

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

MICHAEL JARAMILLO,

Plaintiff,

v.

No. D-101-CV-2019-02934

Case assigned to Ortiz, Raymond Z.

**CENTURION CORRECTIONAL
HEALTHCARE OF NEW MEXICO, LLC;
KATHERINE ALLEN, FNP; JAMES
GONZALES, M.D.; DANIELLE PALUMBO
LPN; MHM HEALTH PROFESSIONALS,
INC.; STATE OF NEW MEXICO, NEW
MEXICO CORRECTIONS DEPARTMENT;
DAVID JABLONSKI; ANTHONY ROMERO;
DAVID SELVAGE; ORION STRADFORD;
STEVE MADRID; NWNMCF WARDEN
BETTY J. JUDD; CORECIVIC OF
TENNESSEE, LLC, CORECIVIC, INC., f/n/a
CORRECTIONS CORPORATION OF
AMERICA, INC.; and JOHN DOES 1-10,**
(employees, staff, agents of New Mexico
Corrections Department, Centurion Correctional
Healthcare of New Mexico, LLC, MHM Health
Professionals, Inc., CoreCivic of Tennessee, LLC,
and/or CoreCivic, Inc. respectively),

Defendants.

**COMPLAINT FOR
MEDICAL MALPRACTICE AND RELATED CLAIMS**

COMES NOW the Plaintiff, Michael Jaramillo, by and through his attorneys COLLINS
& COLLINS, P.C. (Parrish Collins) and GUEBERT BRUCKNER GENTILE, P.C. (Terry R.
Guebert, Robert Gentile and David S. Ketai), and for his cause of action states as follows:

PARTIES

1. Plaintiff, Michael Jaramillo (hereinafter "PLAINTIFF"), is a former NMCD
inmate.

2. PLAINTIFF currently resides in Bernalillo County, New Mexico.

3. CENTURION CORRECTIONAL HEALTHCARE OF NEW MEXICO, LLC (hereinafter “CENTURION”) is a domestic 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.

4. CENTURION and its John Doe employees, staff and agents will be referred to herein collectively as “CENTURION DEFENDANTS.”

5. At all material times, 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.

6. CENTURION entered a contract, General Services Contract # _____(GSC), with the State of New Mexico that commenced on June 1, 2016 and continues to the present.

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

8. Upon information and belief, KATHERINE ALLEN, FNP, and JAMES GONZALES, M.D., were the authorized medical authority in the medical care of PLAINTIFF at times critical to this complaint.

9. Upon information and belief, MHM Health Professionals, Inc. (hereinafter “MHMHP”), is a Delaware for profit corporation.

10. Upon information and belief, MHMHP provides medical personnel to CENTURION, including those medical personnel providing medical services at “facility.”

11. Upon information and belief, MHMHP employees provided on-site healthcare services to NMCD inmates, pursuant to MHMHP’s contract with CENTURION.

12. At all material times, MHMHP 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.

13. MHMHP and it’s John Doe employees, staff and agents will be referred to herein collectively as “MHM.”

14. Defendants New Mexico Corrections Department and the Northwest New Mexico Correctional Facility, (hereinafter “DEFENDANTS” and/or “STATE”) are entities of the State of New Mexico.

15. NWNMCF is operated by CoreCivic, by contract with the State of New Mexico by, under and through the New Mexico Department of Corrections.

16. Defendant State of New Mexico has authorized New Mexico Corrections Department (hereinafter “NMCD”) to operate the NWNMCF, in Grants, Cibola, New Mexico.

17. Upon information and belief, NMCD retains ultimate authority over NWNMCF, and NWNMCF is operated in accordance with NMCD rules, policies and procedures.

18. NMCD is responsible for contracting of medical services for all NMCD facilities including NWNMCF.

19. At all material times, NMCD 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.

20. David Jablonski was serving as the Secretary of Corrections at all times relevant to this Complaint, although he is not currently serving as the Secretary of Corrections.

21. As the Secretary of Corrections, Mr. Jablonski oversees prison operations, including NMCD's duty to provide a safe environment at NWNMCF, and ensure that inmates have access to adequate medical care.

22. Anthony Romero was serving as Deputy Secretary of Corrections at all times relevant to the Complaint and is currently serving as Acting Secretary of Corrections.

23. As the Deputy Secretary of Corrections, Mr. Romero oversees prison operations, including NMCD's duty to provide a safe environment at NWNMCF, and ensure that inmates have access to adequate medical care.

24. David Selvage is, and was at all times relevant to this Complaint, serving as the Health Services Administrator ("HSA") for NMCD.

25. As HSA for NMCD, Mr. Selvage maintains direct clinical oversight of independent contractors, ensuring that contractors are making prudent clinical decisions, and providing adequate care to those inmates NMCD incarcerates, including those at NWNMCF.

26. Mr. Selvage uses his experience as a Physician's Assistant to inform his clinical oversight.

27. Orion Stradford is, and was at all times relevant to this Complaint, serving as the NMCD Bureau Chief.

28. As NMCD Bureau Chief, Mr. Stratford is responsible for monitoring the work of independent contractors, including CORE CIVIC, MHMHP and CENTURION, and acts as

NMCD's supervisor of these independent contractors.

29. Steve Madrid is, and was at all times relevant to this Complaint, the individual acting on behalf of NMCD in charge of the NMCD Grievance Process, including the appellate process.

30. As the individual in charge of NMCD's Grievance Process, Steve Madrid serves as the "gatekeeper" between inmates and their access to adequate healthcare. If Mr. Madrid does not responsibly manage the grievance process, inmates have no way of accessing medical care from Centurion or NMCD.

31. The State of New Mexico, NMCD and their John Doe employees, staff and agents, including David Jablonski, Anthony Romero, David Selvage, Orion Stradford and Steve Madrid, will be referred to herein collectively as "NMCD DEFENDANTS."

32. NMCD Defendants have a duty to provide for the safety and security for those it incarcerates.

33. NMCD governs, operates and maintains NWNMCF, while independent contractors carry out discrete duties at the discretion of NMCD.

34. NMCD Defendants have a duty to reasonably and prudently operate the medical facility within NWNMCF.

35. NMCD maintains direct authority over the NWNMCF medical facility via Mr. Selvage, Mr. Jablonski, Mr. Romeo, and Mr. Stratford.

36. Any of these NMCD individuals can intercede on behalf of NMCD if independent contractors are not appropriately caring for NMCD inmates.

37. Betty J. Judd was at all times relevant to this Complaint, serving as the Warden at NWNMCC.

38. CORECIVIC OF TENNESSEE, LLC is a Foreign Limited Liability Company registered to do business in New Mexico and whose registered agent is in Albuquerque, New Mexico.

39. CORECIVIC, INC. is a Tennessee Foreign Profit Corporation registered to do business in New Mexico and whose registered agent is in Albuquerque, New Mexico.

40. CORECIVIC is under contract with NMCD for the operation and management of NWNMCF.

41. CORECIVIC operated and managed NWNMCF at all times relevant to this Complaint.

JURISDICTION AND VENUE

42. All acts complained of herein occurred in Grants, Cibola County, State of New Mexico.

43. CENTURION's registered agent is in Espanola, New Mexico.

44. The contract for prison medical services between CENTURION and the State of New Mexico was, upon information and belief, executed in Santa Fe, New Mexico.

45. Jurisdiction and venue are proper over CENTURION and John Doe employees, staff and agents 1-10 pursuant to NMSA § 38-3-1 (A).

46. This Court has jurisdiction over the subject matter of PLAINTIFF's New Mexico Tort Claims Act claims against the State of New Mexico and New Mexico Corrections Department and John Doe employees, staff and agents under NMSA § 41-4-18 and NMSA § 38-3-1 (A).

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

48. 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.

FACTS COMMON TO ALL COUNTS

49. PLAINTIFF was an NMCD inmate from November 18, 2014 to January 28, 2019.

50. PLAINTIFF had a long history of Diabetes Mellitus (DM) type II.

51. DEFENDANTS collectively knew of PLAINTIFF's history of diabetes.

52. DEFENDANTS individually knew of PLAINTIFF's history of diabetes.

53. PLAINTIFF requested diabetic shoes on July 26, 2017.

54. PLAINTIFF was never provided diabetic shoes.

55. Upon medical examination by a medical provider for Centurion on October 21, 2017, the notes show:

NEW MEXICO CORRECTIONS DEPARTMENT Interdisciplinary Progress Notes		
DATE	TIME	
10-21	0406	Inmate presenting to clinic with history of diabetes and throbbing (L) large hallux pain.
T:	98.9	(L) hallux appears red, slightly swollen compared
P:	67	to right, open 1cm x 1cm wound on bottom of
B/P:	142/77	hallux with red tinged drainage. Cleaned
RR:	16	wound with hibiclense, pat dried, and covered
O2:	96%	with protective bandage. Encouraged patient
		to continue wearing shoes when out of pod,
		ensure socks remain dry, and to avoid work
		that may cause shoes to become wet. Patient
		also has toe nail fungus on both feet through
		all nails. Will request patient be seen for
		sick call by provider on Monday

56. The October 21, 2017 notes shows throbbing left hallux pain.

57. The October 21, 2017 notes shows that the medical provider, whose signature is illegible, encouraged PLAINTIFF to continue wearing shoes.

58. Upon examination on October 23, 2017, the medical notes show:

NEW MEXICO CORRECTIONS DEPARTMENT		
Interdisciplinary Progress Notes		
DATE	TIME	
10/23/17	0855	Inmate with x 3 days of noted "sore on tip of great toe (L)" NO Hx DM ulcers
		no Hx injury, wears Tennis shoes
07/4/17		(Admission) = Hx poorly controlled DM
18W		(last A1c 11.6 on 7/17)
07/1/17		by macerated area at tip of great toe
58 bpm		There is actually a large blister with underlying ulcer, approx 2 cm x 2 cm circular
193/110		white slough,

59. The October 23, 2017 note is transcribed as:

Inmate with x 3 days of noted "sore on tip of great toe left, no history of DM ulcers, no history of injury, wears Tennis shoes. Admission with history of poorly controlled DM (last A1c 11.6 on 07/17). Large macerated area at tip of great toe is actually a large blister with underlying ulcer, approximately 2 cm x 2 cm circular with white slough.

60. As indicated in the October 23, 2017 note, PLAINTIFF was wearing tennis shoes and not diabetic shoes despite his severe diabetes, the onset of blisters and his July 26, 2017 request for diabetic shoes.

61. CENTURION DEFENDANTS did not refer PLAINTIFF to an outside medical provider on October 23, 2017 despite their own care provider's recommendations to do so.

62. CENTURION medical records from October 24, 2017 note in large bold print "Blister to Left foot":

NEW MEXICO CORRECTIONS DEPARTMENT		
Interdisciplinary Progress Notes		
DATE	TIME	
10/24/17		Blister to left foot -
T	9:10:3	NP NOTE: Filled by the Dr. Allen 20
P	53	a "blister" due to Tennis shoes
R	17	& pressure. I debrided it yesterday
BP	194/80	& placed new bandage, no evidence
O2 Sat	98%	of infection noted but some swelling
		very red & dry, peri-ulcer area is
		clean, some slough remain centrally
		put in Keflex prophylactically, plus
		do not change & Dr. Gonzalez
		ALLAN

63. The October 24, 2017 NP notes further state "blister" due to "Tennis shoes and pressure."

64. PLAINTIFF was neither sent to an outside medical provider nor even provided diabetic shoes on October 24, 2017, despite the emergent infection on his left foot.

65. A snapshot copy of the CENTURION medical records from October 25, 2019 shows that PLAINTIFF was given supplies to change his own bandage:

IM given supplies to
do dressing changes
per CNP. JFU Friday
Dr. Gonzalez
Dr. Villanueva
10/28/17

66. A snapshot copy of the CENTURION medical records from October 27, 2019 appear though barely legible, to show that PLAINTIFF'S foot was debrided, it was bleeding and it was treated with hydrogen peroxide and gauze.

3 (1) to be taken with debride of 11 & 15
bleed today, cleaned w/ hydrogen peroxide.
if anesthesia was tolerated well I'd
complete see bloody; gauze placed.
X-ray foot ordered to go with.

67. The October 27, 2019 notes also appear to show PLAINTIFF reported dizziness, fatigue and pain level at 10 on scale of 10.

attach pharmacy profile or list current medications:
Report pain 10 (10) level home w/ starting of Seroquel
Report he feels dizzy, fatigue

68. The notes of Nurse Allen from November 7, 2019 indicate debridement with good results.

69. A snapshot copy of the CENTURION medical records from November 7, 2019 shows

DATE	TIME	
11/7/17	1400	Inmate is at great toe DM ulcer, has been in two prior debridement good results, heel well fast complete the debridement x 7' deep, as very dry 2" on his vein, plan to see next week
		KATHERINE ALLEN RNP

70. Notes from November 8, 2019 show debridement and use "11 blade ___ clean/off necrotic tissue".

71. November 13, 2019 notes from Nurse Allen state Inmate with history of IDDM ___ DM ulcer left great toe.

72. November 13, 2019 notes from Nurse Allen indicate that PLAINTIFF was last seen 11/08/2017 by Dr. Gonzales for debridement.

73. November 13, 2019 notes from Nurse Allen indicate serosanguinous discharge.

74. Upon information and belief, PLAINTIFF was transferred to the RDC on November 14, 2019 en route to SNMCF.

75. Upon arrival to RDC, PLAINTIFF'S foot was severely swollen, bleeding and emitting purulent discharge.

76. Personnel in RDC referred PLAINTIFF to medical from RDC.

77. Upon examination of PLAINTIFF'S foot, a referral was made to an outside medical provider.

78. At no point prior to November 14, 2017 had PLAINTIFF been seen by a specialist or other outside medical provider for the treatment of his foot infection.

79. PLAINTIFF was finally referred out to UNM Hospital on November 14, 2019.

80. PLAINTIFF was admitted to UNMH on November 14, 2019.

81. Upon examination, UNMH doctors Nasim Pourtabatabaei, M.D. and Alexander Rankin, M.D. noted that PLAINTIFF presented with pain, swelling, and pus from left first toe.

82. UNMH doctor Patrick Rendon, M.D. found osteomyelitis and sepsis in PLAINTIFF'S left toe.

83. UNMH doctor Eric Lew, DPM, on November 15, 2019 found left great toe osteomyelitis and cellulitis.

84. Dr. Lew also made the following findings:

Minimal amount of pedal hair growth is noted. There is a full thickness ulceration to the left great toe. There is exuberant hyperkeratotic tissue and central necrosis. The wound to the plantar aspect of the great toe does measure 1-centimeter x 0.75 centimeters in diameter. There is direct penetration to bone with copious amounts of purulence and malodor exuding from the digit. The erythema and edema extends greater than 2 centimeters from the base of the wound. There is undermining in all directions. The wound bed is also full of necrotic subcutaneous fat and fascial tissue.

85. On November 16, 2019, Dr. Lew conducted a left great toe partial amputation.

86. Tissue obtained intraoperative on 11/16/2017 was positive for Methicillin Susceptible Staphylococcus Aureus (MSSA), light growth Streptococcus Constellatus.

87. PLAINTIFF was discharged from UNMH on November 21, 2017.

88. The discharge summary from UNMH medical providers JoAnne Clinton, CNP and Dana Davis, M.D. indicate the following:

a. **Chronic uncontrolled IDDMII complicated by neuropathy & retinopathy.**

Hemoglobin A1C 10.1. Complicated outpatient regimen previously clarified.

After discussion with Los Lunas Correctional facility medical staff re availability of medications it was decided to start patient on Levemir twice

daily and to adjust his nutritional dosing as SSI is not ideal in the correctional

facility general population.

☐ ☐ Increased Levemir to 30 units twice daily

☐ ☐ Continue moderate dose SSI (0-12units)

☐ ☐ Increased nutritional insulin to 17 units thrice daily if eating >50%

☐ ☐ Continue Gabapentin.

☐ ☐ Continue Statin and ASA.

☐ ☐ ADA diet

b. **Chronic essential HTN** - Difficult to control as pain has played a significant role in hypertensive episodes while inpatient.

89. Upon discharge, PLAINTIFF's infection and pain were well controlled.

90. PLAINTIFF is in possession of incomplete medical records.

91. It is unknown at this time whether CENTURION followed the UNMH discharge instructions.

92. PLAINTIFF again began to experience severe pain in his left foot as evidenced by his April 29, 2018 request for Healthcare Services:

REQUEST FOR HEALTHCARE SERVICES

Print Name: JARAMILLO L Michael Date of Request: 4-29-18
 ID #: 34454 Date of Birth: 11-5-163 Housing Location: AA-103
 Nature of problem or request: (Circle One) Medical ☐ Mental Health ☐ Dental ☐
My Foot Is Swelled up Real Bad IT Hurts SO
BAD I CANT STAND The PAIN Please Help ME
With Some Kind of PAIN Pill or SHOT IN
Scared To Lose My Foot
 I consent to be treated by healthcare staff for the condition described.
Jaramillo L Michael
 Patient Signature 34454

PLACE THIS SLIP IN MEDICAL REQUEST BOX OR DESIGNATED AREA

DO NOT WRITE BELOW THIS AREA

Triaged by: _____ Referred to: ☐ Nursing ☐ Physician
☐ Physician Assistant ☐ Nurse Practitioner
☐ Mental Health ☐ Dental
 Date/Time: _____ Signature/Title: _____

93. Despite the request for medical services on April 29, 2018 and the recent osteomyelitis and sepsis resulting in the loss of his left big toe, CENTURION continued to medically neglect PLAINTIFF.

94. PLAINTIFF filed a medical grievance on June 8, 2018, noting severe pain and swelling, and the inability to walk:

Page 1

NEW MEXICO CORRECTIONS DEPARTMENT

INMATE INFORMAL COMPLAINT

Inmate Name: JARAMILLO Michael NMCD#: 34454
 Facility: WINNICE HU/Cell#: AA-103 Date of Incident: 6-8-18
 Name of subject or person to whom the complain was filed against: Medical-Centurion

Explain your complaint in detail: My Foot HAS BEEN Swell up AND Hurting Since
4-17-18 Im IN BAD PAIN I CANT WALK on my own Ive Been on
A wheel CHAIR I Need To See A DR THAT CAN see what IS wrong
With my Foot can you please see whats TAKING SO LONG TO SEE A
DR. THANK YOU
 Inmate Signature: Jaramillo L Michael Date: 6-8-18

95. PLAINTIFF submitted a sick call (Health Services Request Form) on June 18, 2018 pleading for help.

96. Plaintiff reported the pain was so bad that he was crying.

NEW MEXICO CORRECTIONS DEPARTMENT HEALTH SERVICES REQUEST FORM	
Date of Request (Fecha de solicitud): <u>6-18-18</u>	FOR MEDICAL USE ONLY Date Received: _____ Time Received: _____
Print Name (Imprimir su nombre): <u>Jaramilla Michael</u> NMCD #: <u>34454</u>	
Housing Location (Ubicación de su vivienda): <u>A-A-103</u>	
Nature of problem or request (Naturaleza de su problema o solicitud): (Circle One/Circule una opción) <input checked="" type="radio"/> Medical - Medica <input type="radio"/> Psychiatry - Siquiátrica <input type="radio"/> Dental - Dental <u>My Foot Is Swelled Up Real Bad IT Hurts</u> <u>That The pain Is so STRONG I CRY NEED TO</u> <u>SEE DR</u>	
I consent to be treated by healthcare staff for the condition described. (Doy consentimiento para ser tratada por el personal médico por la condición ya antes descrita.) <div style="text-align: right;"><u>Jaramilla Michael</u> signature (Firma)</div>	

97. PLAINTIFF'S sick call was ignored.

98. PLAINTIFF submitted another sick call request on July 16, 2018 again stating that he was "hurting real bad".

99. In said sick call, PLAINTIFF notes that he was supposed to have been referred to a vascular surgeon over two months prior which he had not.

NEW MEXICO CORRECTIONS DEPARTMENT HEALTH SERVICES REQUEST FORM	
Date of Request (Fecha de solicitud): <u>7-16-18</u>	FOR MEDICAL USE ONLY Date Received: <u>JUL 16</u> Time Received: <u>2:30</u>
Print Name (Imprimir su nombre): <u>Michael Jaramilla</u> NMCD #: <u>34454</u>	
Housing Location (Ubicación de su vivienda): <u>A-A-103</u>	
Nature of problem or request (Naturaleza de su problema o solicitud): (Circle One/Circule una opción) <input checked="" type="radio"/> Medical - Medica <input type="radio"/> Psychiatry - Siquiátrica <input type="radio"/> Dental - Dental <u>Hello My Foot HAS BEEN Swelled up AND Hurting Real Bad I've</u> <u>BEEN PATIENT WITH MEDICAL I WAS SUPPOSED TO BE TAKEN TO SEE</u> <u>A VASCULAR SPECIALIST DR WILLIAM HESIDENCE HAD RECOMMEND I</u> <u>GO SEE A VASCULAR SINCE 5-9-18 - IT IS NOW 7-16-18 AND NOTHING BACK</u>	
I consent to be treated by healthcare staff for the condition described. (Doy consentimiento para ser tratada por el personal médico por la condición ya antes descrita.) <div style="text-align: right;"><u>Jaramilla Michael</u> #34454</div>	

100. Despite his requests to see a vascular specialist and his extensive vascular calcifications, noted throughout his medical records, and the referral to a vascular surgeon set forth below, PLAINTIFF was never seen by a vascular specialist of any kind during this period:

Consultation and Specialty Services Request Form
NOT FOR ER/HOSP NOTIFICATION - PLEASE FILL OUT FORM COMPLETELY

Date: 5-15-18 Jaramillo, Michael
Patient Name: 11/05/1963 #34454 ID#: _____ EDR: _____
Requesting Prison: NWMC DOB: _____ SSN: _____
SEX: M ☒ F ☐ - Initial Visit ☒ Follow-up - ☐ Routine: ☒ Urgent: ☐ - Enrolled In Chronic Care Clinic: Yes ☒ No ☐
Off-Site Office Visit: ☐ On-Site Clinic: ☐ Procedure: ☐ Tele-med: ☐ Other: _____
Service/Diagnostic: Vascular/Endovascular Surgery Dr. Sundup Guliani

101. Danielle Palumbo LPN falsely notes on numerous occasions that PLAINTIFF refused medical care.

102. Due to the PLAINTIFF's reporting of returned severe swelling and pain, Counsel for PLAINTIFF visited him at NWNMCF on August 18, 2019.

103. During that visit, Counsel for PLAINTIFF took pictures of his foot. (**Exhibit 1**)

104. As shown in the photos, there is significant swelling in PLAINTIFF's left foot.

105. Immediately following Counsel's visit to PLAINTIFF to take pictures of his left foot, CENTURION and NMCD employees retaliated against PLAINTIFF by taking his wheelchair from him.

106. PLAINTIFF filed a Health Services request form on August 14, 2019 the day following the attorney visit.

107. In said Health Services Request form, PLAINTIFF pointed out that he was afraid of losing his foot by walking on it.

108. CENTURION DEFENDANTS and CORECIVIC DEFENDANTS took his wheelchair for purposes of inflicting pain and suffering, including extreme emotional distress.

NEW MEXICO CORRECTIONS DEPARTMENT HEALTH SERVICES REQUEST FORM		PAGE <u>1</u> #
Date of Request (Fecha de solicitud): <u>8-14-18</u>	FOR MEDICAL USE ONLY Date Received: <u>AUG 15 2018</u> Time Received: <u>2230</u>	
Print Name (Imprimir su nombre): <u>Jaramilla L Michael</u>	NMCD #: <u>3445</u>	
Housing Location (Ubicación de su vivienda): <u>A-A-193</u>		
Nature of problem or request (Naturaleza de su problema o solicitud): (Circle One/Circule una opción) <input checked="" type="radio"/> Medical - Medica <input type="radio"/> Psychiatry - Siquiátrica <input type="radio"/> Dental - Dental		
<u>Hello I'd like to ask why the wheelchair was taken away from me is it cause my attorney Collins came yesterday to take pictures of my foot or are you all trying to hurt me so that I can have my foot cut off</u>		
I consent to be treated by healthcare staff for the condition described. (Doy consentimiento para ser tratada por el personal médico por la condición ya antes descrita.)		
<u>Jaramilla L Michael</u> Signature (Firma) # <u>3445</u>		

109. CENTURION DEFENDANTS and CORECIVIC DEFENDANTS were successful in inflicting severe physical and emotional pain by taking his wheelchair.

110. In order to obtain medical care, Counsel for PLAINTIFF sent an email to Counsel for CENTURION on August 15, 2018 alerting him to the again emergent medical condition of PLAINTIFF's left foot. (**Exhibit 2**)

111. Seven photos of PLAINTIFF's foot were attached to the email.

112. CENTURION continued to medically neglect PLAINTIFF.

113. Counsel for Plaintiff sent a follow up email to Counsel for CENTURION on August 27, 2018, again attaching the photos. (**Exhibit 3**).

114. CENTURION continued to medically neglect PLAINTIFF until such time that he was released from NMCD custody.

115. NMCD is solely responsible for the medical grievance process.

116. NMCD routinely ignores medical grievances.

117. NMCD routinely destroys medical grievances or otherwise fails to process them correctly.

118. When medical grievances are addressed, NMCD routinely and without medical justification, finds against inmates filing medical grievances.

119. NMCD does not consult with objective medical experts in the review of medical grievances.

120. The decision of whether to substantiate a medical grievance is made by non-medical NMCD personnel.

121. Defendant Steve Madrid is instrumental in the denial of medical grievances.

122. NMCD's grievances practices lead directly to the medical neglect of inmates, including PLAINTIFF, and are a proximate cause of injuries related thereto.

COUNT I
MEDICAL MALPRACTICE AND NEGLIGENCE
(CENTURION DEFENDANTS)

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

124. In undertaking the diagnosis, care and treatment of PLAINTIFF, CENTURION, its 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.

125. CENTURION, its employees, staff and agents breached their duties and were

negligent in the management of PLAINTIFF's health and well-being.

126. CENTURION's negligence, errors, acts and omissions include, but are not limited to:

- a. Failure to establish, maintain and enforce infection control guidelines and standards;
- b. Failure to evaluate, treat and manage PLAINTIFF's medical condition.
- c. Failure to take the reasonable steps to acquire proper treatment of PLAINTIFF;
- d. Failure to refer PLAINTIFF to appropriate specialists;
- e. Failure to develop, employ, and follow appropriate policies and procedures with regard to the assessment, treatment, and management PLAINTIFF's medical condition.
- f. Failure to provide PLAINTIFF with necessary and proper pain management; and
- g. Failure to protect and preserve the health of PLAINTIFF.

127. As a direct and proximate result of the negligent acts and omissions CENTURION, its employees, staff and agents, PLAINTIFF 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.

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

**COUNT II
NEGLIGENCE
(NMCD DEFENDANTS)**

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

130. NMCD is solely responsible for the medical grievance process.

131. NMCD's routine destruction of medical grievances is a direct and proximate cause of injuries to Plaintiff.

132. NMCD's routine denial of medical grievances is a direct and proximate cause of injuries to Plaintiff.

133. NMCD is in charge of enforcement of the terms of the medical services contract which creates standards and obligations for Centurion's delivery of medical services.

134. NMCD has failed to enforce important provisions of the GSC which led directly to the gross medical neglect, intentional and deliberate withholding of medical care and the consequent harm to PLAINTIFF.

135. NMCD is solely responsible for the administration and enforcement of medical care standards in NMCD facilities.

136. NMCD determined not to enforce the NCCHC standards.

137. NMCD determined not to seek NCCHC accreditation for its facilities while Centurion was the medical provider

138. NMCD determined not to enforce the ACA standards.

139. NMCD allowed ACA accreditation for its facilities to lapse under the medical care of Centurion.

140. NMCD's indifference to national standards for the constitutionally acceptable medical care of inmates and NMCD's allowance of Centurion to provide services far below constitutional standards led directly to the gross medical neglect, intentional and deliberate withholding of medical care and the consequent harm to PLAINTIFF.

141. NMCD 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.

142. As evidenced by seven (7) concurrent osteomyelitis cases, four of which occurred

at NWNMCF, prisoners incarcerated at NWNMCF face an elevated risk of harm from infection.

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

144. NMCD maintains clinical oversight of its contractor's medical decision-making and health services operation.

145. NMCD must enforce the GSC and/or terminate independent contractors if the care provided does not meet NMCD, ACA or NCCHC standards or constitutional definitions of adequate health care.

146. NMCD did not enforce the GSC or take proper enforcement actions against CENTURION, resulting in inadequate healthcare to its inmates.

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

**COUNT III
NEGLIGENCE
(All Defendants)**

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

149. NMCD DEFENDANTS negligently failed to oversee CENTURION in the provision of medical care to NMCD inmates, which contributed to PLAINTIFF's injuries.

150. NMCD DEFENDANTS failed to take corrective action against CENTURION in clear face of recurrent and consistent negligent and reckless medical care to NMCD inmates, which contributed to PLAINTIFF's injuries.

151. NMCD and CENTURION are entrusted with the medical care of New Mexico

inmates who have no other source of medical care.

152. CENTURION's medical staff at NWNMCF lacked sufficient expertise to assess, treat and manage PLAINTIFF's health conditions.

153. CENTURION has a duty under the GSC, ACA and NCCHC to properly refer PLAINTIFF to be seen by a physician who could effectively treat him.

154. NMCD DEFENDANTS negligently failed to enforce critical terms of the GSC, including but not limited to, failure to compel NWNMCF and/or CENTURION to obtain accreditation by the ACA and NCCHC which contributed to PLAINTIFF's injuries.

155. NMCD DEFENDANTS negligently failed to ensure that CENTURION hire, train and supervise its medical providers, staff, employees and agents.

156. NMCD DEFENDANTS negligently failed to ensure that CENTURION hire competent medical providers, employees, staff and agents.

157. NMCD DEFENDANTS negligently, intentionally and knowingly interfered in the inmate grievance process with a pattern and practice of routine denial of medical grievances without due consideration of the facts and circumstances of the grievances, which contributed to PLAINTIFF's injuries.

158. NMCD DEFENDANTS negligently failed to hold CENTURION to standards and guidelines of the ACA or NCCHC.

159. NMCD DEFENDANTS negligently failed to hold CENTURION to the medical standard of care established under New Mexico law, which contributed to PLAINTIFF's injuries.

160. NMCD DEFENDANTS negligently failed to establish or enforce any standards at all for CENTURION's provision of proper, necessary and competent medical care to NMCD inmates.

161. NMCD has a duty to operate NWNMCF in a safe and reasonably prudent manner.

162. This duty includes following and enforcing NMCD procedures in place to protect inmates' health and their access to healthcare.

163. As evidenced by seven (7) concurrent osteomyelitis cases, four of which occurred at NWNMCF, prisoners incarcerated at NWNMCF face an elevated risk of harm from infection.

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

165. NMCD has not addressed this increased risk of harm, even though NMCD policies and procedures explicitly provide for the care of inmates in need of medical treatment.

166. As such, NMCD has negligently operated NWNMCF, a public facility in which it incarcerated New Mexicans.

167. NMCD has created a risk to all inmates at NWNMCF, as all inmates are owed adequate healthcare.

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

COUNT IV
NEGLIGENT OPERATION OF A MEDICAL FACILITY
(CENTURION DEFENDANTS)

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

170. CENTURION is entrusted with the medical care of inmates who have no other source of medical care by contract with the State of New Mexico and NMCD.

171. CENTURION employees, staff and agents were unqualified to care for Plaintiff

Jaramillo, and yet refused to refer PLAINTIFF to specialists.

172. CENTURION DEFENDANTS were negligent in failing to properly assess, treat and manage PLAINTIFF's diabetes, pressure sore, osteomyelitis, sepsis and related health conditions.

173. CENTURION DEFENDANTS were negligent in failing to properly refer PLAINTIFF to be seen by a physician who could effectively treat PLAINTIFF.

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

175. CENTURION DEFENDANTS failed to properly address PLAINTIFF's medical condition.

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

177. Such conduct amounts to negligence in the treatment of PLAINTIFF.

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

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

180. 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 PLAINTIFF's multiple medical conditions, including the diabetes, pressure sore, osteomyelitis, sepsis, and related health conditions.

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

182. CENTURION has never sought, obtained or maintained either ACA or NCCHC accreditation for the medical facilities and services at NWNMCF as required by the GSC.

183. CENTURION does not comply with ACA, NCCHC or New Mexico standards of healthcare.

184. As a result of the foregoing, PLAINTIFF 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.

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

COUNT V
NEGLIGENT OPERATION OF A MEDICAL FACILITY
(NMCD DEFENDANTS)

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

187. NMCD has authority over all NMCD correctional facilities, including NWNMCF.

188. NMCD has authority and control over the operation of all medical facilities within NMCD correctional facilities, including those within NWNMCF.

189. NMCD is the contracting party to the GSC entered into between NMCD and CENTURION on June 1, 2016.

190. NMCD has sole authority, control and responsibility over the execution,

implementation and enforcement of the GSC.

191. NMCD has allowed numerous serious breaches and violations of the GSC, ACA and NCCHC that led to the medical neglect of PLAINTIFF.

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

193. CENTURION's medical staff at NWNMCF lacked sufficient expertise to assess, treat and manage PLAINTIFF's health conditions.

194. CENTURION has a duty under the GSC, ACA and NCCHC to properly refer PLAINTIFF to be seen by a physician who could effectively treat him.

195. NMCD DEFENDANTS refused or otherwise failed to enforce these provisions of the GSC, ACA and NCCHC.

196. NMCD DEFENDANTS knew that CENTURION was not abiding by the terms of the GSC, ACA and NCCHC.

197. NMCD DEFENDANTS knew that CENTURION was not properly and adequately treating PLAINTIFF's medical condition.

198. NMCD DEFENDANTS knew that CENTURION was not referring PLAINTIFF to outside medical healthcare providers who could effectively and prudently treat him.

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

200. Such conduct amounts to negligence in the treatment of PLAINTIFF.

201. The actions of NMCD were negligent, willful, wanton, and in gross and reckless disregard for PLAINTIFF's well-being.

202. NMCD DEFENDANTS have knowingly allowed, aided and abetted in CENTURION's failure to obtain and maintain ACA and NCCHC accreditation.

203. CENTURION has violated numerous provisions of ACA and NCCHC.

204. NMCD DEFENDANTS have taken no action to correct these violations or otherwise hold CENTURION to ACA, NCCHC or New Mexico medical standards of care.

205. NMCD DEFENDANTS have been complicit in the failure to adhere to the basic constitutional correctional health care set forth by the NCCHC through NMCD's failure to enforce the GSC.

206. NMCD DEFENDANTS have knowingly allowed and been complicit in the violation of the ACA and NCCHC minimum mandatory standards.

207. NMCD DEFENDANTS have failed to properly maintain oversight and enforcement of the GSC.

208. NMCD DEFENDANTS have failed to enforce the following provisions of the GSC:

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 NCCHC accreditation and compliance.

209. NMCD 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.

210. As evidenced by seven (7) concurrent osteomyelitis cases, four of which occurred at NWNMCF, prisoners incarcerated at NWNMCF face an elevated risk of harm from infection.

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

212. NMCD maintains clinical oversight of its contractor's medical decision-making

and health services operation.

213. NMCD must enforce the GSC and/or terminate independent contractors if the care provided does not meet NMCD, ACA or NCCHC standards or constitutional definitions of adequate health care.

214. NMCD did not enforce the GSC or take proper enforcement actions against CENTURION, resulting in inadequate healthcare to its inmates.

215. The failures of NMCD DEFENDANTS led to serious and permanent harm to PLAINTIFF.

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

COUNT VI
NEGLIGENT HIRING, TRAINING AND SUPERVISION
(CENTURION DEFENDANTS and MHM DEFENDANTS)

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

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

219. 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 PLAINTIFF's diabetes and related health conditions

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

221. CENTURION is bound by the GSC to obtain and maintain American

Correctional Association (ACA) and National Commission on Correctional Health Care (NCCHC) accreditation under the terms of the GSC.

222. CENTURION has not established any standards for medical care.

223. CENTURION has not trained or supervised its employees, staff and agents in any standards of medical care.

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

225. CENTURION and MHM's negligent hiring, training and supervision was willful, deliberate and in wanton disregard for the health and safety of PLAINTIFF.

226. PLAINTIFF 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.

227. PLAINTIFF is entitled to punitive damages against CENTURION and MHM.

**COUNT VII
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(CENTURION DEFENDANTS)**

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

229. CENTURION DEFENDANTS intentionally denied PLAINTIFF proper and necessary medical care for his diabetes.

230. CENTURION DEFENDANTS failed to take action to provide proper medical care despite numerous sick calls and/or grievances thereon.

231. CENTURION DEFENDANTS retaliated against PLAINTIFF for seeking the

advice of counsel by taking his wheelchair away immediately following a visit with his attorney who photographed his worsening condition.

232. The conduct of CENTURION DEFENDANTS was extreme, outrageous and intentional.

233. PLAINTIFF suffered severe emotional distress as a result of the conduct of Defendants.

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

COUNT VIII
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(CORECIVIC)

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

236. CORECIVIC retaliated against PLAINTIFF for seeking the advice of counsel by taking his wheelchair away immediately following a visit with his attorney who photographed his worsening condition.

237. CORECIVIC retaliated against PLAINTIFF in conspiracy with CENTURION DEFENDANTS.

238. The conduct of CENTURION DEFENDANTS was extreme, outrageous and intentional.

239. PLAINTIFF suffered severe emotional distress as a result of the conduct of Defendants.

240. As a result of the foregoing, PLAINTIFF has suffered serious and permanent

physical injuries, pain and suffering, and severe psychological and emotional distress, for which PLAINTIFF is entitled to damages, including punitive damages.

COUNT IX
NEGLIGENCE *PER SE*
(CENTURION, MHMHP and CORECIVIC)

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

242. NMSA § 33-2-1 states that “The corrections division [corrections department] shall adopt such rules concerning all prisoners committed to the penitentiary as shall best accomplish their confinement and rehabilitation.”

243. By the terms of the GSC, ACA and NCCHC standards were to be adopted by NMCD and CENTURION in addition to internal NMCD regulations.

244. NMCD DEFENDANTS and CENTURION DEFENDANTS knowingly and willfully chose not to abide by the ACA or NCCHC standards of care for the medical services and facilities at NMCD correctional facilities.

245. CENTURION DEFENDANTS’ multiple and persistent violations of mandatory medical care standards in the care of PLAINTIFF were willful, deliberate and in wanton disregard for the health and safety of PLAINTIFF for which punitive damages are appropriate.

COUNT X
CIVIL CONSPIRACY
(All Defendants)

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

247. The facts illustrated above show a conspiracy on the part of

NMCD DEFENDANTS, CENTURION DEFENDANTS and CORECIVIC DEFENDANTS to deny PLAINTIFF necessary, proper and constitutionally minimal medical care.

248. As a result of said conspiracy, PLAINTIFF suffered, and continues to suffer, severe physical and emotional distress as a result of the conduct of NMCD DEFENDANTS, CENTURION DEFENDANTS and CORECIVIC DEFENDANTS.

249. PLAINTIFF 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.

250. PLAINTIFF is entitled to damages, including punitive damages, against CENTURION, MHM AND CORECIVIC DEFENDANTS.

251. There is no Tort Claims Act waiver for civil conspiracy for NMCD.

252. PLAINTIFF is entitled to punitive damages against CENTURION, MHM AND CORECIVIC DEFENDANTS.

**COUNT XI
CIVIL CONSPIRACY
(CORECIVIC)**

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

254. The facts illustrated above show a conspiracy on the part of CENTURION DEFENDANTS and CORECIVIC to retaliate against PLAINTIFF for reporting the worsening condition of his foot while in the custody of NWNMCF which is operated by CORECIVIC.

255. The facts illustrated above show a conspiracy on the part of CENTURION DEFENDANTS and CORECIVIC to retaliate against PLAINTIFF for having

his foot photographed by his attorney while in the custody of NWNMCF which is operated by CORECIVIC.

256. PLAINTIFF 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.

257. PLAINTIFF is entitled to punitive damages against CORECIVIC DEFENDANTS.

COUNT XII
RESPONDEAT SUPERIOR AND AGENCY
(CENTURION DEFENDANTS and MHM DEFENDANTS)

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

259. CENTURION is responsible to PLAINTIFF under the doctrine of *respondeat superior* for the conduct of its employees, staff and agents.

260. CENTURION is responsible to PLAINTIFF under the doctrine of agency for the conduct of its employees, staff and agents.

COUNT XIII
RESPONDEAT SUPERIOR AND AGENCY
(NMCD)

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

262. NMCD is responsible to PLAINTIFF under the doctrine of *respondeat superior* for the conduct of its employees, staff and agents.

263. NMCD is responsible to PLAINTIFF under the doctrine of agency for the conduct of its employees, staff and agents.

COUNT XIV
RES IPSA LOQUITUR
(CENTURION DEFENDANTS and MHMHP DEFENDANTS)

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

265. The injuries and damages suffered by PLAINTIFF were proximately caused by wanton, willful and reckless actions and inactions CENTURION DEFENDANTS and NMCD DEFENDANTS.

266. It was CENTURION's responsibility to manage and control their medical staff and the care and treatment of PLAINTIFF.

267. The events causing the injuries and damages to PLAINTIFF were of a kind which would not ordinarily occur in the absence of negligence on the part of CENTURION DEFENDANTS.

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

269. PLAINTIFF 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.

270. PLAINTIFF is entitled to punitive damages against CENTURION and MHM DEFENDANTS.

COUNT XV
PUNITIVE DAMAGES
(CENTURION DEFENDANTS and MHM DEFENDANTS)

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

272. 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 PLAINTIFF, 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, Michael Jaramillo.

B. Compensatory damages against all Defendants, jointly and severally, in an amount to be determined by this Court as adequate for Core Civic, MHMHP 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.

/s/ *Parrish Collins*

Parrish Collins

P. O. Box 506

Albuquerque, NM 87103

(505) 242-5958

parrish@collinsattorneys.com

-and-

GUEBERT BRUCKNER GENTILE, P.C.

/s/ *David S. Ketai*

Terry R. Guebert

Robert Gentile

David S. Ketai

P. O. Box 93880

Albuquerque, NM 87199

(505) 242-5958

tguebert@guebertlaw.com

rgentile@guebertlaw.com

dketai@guebertlaw.com

Attorneys for Plaintiff

EXHIBIT 1















EXHIBIT 2

From: Parrish Collins
Sent: Wednesday, August 15, 2018 10:22 AM
To: apark@parklawnm.com
Cc: Guy Gambill; Kelly Vincioni; Parrish Collins
Subject: Michael Jaramillo - Inmate NWNMCF - Failure to Treat Diabetes
Attachments: 100_0448.jpg; 100_0449.jpg; 100_0442.jpg; 100_0443.jpg; 100_0444.jpg; 100_0445.jpg; 100_0446.jpg

Hey Al,

There is problem brewing for Centurion at NWNMCF. My client, Michael Jaramillo, is having very serious diabetic issues in his legs and feet. He has already lost part of his big toe while in the care of Centurion. They continue to neglect his care as his feet grow worse. I've attached some pictures that seem self-explanatory. He is very worried about losing his foot due to the ongoing medical neglect. He has filed numerous grievances which have according to him been ignored. I am hoping that you can intervene to encourage Centurion to provide the medical care that he needs so he does not lose any more body parts while in the care of Centurion.

Please let me know if I need to send this directly to someone at Centurion.

Thanks in advance for any assistance that you can provide to prevent further harm to Michael.

Parrish Collins
Collins & Collins, P.C.
(505) 242-5958

EXHIBIT 3

From: Parrish Collins
Sent: Monday, August 27, 2018 10:50 AM
To: apark@parklawnm.com
Cc: Parrish Collins; Geoffrey White ; Guy Gambill; Jennifer Ertsgaard ; Kelly Vincioni; Parrish Collins
Subject: FW: Michael Jaramillo - Inmate NWNMCF - Failure to Treat Diabetes
Attachments: 100_0448.jpg; 100_0449.jpg; 100_0442.jpg; 100_0443.jpg; 100_0444.jpg; 100_0445.jpg; 100_0446.jpg

Importance: High

Hello Al,

I'm not sure if you have seen the email below. Since I sent the email, Centurion took Mr. Jaramillo's wheelchair from him. I assume this was in retaliation for my visit. I trust it was not a result of my email to you which I assume you forwarded to your client.

In any event, I would appreciate your intervention for the protection of Mr. Jaramillo's health. Please call me if you would like to discuss this directly.

Thank you.

Parrish Collins
Collins & Collins, P.C.
(505) 242-5958

From: Parrish Collins
Sent: Wednesday, August 15, 2018 10:22 AM
To: apark@parklawnm.com
Cc: Guy Gambill <guy@collinsattorneys.com>; Kelly Vincioni <kelly@collinsattorneys.com>; Parrish Collins <parrish@collinsattorneys.com>
Subject: Michael Jaramillo - Inmate NWNMCF - Failure to Treat Diabetes

Hey Al,

There is a problem brewing for Centurion at NWNMCF. My client, Michael Jaramillo, is having very serious diabetic issues in his legs and feet. He has already lost part of his big toe while in the care of Centurion. They continue to neglect his care as his feet grow worse. I've attached some pictures that seem self-explanatory. He is very worried about losing his foot due to the ongoing medical neglect. He has filed numerous grievances which have according to him been ignored. I am hoping that you can intervene to encourage Centurion to provide the medical care that he needs so he does not lose any more body parts while in the care of Centurion.

Please let me know if I need to send this directly to someone at Centurion.

Thanks in advance for any assistance that you can provide to prevent further harm to Michael.

Parrish Collins
Collins & Collins, P.C.