

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet

Delaware

County

For Prothonotary Use Only:

Docket No:

TIME STAMP

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- Complaint
 Writ of Summons
 Petition
 Transfer from Another Jurisdiction
 Declaration of Taking

Lead Plaintiff's Name:

AHMIRH NORTHERN

Lead Defendant's Name:

Delaware County d/b/a George W. Hill Correctional Facil

Are money damages requested? Yes No

Dollar Amount Requested: within arbitration limits
(check one) outside arbitration limits

Is this a *Class Action Suit*? Yes No

Is this an *MDJ Appeal*? Yes No

Name of Plaintiff/Appellant's Attorney: Gary Schafkopf Esq / David A. Berlin Esq / Matthew B. Weisberg Esq

Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- Intentional
 Malicious Prosecution
 Motor Vehicle
 Nuisance
 Premises Liability
 Product Liability (*does not include mass tort*)
 Slander/Libel/ Defamation
 Other:
 Civil Rights Violation

CONTRACT (do not include Judgments)

- Buyer Plaintiff
 Debt Collection: Credit Card
 Debt Collection: Other

 Employment Dispute:
 Discrimination
 Employment Dispute: Other

 Other:

CIVIL APPEALS

- Administrative Agencies
 Board of Assessment
 Board of Elections
 Dept. of Transportation
 Statutory Appeal: Other

 Zoning Board
 Other:

MASS TORT

- Asbestos
 Tobacco
 Toxic Tort - DES
 Toxic Tort - Implant
 Toxic Waste
 Other:

REAL PROPERTY

- Ejectment
 Eminent Domain/Condemnation
 Ground Rent
 Landlord/Tenant Dispute
 Mortgage Foreclosure: Residential
 Mortgage Foreclosure: Commercial
 Partition
 Quiet Title
 Other:

MISCELLANEOUS

- Common Law/Statutory Arbitration
 Declaratory Judgment
 Mandamus
 Non-Domestic Relations
 Restraining Order
 Quo Warranto
 Replevin
 Other:

PROFESSIONAL LIABILITY

- Dental
 Legal
 Medical
 Other Professional:

WEISBERG LAW
David A. Berlin, Esquire
PA Attorney Id. No. 314400
Matthew B. Weisberg, Attorney ID No. 85570
7 South Morton Ave.
Morton, PA 19070
610-690-0801
Fax: 610-690-0880
Attorney for Plaintiff

SCHAFKOPF LAW LLC
Gary Schafkopf, Attorney ID No. 83362
11 Bala Ave
Bala Cynwyd, PA 19004
610-664-5200 Ext 104
Fax: 888-283-1334
Attorney for Plaintiff

AHMIRH NORTHERN

Inmate No. 20004699
500 Cheyney Rd
Thornton, PA 19373

Plaintiff

v.

**DELAWARE COUNTY D/B/A
GEORGE W. HILL
CORRECTIONAL FACILITY**

500 Cheyney Rd
Thornton, PA 19373

and

LAURA K. WILLIAMS

Individually and in her official capacity as
Warden
500 Cheyney Rd
Thornton, PA 19373

and

DELE FALY

Individually and in his official capacity as
Deputy Warden of Programs and Support
500 Cheyney Rd
Thornton, PA 19373

and

LISA MASTRODDI

Individually and in her official capacity as
Deputy Warden of Operations and
Administration

:
: DELAWARE COUNTY COURT OF
: COMMON PLEAS

:
: No.

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500 Cheyney Rd
Thornton, PA 19373

and

MR. MINA

Individually and in his official capacity as
Correctional Officer
500 Cheyney Rd
Thornton, PA 19373

and

SERGEANT COLEMAN

Individually and in his official capacity as
Chief of Security
500 Cheyney Rd
Thornton, PA 19373

and

JESSAMINE HEALTHCARE, INC.

3340 Perimeter Hill Drive
Nashville, TN 37211

and

JESSAMINE HEALTHCARE, INC.

d/b/a

**CORRECT CARE SOLUTIONS, LLC/
WELLPATH, LLC**

3340 Perimeter Hill Drive
Nashville, TN 37211

and

**CORRECT CARE SOLUTIONS, LLC/
WELLPATH, LLC**

3340 Perimeter Hill Drive
Nashville, TN 37211

Defendants.

NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Delaware County Bar Association
335 W Front St
Media, PA 19063
(610) 566-6625

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas ex-puestas en las paginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

USTED LE DEBE TOMAR ESTE PAPEL A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE A UN ABOGADO, VA A O TELEFONEA LA OFICINA EXPUSO ABAJO. ESTA OFICINA LO PUEDE PROPORCIONAR CON INFORMACION ACERCA DE EMPLEAR A UN ABOGADO. SI USTED NO PUEDE PROPORCIONAR PARA EMPLEAR UN ABOGADO, ESTA OFICINA PUEDE SER CAPAZ DE PROPORCIONARLO CON INFORMACION ACERCA DE LAS AGENCIAS QUE PUEDEN OFRECER LOS SERVICIOS LEGALES A PERSONAS ELEGIBLES EN UN HONORARIO REDUCIDO NI NINGUN HONORARIO.

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Plaintiff

v.

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Individually and in her official capacity as
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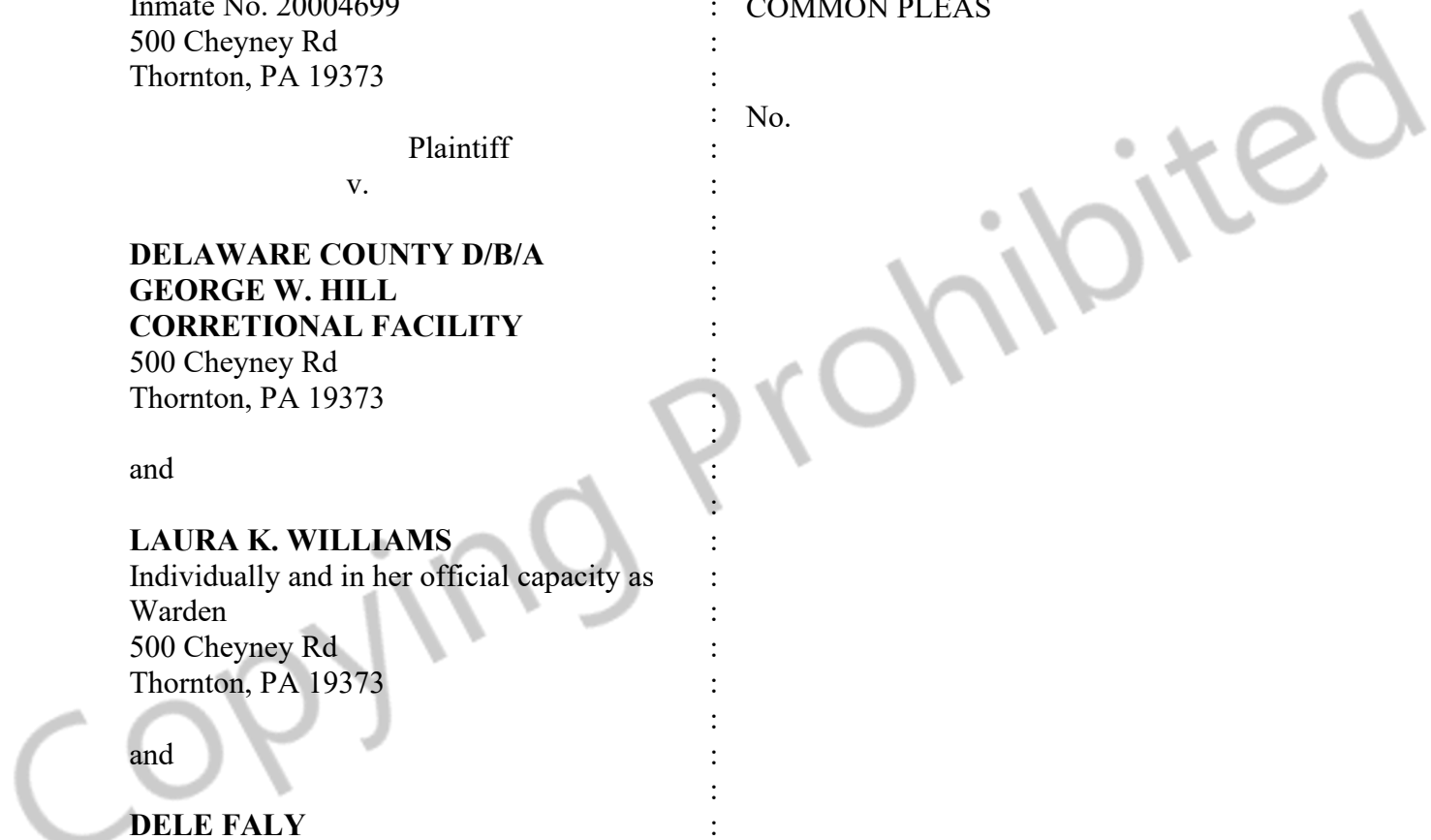
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LISA MASTRODDI

Individually and in her official capacity as
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and

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3340 Perimeter Hill Drive
Nashville, TN 37211

Defendants.

CIVIL ACTION COMPLAINT

1. Plaintiff, Ahmirh Northern, is an adult male, currently in custody at the Delaware County d/b/a George W. Hill Correctional Facility, inmate number 19009149. At all times material, Plaintiff was incarcerated at George W. Hill Correctional.
2. Defendant, Delaware County d/b/a George W. Hill Correctional Facility (“George W. Hill”), is a prison that, at all times material herein, acted in its official capacity.
3. Defendant, Laura K. Williams (“Williams”), is an adult individual who, at all times material herein, acted individually and in her official capacity as Warden at George W. Hill Correctional Facility.
4. Defendant, Dele Faly (“Faly”), is an adult individual who, at all times material herein, acted individually and in his official capacity as Deputy Warden of Security at George W. Hill Correctional Facility.
5. Defendant, Lisa Mastroddi (“Mastroddi”), is an adult individual who, at all times material herein, acted individually and in her official capacity as Deputy Warden of Operations and Administration at George W. Hill Correctional Facility.
6. Defendant, Mr. Mina (“Mina”), whose first name is currently unknown, is an adult individual who, at all times material herein, acted individually and in his official capacity as Correctional Officer at George W. Hill Correctional Facility.
7. Defendant, Sergeant Coleman (“Coleman”), whose first name is currently unknown, is an adult individual who, at all times material herein, acted individually and in his official capacity as Chief of Security at George W. Hill Correctional Facility.
8. Defendant Jessamine Healthcare Inc. d/b/a Wellpath LLC, formerly known as Correct Care Solutions, LLC, (collectively “Wellpath”) are Pennsylvania limited liability, for profit

corporations doing business at all times pertinent to this Complaint, inter alia, at the above facility in Delaware County. At all times material to the allegations of this Complaint Wellpath, a vendor, contracted with the DOC for the provision of medical and health services, and was responsible for providing prison health services and appropriate and timely care and treatment to inmates, and generally protecting the medical welfare of inmates at various facilities in Pennsylvania, including at all the state correctional institutes, where plaintiff has been housed.

JURISDICTION AND VENUE

9. The above paragraphs are incorporated herein by reference.
10. Jurisdiction in this Honorable Court is based on federal question 28 U.S.C. §1331; supplemental jurisdiction over state law claims is granted by 28 U.S.C. §1367.
11. Venue is proper in the District of Pennsylvania, as the facts and transactions involved herein occurred in large part in this judicial district in Delaware County.

OPERATIVE FACTS

12. The above paragraphs are incorporated herein by reference.
13. On or about October 12, 2021, Plaintiff was an inmate at George W. Hill Correctional Facility. Plaintiff was in solitary confinement for getting into an altercation with two inmates. The other inmates were also in solitary confinement for the altercation.
14. On or around October 12, 2021, Defendant, Mina, was assisting with the transfer of Plaintiff to a court hearing.
15. While Plaintiff was unhandcuffed and out of his cell waiting to be transferred, Defendant, Mina, improperly opened two inmate cells. These inmates were the same inmates involved in the previous altercation with Plaintiff.

16. As Defendant, Mina, opened the door to the inmate cells, both men rushed out and attacked Plaintiff.
17. Plaintiff was stomped on, kicked multiple times on his ankle, and punched repeatedly in the face and entire body.
18. It is standard procedure in solitary confinement for every inmate to be handcuffed prior to opening the cell doors through a slot in the door.
19. It is standard procedure in solitary confinement for every inmate to be handcuffed when they exit their cell. Neither Plaintiff, nor the two other inmates, were handcuffed at the time.
20. Upon information and belief, Defendant, Mina, knew or should have known about the previous altercation with Plaintiff and the two inmates and should have protected Plaintiff.
21. Following the incident, Plaintiff went to medical for his injuries and simply received alcohol pads, gauze, and some pain relief medication.
22. The following day, Plaintiff woke up with intense swelling of his ankle and soreness throughout his body. Plaintiff also had extreme pain in his right calf and his nose was bleeding.
23. Plaintiff continues to suffer from his injuries that occurred on October 12, 2021. Plaintiff still suffers from ankle pain and is unable to properly move around. Plaintiff also has intense frequent headaches and has nightmares of being attacked again.
24. Plaintiff has suffered and continues to suffer severe physical and emotional distress as a result of Defendants' conduct.

COUNT I.

Violation-Failure To Protect/Failure To Keep Safe/ Cruel And Unusual Punishment

VIOLATIONS OF 4th, 8th, And 14th AMENDMENTS
Plaintiff V. All Defendants

25. The above paragraphs are incorporated herein by reference.
26. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.
27. Defendants failed to protect and provide the appropriate medical care to Plaintiff.
28. Defendants failed to protect and provide reasonable holding cell conditions.
29. Defendants' actions stated above, inter alia, were violations of Plaintiff's clearly establish and well settled Constitutional and other legal rights.
30. Defendants caused Plaintiff to suffer cruel and unusual punishment in violation of the Fourth, Eighth and Fourteenth Amendments of the United States Constitution, actionable through 42 U.S.C. §1983, et seq.

WHEREFORE, Plaintiff demands judgment in their favor and against Defendant, individually, jointly and/or severally, in an amount in excess of fifty thousand dollars (\$50,000.00), including punitive damages, and further relief as this Honorable Court deems necessary and just, including attorney's fees and costs.

COUNT II.

Negligence

***Plaintiff v. Defendants, Williams, Faly, Mastroddi,
Mina, Coleman***

31. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.
32. At all times material, Defendants breached their duty of care to Plaintiff, acting negligently, recklessly, and carelessly, and in the following regards, respectively:
 - a. Failing to properly provide a safe environment for all inmates;

- b. Failing to protect the well-being of inmates;
- c. Other conduct that deviated from the applicable standard of care.

33. As a direct and proximate result of Defendants' negligence, carelessness and recklessness, Plaintiff suffered actual loss.

WHEREFORE, Plaintiff demands judgment in their favor and against Defendants, individually, jointly and/or severally, in an amount in excess of fifty thousand dollars (\$50,000.00), including punitive damages, and further relief as this Honorable Court deems necessary and just, including attorney's fees and costs.

COUNT III
Negligence
Plaintiff v. Defendants Wellpath

34. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.

35. At all times material, Defendants breached their duty of care to Plaintiff, acting negligently, recklessly, and carelessly, and in the following regards, respectively:

- a. Failing to provide Plaintiff with proper medical care;
- b. Failing to provide Plaintiff with the proper accommodations for his medical needs;
- c. Other conduct that deviated from the applicable standard of care.

36. As a direct and proximate result of Defendants' negligence, carelessness and recklessness, Plaintiff suffered actual loss.

WHEREFORE, Plaintiff demands judgment in their favor and against Defendants, individually, jointly and/or severally, in an amount in excess of fifty thousand dollars (\$50,000.00),

including punitive damages, and further relief as this Honorable Court deems necessary and just, including attorney's fees and costs.

Respectfully Submitted,

WEISBERG LAW

/s/ David Berlin
David Berlin, Esquire
Matthew B. Weisberg, Esquire

SCHAFKOPF LAW LLC

/s/ Gary Schafkopf
Gary Schafkopf, Esquire

DATED: August 19, 2022

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VERIFICATION

I, David Berlin Esquire, hereby verifies that I am counsel for Plaintiff, **AHMIRH NORTHERN** and herein states that the statements in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information and belief. I am making this verification on behalf of Plaintiff, **AHMIRH NORTHERN** I acknowledge that the foregoing Verification is made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

/s/ David Berlin
DAVID BERLIN, ESQUIRE

Dated: 8-19-22

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