreement for Medical, Dental, Mental Health and Psychiatric Services (PSA) that commenced on October 9, 2018 and was operable at time relevant to this Complaint.

74. CENTURION provides a “comprehensive health care delivery system” to MDC, which includes billing services, utilization management, general health care services administration, and on-site medical staff provided through an independent contractor, MHM Health Professionals, LLC. (MHM).

75. Centurion and MHM Defendants ignored Mr. Bryant’s screams throughout the night leaving him to suffer severe physical and psychological pain.

76. Centurion and MHM recklessly, callously and deliberately failed to take appropriate actions to address Mr. Bryant’s pain.

77. CENTURION DEFENDANTS, including MHM and John Does 1-10, acting as employees, staff or agents of CENTURION and/or MHM, knew or should have known of Mr. Bryant’s history of drug use and that he was in withdrawal and with wanton, willful and deliberate indifference refused or otherwise failed to provide necessary and proper medical care.

FACTS COMMON TO ALL DEFENDANTS

78. ALL DEFENDANTS knew that Mr. Bryant was in need of immediate treatment for heroin withdrawal.

79. ALL DEFENDANTS knew that Mr. Bryant’s was in detox and was supposed to be monitored for withdrawal.

80. All of the individually named defendants set forth above knew of Mr. Bryant's history of heroin usage and that he was in withdrawal and with wanton, willful and deliberate indifference ignored his severe and emergent medical condition.

81. ALL DEFENDANTS, including as of yet unidentified JOHN DOE DEFENDANTS, individually knew of Mr. Bryant's history of heroin usage and that he was in withdrawal and with wanton, willful and deliberate indifference refused or otherwise failed to provide necessary and proper medical care.

82. ALL DEFENDANTS understand and recognize that failure to treat heroin withdrawal constitutes recklessness under New Mexico law.

83. ALL DEFENDANTS were complicit and acquiesced in the denial of proper medical care to Mr. Bryant.

84. ALL DEFENDANTS conspired together to deny Mr. Bryant necessary and proper medical care leading to the physical pain, severe emotional and psychological pain and suffering, severe and permanent physical injuries from complications from untreated and improperly treated heroin usage withdrawal resulting in Mr. Bryant's death.

**COUNT I: MEDICAL MALPRACTICE AND NEGLIGENCE
(ALL DEFENDANTS)**

85. Mr. Bryant incorporates by reference as if fully set forth herein, each and every allegation contained in the paragraphs above.

86. The Board of County Commissioners of Bernalillo County acting by and through MDC are liable for medical malpractice and negligence under NMSA §41-4-6, NMSA §41-4-9 and NMSA §41-4-10

87. In undertaking the diagnosis, care and treatment of Mr. Bryant, CENTURION and MHM, their respective employees, staff and agents were under a duty to possess and apply the

knowledge, skill, and care that is used by reasonably well-qualified healthcare providers in the local community.

88. CENTURION and MHM, their employees, staff and agents breached their duties and were negligent in the management of Mr. Bryant's health and well-being.

89. The negligence, errors, acts and omissions of CENTURION and MHM, and their employees, staff and agents, include, but are not limited to:

- a. Failure to establish, maintain and enforce evaluation, diagnosis and treatment guidelines and standards;
- b. Failure to evaluate, treat and manage Mr. Bryant's medical condition;
- c. Failure to take the reasonable steps to acquire proper treatment of Mr. Bryant;
- d. Failure to refer Mr. Bryant to appropriate specialists;
- e. Failure to develop, employ, and follow appropriate policies and procedures with regard to the assessment, treatment, and management heroin usage and that he was in withdrawal;
- f. Failure to provide Mr. Bryant with necessary and proper pain management;
- g. Failure to protect and preserve the health of Mr. Bryant.

90. As a direct and proximate result of the negligent acts and omissions CENTURION and MHM, their employees, staff and agents, Mr. Bryant suffered a rapid and significant deterioration in his health, along with physical, emotional, and psychological pain and suffering not presently determinable, but to be proven at the time of trial.

91. As a direct and proximate result of the negligent acts and omissions CENTURION and MHM, their employees, staff and agents, Mr. Bryant suffered unneccessary, avoidable and wrongful death.

92. CENTURION and MHM, its employees, staff and agent's failures to assess, treat and manage Mr. Bryant's medical condition was reckless and wanton with utter disregard for the safety and welfare of Mr. Bryant, for which PLAINTIFF is entitled to punitive damages.

**COUNT II: NEGLIGENT OPERATION OF A MEDICAL FACILITY
(CENTURION and BCC DEFENDANTS)**

93. Mr. Bryant incorporates by reference as if fully set forth herein, each and every allegation contained in the paragraphs above.

94. The BCC, acting by and through MDC are liable for negligent operation of a medical facility under NMSA §41-4-9.

95. CENTURION, by and through BCC and MDC, is entrusted with the medical care of MDC inmates who have no other source of medical care while in the custody of MDC.

96. CENTURION and BCC, and their employees, staff and agents were unqualified to care for Mr. Bryant, and yet refused to refer Mr. Bryant to proper outside medical providers.

97. CENTURION and BCC DEFENDANTS were negligent in failing to properly assess, treat and manage Mr. Bryant's heroin withdrawal and related health conditions.

98. CENTURION and BCC DEFENDANTS were negligent in failing to properly refer Mr. Bryant to be seen by a physician who could effectively treat Mr. Bryant.

99. By failing to either: (1) properly treat Mr. Bryant's medical conditions, or (2) properly refer Mr. Bryant to be seen by a physician who could effectively treat Mr. Bryant, CENTURION and BCC DEFENDANTS breached their duty to medically treat Mr. Bryant in a reasonably prudent manner.

100. CENTURION DEFENDANTS failed to properly address Mr. Bryant's medical condition.

101. Such conduct amounts to negligence in running a prison medical facility.

102. Such conduct amounts to negligence in the treatment of Mr. Bryant.

103. CENTURION had a duty to properly screen, supervise, educate, and train its employees regarding Mr. Bryant and inmates with similar health conditions within the facility.

104. CENTURION had a duty to properly screen, supervise, educate, and train its employees regarding proper treatment of diabetic patients/inmates.

105. On information and belief, CENTURION failed to properly train and supervise its employees, contractors, or agents in such a manner to properly and adequately assess, treat and manage Mr. Bryant's multiple medical conditions, including the heroin usage and that he was in withdrawal and related health conditions.

106. CENTURION is bound by the PSA to obtain and maintain American Correctional Association (ACA) and National Commission on Correctional Health Care (NCENTURIONC) accreditation under the terms of the PSA.

107. CENTURION has never sought, obtained or maintained either ACA or NCENTURIONC accreditation for the medical facilities and services at INMATE FACILITY as required by the PSA.

108. CENTURION does not comply with ACA, NCENTURIONC or New Mexico standards of healthcare.

109. As a result of the foregoing, Mr. Bryant has suffered damages and injuries including, but not limited to, physical injuries, pain and suffering, and severe psychological and emotional distress, for which he is entitled to damages.

110. The actions of CENTURION DEFENDANTS were negligent, willful, wanton, and in gross and reckless disregard for Mr. Bryant's well-being entitling Mr. Bryant to punitive damages thereon.

**COUNT III: NEGLIGENT OPERATION OR MAINTENANCE OF ANY
BUILDING, PUBLIC PARK, MACHINERY, EQUIPMENT OR FURNISHINGS
(BCC/MDC DEFENDANTS)**

111. Mr. Bryant incorporates by reference as if fully set forth herein, each and every allegation contained in the paragraphs above.

112. BCC, acting by and through MDC, its employees, staff and agents are liable for the negligent operation or maintenance of any building, public park, machinery, equipment or furnishings under N.M. Stat. Ann. § 41-4-6.

113. Mr. Bryant incorporates by reference as if fully set forth herein, each and every allegation contained in the paragraphs above.

114. MDC has authority over all MDC correctional facilities, including INMATE FACILITY.

115. MDC has authority and control over the operation of all medical facilities within MDC correctional facilities, including those within INMATE FACILITY.

116. MDC is the contracting party to the PSA entered into between MDC and CENTURION on June 1, 2016.

117. MDC has sole authority, control and responsibility over the execution, implementation and enforcement of the PSA.

118. MDC has allowed numerous serious breaches and violations of the PSA, ACA and NCENTURIONC that led to the medical neglect of Mr. Bryant.

119. MDC and CENTURION are entrusted with the medical care of New Mexico inmates who have no other source of medical care.

120. CENTURION's medical staff at INMATE FACILITY lacked sufficient expertise to assess, treat and manage Mr. Bryant's health conditions.

121. CENTURION has a duty under the PSA, ACA and NCENTURIONC to properly refer Mr. Bryant to be seen by a physician who could effectively treat him.

122. MDC DEFENDANTS refused or otherwise failed to enforce these provisions of the PSA, ACA and NCENTURIONC.

123. MDC DEFENDANTS knew that CENTURION was not abiding by the terms of the PSA, ACA and NCENTURIONC.

124. MDC DEFENDANTS knew that CENTURION was not properly and adequately treating Mr. Bryant's medical condition.

125. MDC DEFENDANTS knew that CENTURION was not referring Mr. Bryant to outside medical healthcare providers who could effectively and prudently treat him.

126. Such conduct amounts to negligence in running a medical facility.

127. Such conduct amounts to negligence in the treatment of Mr. Bryant.

128. The actions of MDC were negligent, willful, wanton, and in gross and reckless disregard for Mr. Bryant's well-being.

129. MDC DEFENDANTS have knowingly allowed, aided and abetted in CENTURION's failure to obtain and maintain ACA and NCENTURIONC accreditation.

130. CENTURION has violated numerous provisions of ACA and NCENTURIONC.

131. MDC DEFENDANTS have taken no action to correct these violations or otherwise hold CENTURION to ACA, NCENTURIONC or New Mexico medical standards of care.

132. MDC DEFENDANTS have been complicit in the failure to adhere to the basic constitutional correctional health care set forth by the NCENTURIONC through MDC's failure to enforce the PSA.

133. MDC DEFENDANTS have knowingly allowed and been complicit in the violation of the ACA and NCENTURIONC minimum mandatory standards.

134. MDC DEFENDANTS have failed to properly maintain oversight and enforcement of the PSA.

135. MDC DEFENDANTS have failed to enforce the following provisions of the PSA:

a. The establishment of an electronic medical records system which is in fact required by both the contract and is in fact required under federal law; and

b. All provisions related to ACA and NCENTURIONC accreditation and compliance.

136. MDC is solely responsible for providing adequate health care to those it incarcerates, and to protect those inmates from risks associated with increased risks of infection or other medical emergencies.

137. As evidenced by the hundreds of inmates positive for heroin usage and that he was in withdrawal while incarcerated in the MDC system, but only a small fraction receives medical care and face harm from untreated heroin usage and that he was in withdrawal resulting in liver disease.

138. With this elevated risk of harm, MDC has an increased duty of care to these vulnerable inmates.

139. MDC has clinical oversight of its contractor's medical decision-making and health services operation.

140. MDC must enforce the PSA and/or terminate independent contractors if the care provided does not meet MDC, ACA or NCENTURIONC standards or constitutional definitions of adequate health care.

141. MDC did not enforce the PSA or take proper enforcement actions against CENTURION and MHM, resulting in inadequate healthcare to its inmates.

142. The failures of MDC DEFENDANTS led to serious and permanent harm to Mr. Bryant.

143. MDC Guards failed to monitor, evaluate, treat and render first aide to Mr. Bryant.

144. As a result of the foregoing, Mr. Bryant suffered serious and permanent physical injuries, pain and suffering, and severe psychological and emotional distress for which Mr. Bryant is entitled to damages.

**COUNT IV: NEGLIGENT HIRING, TRAINING AND SUPERVISION
(CENTURION and MHM)**

145. Mr. Bryant incorporates by reference as if fully set forth herein, each and every allegation contained in the paragraphs above.

146. CENTURION and MHM had a duty to properly screen, supervise, educate, and train its employees regarding proper treatment of diabetic patients.

147. On information and belief, CENTURION and MHM failed to properly train and supervise its employees, contractors, or agents in such a manner to properly and adequately assess, treat and manage Mr. Bryant's heroin usage and that he was in withdrawal and related health conditions

148. CENTURION and MHM had a duty to properly screen, supervise, educate, and train its employees regarding proper treatment of inmates in heroin withdrawal.

149. CENTURION and MHM negligent hiring, training and supervision were the proximate cause of Mr. Bryant's injuries and damages for which Mr. Bryant is entitled to injuries and damages including, but not limited to, physical injuries, pain and suffering, and severe psychological and emotional distress.

150. CENTURION and MHM negligent hiring, training and supervision was willful, deliberate and in wanton disregard for the health and safety of Mr. Bryant.

151. Mr. Bryant is entitled to recovery for his injuries and damages including, but not limited to, physical injuries, pain and suffering, and severe psychological and emotional distress.

152. Mr. Bryant is entitled to punitive damages against CENTURION and MHM.

**COUNT V: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(CENTURION, MHM, IND and JOHN DOE DEFENDANTS)**

153. Mr. Bryant incorporates by reference as if fully set forth herein, each and every allegation contained in the paragraphs above.

154. CENTURION, MHM, IND and JOHN DOE DEFENDANTS intentionally denied Mr. Bryant proper and necessary medical care for his heroin withdrawal.

155. CENTURION, MHM, IND and JOHN DOE DEFENDANTS failed to take action to provide proper medical care despite sick calls and pleas from Mr. Bryant for lifesaving and basic withdrawal related healthcare.

156. The conduct of CENTURION, MHM, IND and JOHN DOE DEFENDANTS was extreme, outrageous and intentional.

157. Mr. Bryant suffered severe emotional distress as a result of the conduct of Defendants.

158. As a result of the foregoing, Mr. Bryant has suffered serious and permanent physical injuries, pain and suffering, and severe psychological and emotional distress, for which Mr. Bryant is entitled to damages, including punitive damages.

**COUNT VI: CIVIL CONSPIRACY TO DENY MEDICAL CARE
(CENTURION, MHM, IND and JOHN DOE DEFENDANTS)**

159. Mr. Bryant incorporates by reference as if fully set forth herein, each and every allegation contained in the paragraphs above.

160. The facts illustrated above show a conspiracy on the part of ALL DEFENDANTS to deny Mr. Bryant necessary, proper and constitutionally minimal medical care.

161. As a result of said conspiracy, Mr. Bryant suffered severe physical and emotional pain, and death as a result of the conspiratorial, collusive, collective, orchestrated, intentional, malicious conduct of CENTURION, MHM, IND and JOHN DOE DEFENDANTS.

162. Mr. Bryant is entitled to recovery for his injuries and damages, including but not limited to, physical injuries, pain and suffering, severe psychological and emotional distress and wrongful death.

163. PLAINTIFF is entitled to damages, including punitive damages, against CENTURION, MHM, IND and JOHN DOE DEFENDANTS.

164. There is no Tort Claims Act waiver for civil conspiracy for MDC.

165. However, BCC/MDC DEFENDANTS were party to the conspiracy to deny Mr. Bryant proper and necessary lifesaving medical care.

**COUNT VII: RESPONDEAT SUPERIOR AND AGENCY
(CENTURION and MHM)**

166. Mr. Bryant incorporates by reference as if fully set forth herein, each and every allegation contained in the paragraphs above.

167. CENTURION and MHM are responsible for Mr. Bryant's physical injuries, pain and suffering, severe psychological and emotional distress and wrongful death under the doctrine of respondeat superior for the acts and omissions of its employees, staff and agents.

168. CENTURION and MHM are responsible for Mr. Bryant's physical injuries, pain

and suffering, severe psychological and emotional distress and wrongful death under the doctrine of agency for the acts and omissions of its employees, staff and agents.

**COUNT VIII: RES IPSA LOQUITUR
(CENTURION, MHM, IND and JOHN DOE DEFENDANTS)**

169. Mr. Bryant incorporates by reference as if fully set forth herein, each and every allegation contained in the paragraphs above.

170. The injuries and damages suffered by Mr. Bryant were proximately caused by wanton, willful and reckless actions and inactions CENTURION, MHM, IND and JOHN DOE DEFENDANTS.

171. It was CENTURION, MHM, IND and JOHN DOE DEFENDANTS responsibility to manage and control their medical staff and the care and treatment of Mr. Bryant.

172. The events causing the injuries and damages to Mr. Bryant were of a kind which would not ordinarily occur in the absence of negligence on the part of CENTURION, MHM, IND and JOHN DOE DEFENDANTS.

173. The doctrine of res ipsa loquitur is applicable as a theory of negligence, causation and damages in this case and appropriately pled herein.

174. Mr. Bryant is entitled to recovery for his injuries and damages, including but not limited to, physical injuries, pain and suffering, and severe psychological and emotional distress.

175. Mr. Bryant is entitled to punitive damages against CENTURION, MHM, IND and JOHN DOE DEFENDANTS.

**COUNT IX: PUNITIVE DAMAGES
(CENTURION, MHM, IND and JOHN DOE DEFENDANTS)**

176. Mr. Bryant incorporates by reference as if fully set forth herein, each and

every allegation contained in the paragraphs above.

177. The acts and omissions complained of in the causes of action stated above, upon information and belief, are believed to be of such an egregious nature, in reckless, wanton, willful and total disregard to the rights of Mr. Bryant, that in addition to the actual damages ascertained and demonstrated by a preponderance of the evidence, that punitive damages or exemplary damages to punish and deter these types of acts and omissions from occurring in the future, may well be appropriate.

WHEREFORE, PLAINTIFF requests judgment as follows:

A. Compensatory damages against all Defendants, jointly and severally, in an amount to be determined by this Court as adequate for pain, suffering, and injuries to PLAINTIFF.

B. Compensatory damages against all Defendants, jointly and severally, in an amount to be determined by this Court as adequate for CCT, MHM and CENTURION DEFENDANTS' intentional infliction of emotional distress.

C. Punitive damages in an undetermined amount against CENTURION DEFENDANTS and MHM DEFENDANTS.

D. Costs incurred by PLAINTIFF, including pre-judgment and post-judgment interest; and

E. Such other and further relief as the Court deems just and proper.

Respectfully Submitted:

COLLINS & COLLINS, P.C.

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-and-

SANDOVAL FIRM

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