

CASE NO.
CV15845471

D1 HAND

SUMMONS NO.
26117458

Rule 4 (B) Ohio

Rules of Civil
Procedure

SUMMONS

Received

MAY 14 2015

Law Dept.

CAMERON NORTH
VS
CUYAHOGA COUNTY, ET AL.

PLAINTIFF

DEFENDANT

CUYAHOGA COUNTY
C/O DEPARTMENT OF LAW
2079 EAST NINTH STREET
CLEVELAND OH. 44115

You have been named defendant in a complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.

You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.

Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)

Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.

If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.

Said answer is required to be served on:



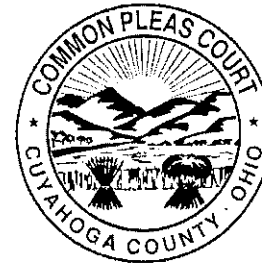
Plaintiff's Attorney

TERRY H GILBERT
55 PUBLIC SQUARE, SUITE 1055
CLEVELAND, OH 44113-0000

Case has been assigned to Judge:

ROBERT C MCCLELLAND
Do not contact judge. Judge's name is given for attorney's reference only.

NAILAH K. BYRD
Clerk of the Court of Common Pleas



DATE
May 13, 2015

By

Deputy

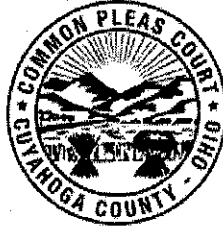
COMPLAINT FILED 05/12/2015



The above named party hereby waives service of summons and complaint by certified mail per waiver located in the clerk's minute book at MB 13 000001. In lieu of service by certified mail, I received a copy of the summons and complaint in the above captioned case at the address noted in the complaint, or per instructions, on _____, 20____.

Print Name

Signature



NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Common Pleas

New Case Electronically Filed:
May 12, 2015 15:30

By: TERRY H. GILBERT 0021948

Confirmation Nbr. 438271

CAMERON NORTH

VS.

CUYAHOGA COUNTY, ET AL.

CV 15 845471

Judge:

ROBERT C. MCCLELLAND

Pages Filed: 16

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

CAMERON NORTH,
12828 Littleton Road
Garfield Heights, OH 44125,

Plaintiff,

v.

CUYAHOGA COUNTY,
c/o DEPARTMENT OF LAW
2079 East Ninth Street
Cleveland, OH 44115,

-and-

JOHN DOE
FORMER MEDICAL DIRECTOR,
CUYAHOGA COUNTY JAIL,
c/o DEPARTMENT OF LAW
2079 East Ninth Street
Cleveland, OH 44115,

-and-

UNNAMED CORRECTIONAL OFFICERS,
CUYAHOGA COUNTY JAIL,
c/o DEPARTMENT OF LAW
2079 East Ninth Street
Cleveland, OH 44115,

-and-

Judge: ROBERT C MCCLELLAND

CV 15 845471

COMPLAINT

(Jury Demand Endorsed Hereon)

UNNAMED DOCTORS,
CUYAHOGA COUNTY JAIL,
c/o DEPARTMENT OF LAW
2079 East Ninth Street
Cleveland, OH 44115,

-and-

UNNAMED NURSES,
CUYAHOGA COUNTY JAIL,
c/o DEPARTMENT OF LAW
2079 East Ninth Street
Cleveland, OH 44115,

Defendants.

INTRODUCTION

1. This case seeks damages arising out of injuries suffered by Plaintiff Cameron North while in the custody of the Cuyahoga County Correctional Center on May 13, 2013. On that day, Cameron North suffered a tragic and preventable stroke which permanently disabled him. The stroke was due to untreated Endocarditis, which also caused an aneurism, required open heart surgery, and causes ongoing pain and suffering. These injuries are the result of Defendants' willful, wanton, and reckless conduct and unconstitutional deliberate indifference to Plaintiff's serious medical needs.

2. Defendants Unnamed Corrections Officers, Nurses, and Doctors displayed a deliberate indifference to the serious medical needs of Cameron North. The actions and omissions of these Defendants are both the actual and proximate cause of injuries to Cameron North.

3. Further, Plaintiff seeks damages against Defendant John Doe, former Medical Director for the Cuyahoga County Corrections Center ("jail" or "jail facility" or "county jail"), for providing constitutionally inadequate medical and health service at the Jail, and for failing to

adequately supervise, train, and institute adequate policies and procedures for jail staff on the provision of and access to medical care for inmates at the jail facility, and for breaching his duty of reasonable care.

4. Plaintiff also jointly and severally seeks damages against Defendant Cuyahoga County for failing to adequately supervise, train, and institute adequate policies and procedures for jail staff on the provision of and access to medical care for inmates at its jail facility.

5. Plaintiff seeks compensatory and punitive damages under federal and state law claims against the Defendants. The Plaintiff also seeks declaratory and injunctive relief, attorney fees, costs, and other relief.

JURISDICTION AND VENUE

6. The Court has jurisdiction over this action pursuant to both state and federal claims. The amount in controversy, exclusive of interests and costs, exceeds the jurisdictional amount. Venue is appropriate as this cause of action arose in Cuyahoga County.

7. Plaintiff seeks additionally damages pursuant to 42 U.S.C. Sections 1983 and 1988.

PARTIES

8. Plaintiff Cameron North is a citizen of the United States and of the State of Ohio, and a resident of Cuyahoga County.

9. Defendants Unnamed Correctional Officers, at all times relevant to this Complaint, were corrections officers for the Cuyahoga County Corrections Center. They are being sued individually and in their official capacities.

10. Defendants Unnamed Doctors, at all times relevant to this Complaint, were doctors for the Cuyahoga County Corrections Center. They are being sued individually and in their official capacities.

11. Defendants Unnamed Nurses, at all times relevant to this Complaint, were nurses for the Cuyahoga County Corrections Center. They are being sued individually and in their official capacities.

12. Defendant John Doe, former Medical Director, is being sued in his individual and official capacity because at times relevant to this Complaint, he was the Medical Director and a final policymaker responsible for his own actions and the actions of certain subordinate employees of the Cuyahoga County Corrections Center. At times relevant to this Complaint, he was also acting in an administrative capacity with respect to certain matters alleged in this Complaint, with regard to the provision of and access to medical care for inmates at the jail facility, and was responsible pursuant to Ohio Adm. Code 5120:1-8-09 for the health and medical wellbeing of inmates.

13. Defendant Cuyahoga County, at all times relevant to this Complaint, is the government entity of Cuyahoga County, Ohio, operated the Cuyahoga County Corrections Center, and is subject to governmental liability in connection with claims asserted in this Complaint.

14. At all times relevant hereto and in all their actions described herein, the Defendants acted under color of law and pursuant to their authority.

FACTS

15. In the spring of 2013, Plaintiff Cameron North was 20 years old. Despite some substance abuse issues, he was otherwise a healthy young man in February 2013 when he began serving an eight-month jail term at the Cuyahoga County Correctional Center related to a misdemeanor probation violation.

16. Non-violent offenders at the county jail may opt to obtain the status of "trustee," which allows those individuals to stay in a nicer pod in the jail in exchange for working in the jail during their detention.

17. Plaintiff Cameron North became a trustee and obtained a job in the kitchen.

18. In late April or early May of 2013, Plaintiff Cameron North's hand became red and swollen.

19. When Plaintiff's mother, Elizabeth North, visited him, he reported that others thought it was a bug bite, but in fact, there was no bite. Cameron looked ill and had dark circles under his eyes.

20. The same week, his grandparents, Jim and Mary Palumbo visited Plaintiff and also noticed the swollen hand and that Cameron looked pale and unwell.

21. Over the next few days, Plaintiff Cameron North developed an intense and excruciating pain in his side, just beneath his chest. The pain was like nothing Plaintiff had ever felt before. He felt like something very wrong but did not know what it was.

22. On the first day he developed this pain, Plaintiff Cameron North asked one of the Defendant Unnamed Correctional Officers working on his pod to visit the nurse.

23. The Defendant Unnamed Correctional Officer never arranged for Plaintiff Cameron North to visit the nurse. Unnamed Defendant Correctional Officer denied him access to medical care and failed to assist Plaintiff in obtaining access to treatment for his serious medical needs.

24. The next day, Plaintiff Cameron North spoke to another of the Defendant Unnamed Correctional Officers in the kitchen when he went to work, and asked again to go see the nurse. The Defendant Unnamed Correctional Officer did not send him to see the nurse.

25. Over the course of the next week, Plaintiff Cameron North continued to ask Defendant Unnamed Correctional Officers to go see the nurse for the severe and excruciating pain in his side.

26. This Defendant Unnamed Correctional Officer in the kitchen advised Plaintiff Cameron North that if he continued to ask to go to the nurse, his trustee status could be revoked and he could be returned to the general population.

27. Plaintiff Cameron North responded that the pain was so severe that he did not care about the possibility of losing his trustee status, and he just wanted to see the nurse.

28. The Unnamed Defendant Correctional Officer in the kitchen did not send Plaintiff to the Nurse, and denied Plaintiff access to medical care and failed to assist Plaintiff in obtaining access to treatment for his serious medical needs.

29. The pain in Plaintiff Cameron North's side continued for at least a week. During this period, in addition to his verbal requests to Unnamed Defendant Correctional Officers, Plaintiff Cameron North filled out at least one kite requesting to see the nurse.

30. Unnamed Defendant Correctional Officers continued to deny Plaintiff access to medical care and failed to assist Plaintiff in obtaining access to treatment for his serious medical needs.

31. In the intervening time, Plaintiff Cameron North's mother visited him at the jail, and he complained to her about the severe pain.

32. During the period of time that Plaintiff Cameron North suffered from this severe pain in his side, his mother called the jail at least a couple times and his grandmother called at least once. They spoke to someone named Sergeant Christopher, asking to please get Cameron in to see the doctor.

33. Finally, Plaintiff was sent to the nurse on Wednesday, May 8, 2013, more than a week after he initially complained about the pain to one of the Defendant Unnamed Correctional Officers.

34. While in the medical facility, Plaintiff Cameron North was examined by Defendant Unnamed Nurse(s) and Defendant Unnamed Doctor(s). Defendants Unnamed Nurse(s) and/or Doctor(s) gave Plaintiff Cameron North 400 mg of Ibuprofen for the pain, said he would have blood work done on Thursday May 9, 2013, with results to be available on Friday, May 10, 2013, and sent him back to the pod.

35. This examination was the one and only time Plaintiff Cameron North was permitted to access medical attention before he suffered a severe stroke.

36. On Thursday, May 9, 2013, Plaintiff Cameron North's grandparents visited him at the jail in the early afternoon. He still complained about the severe pain and looked pale. Cameron had not yet been taken in to see a doctor that day, nor had he been taken for blood tests.

37. In fact, during the course and development of his symptoms and pain, no one at the Cuyahoga County Correctional Center ever performed blood tests on Cameron or discussed the results of any blood tests with him on Friday or any date thereafter. Unnamed Defendants Doctor(s) and/or Nurse(s) and/or Correctional Officer(s) denied Plaintiff Cameron North access to medical care and failed to provide Plaintiff treatment for his serious medical needs.

38. For the entire duration of Plaintiff's symptoms, Defendants knew or should have known that Plaintiff Cameron North needed urgent access to medical care or needed medical attention.

39. At every turn, with the exception of his one brief visit to the medical facility many days after he began making repeated pleas for medical care, Defendants failed to provide Plaintiff Cameron North with access to medical care and medical treatment.

40. The pain persisted, and the following Monday, on May 13, 2013, Plaintiff Cameron North made a phone call to a friend.

41. While on the phone with this friend, Cameron's speech became slurred. He was feeling strange, and hung up the phone. A friend named Jay walked over to him and asked if he was okay. Cameron began to slump forward and Jay caught him.

42. Jay got the attention of a correctional officer and asked for emergency medical care for Plaintiff Cameron North.

43. The correctional officer rushed over with a wheelchair and ran Plaintiff Cameron North to the medical facility in the jail.

44. Jay quickly went to find a phone number for someone in Plaintiff Cameron North's family, and called his mother, Elizabeth North, at approximately 6:30 PM on May 13, 2013. Jay advised Elizabeth of what he had observed.

45. When he arrived in the medical facility, Defendants Unnamed Doctor(s) and/or Nurse(s) and/or Correctional Officer(s) asked Plaintiff Cameron North a series of questions, including asking him to lift his left arm. He could not lift his left arm.

46. Defendants Unnamed Doctor(s) and/or Nurse(s) and/or Correctional Officer(s) accused Plaintiff Cameron North of lying about his inability to lift his arm. He responded that if they thought he was lying, they should send him back to the pod because he was tired and wanted to sleep.

47. Someone called a supervisor, who instructed Defendants Unnamed Doctor(s) and/or Nurse(s) and/or Correctional Officer(s) to get Plaintiff Cameron North emergency medical treatment.

48. Plaintiff Cameron North was taken to MetroHealth Hospital.

49. Though the jail refused to answer her questions about what had happened to her son, a doctor from MetroHealth called Elizabeth North at approximately 12:30 AM on May 14, 2013, and told her that her son had suffered a severe stroke. Elizabeth North and her parents, Jim and Mary Palumbo, went to the hospital.

50. The next day, Plaintiff Cameron North was moved to the Cleveland Clinic, where he was treated for Endocarditis, which had caused his stroke. He also received physical therapy for the stroke. He was hospitalized at the Cleveland Clinic for a few weeks.

51. Plaintiff was then transferred to a nursing facility for continued physical therapy for a couple more weeks.

52. Plaintiff was then transferred back to the Cleveland Clinic, where it was discovered that he had suffered a brain aneurism, which required surgical intervention. He also had to undergo open heart surgery for a valve replacement related to the Endocarditis. Plaintiff Cameron North remained at the Cleveland Clinic until August 1, 2013.

53. Plaintiff Cameron North was intensive physical therapy following his stroke, at first with therapy seven days per week, then after the first few weeks passed, reduced to five times per week. When he eventually returned home, he remained in physical therapy for the next year, attending sessions twice per week.

54. Endocarditis is a treatable infection. When left untreated, Endocarditis has severe complications.

55. The consequences of Plaintiff's untreated Endocarditis and resultant stroke and other health emergencies left 20-year-old Plaintiff Cameron North permanently disabled.

56. Though he re-learned how to walk, Plaintiff Cameron North's walking is labored and uncomfortable, awkward, slow, and for any distance outside the house, the walking is also painful.

57. Further, the Endocarditis and resultant stroke caused Plaintiff Cameron North to lose the use of his left arm and hand completely.

58. Plaintiff Cameron North continues to seek regular medical care and physical therapy for the stroke and heart issues resulting from the untreated Endocarditis.

59. Plaintiff Cameron North also now suffers from ongoing emotional and psychological injuries, including anxiety and depression as a result of these events.

60. Ohio Administrative Code § 5120:1-8-09 requires that full-service jails like the Cuyahoga County Correctional Center "provide[] twenty-four-hour emergency medical, dental, and mental health care services," and that "[t]he jail shall ensure that there is a daily procedure whereby inmates have an opportunity to report medical and mental health complaints through health trained personnel, or for urgent matters, to any jail employee. The jail employee shall contact the appropriate medical or mental health department immediately." Further, medical complaints "shall be: (1) Addressed in a timely manner; (2) Recorded and maintained on file; (3) Reviewed daily by qualified health care personnel and treatment or follow-up shall be provided as necessary."

61. However, county jail personnel did not provide Plaintiff Cameron North with immediate access to emergency medical services, nor did any jail personnel contact "the appropriate medical ... department immediately" upon his complaints, nor were his complaints

“addressed in a timely manner,” and “review[] ... by qualified health care personnel and treatment or follow-up” was not provided as necessary, in contravention of Ohio law.

62. Defendant Cuyahoga County (“the County”) failed to properly train and supervise its employees, agents, and officers in following the prescriptive law and regulations through adequate policies and procedures regarding access to assessment and treatment of jail inmates’ medical health.

63. Defendant Cuyahoga County is also at fault for this tragedy, as the County failed to institute adequate policies and procedures to train and supervise correctional officers and correctional medical staff, including doctors and nurses, in order to ensure that officers complied with State and Constitutional standards for medical care and access to medical care.

64. The injuries suffered by Plaintiff Cameron North were all preventable, had Defendants provided Plaintiff with constitutionally adequate medical care and access to medical care and treatment.

65. The County’s failure to institute adequate policies and procedures and to train and supervise correctional officers and correctional medical staff, including doctors and nurses, is evident in the failure of multiple correctional officers, nurses, and doctors to provide Plaintiff Cameron North with constitutionally adequate medical care and access to medical care.

66. Defendant John Doe was employed as the Cuyahoga County Correctional Center Medical Director at the time of Plaintiff Cameron North’s detention, Endocarditis, and stroke in the jail. As Medical Director, he was obligated to provide a constitutionally and professionally adequate standard of medical care and treatment and overall health service at the Cuyahoga County Correctional Center.

67. Defendant John Doe owed Plaintiff Cameron North a duty of reasonable care in executing his administrative duties as Medical Director. Defendant John Doe failed to exercise reasonable care in instituting adequate policies and procedures, training, and supervising correctional officers and correctional medical staff, including doctors and nurses, to provide inmate medical care and access to medical care. As a direct and proximate result of such failing, Plaintiff's serious medical needs were left untreated and he suffered a severe and permanently disabling stroke, had an aneurism, and required open heart surgery, among other injuries.

68. In contravention of state law and constitutional standards, Defendants, despite having actual and/or constructive knowledge of Plaintiff's serious medical needs, failed to provide him with adequate medical care and access to medical care.

69. By failing to provide Plaintiff Cameron North with medical care and access to medical care, Defendants displayed a deliberate indifference to his medical needs and engaged in willful, wanton, reckless, and/or negligent conduct. This deliberate indifference and willful, wanton, reckless, and/or negligent conduct was the direct, actual, and proximate cause of Cameron North's injuries.

FIRST CLAIM FOR RELIEF
(42 U.S.C. Section 1983 - Individual Defendants)

70. All of the foregoing paragraphs are incorporated by reference and re-alleged as though fully set forth here.

71. During all times relevant herein, named individual Defendants were deliberately indifferent to the serious medical needs of Cameron North as outlined in this Complaint. Despite knowledge of his serious medical needs, their failures directly and proximately caused his injuries,

in violation of the Eighth and Fourteenth Amendments to the United States Constitution and 42 U.S.C. Section 1983.

SECOND CLAIM FOR RELIEF
(42 U.S.C. Section 1983 – Cuyahoga County)

72. All of the foregoing paragraphs are incorporated by reference and re-alleged as though fully set forth here.

73. Defendant Cuyahoga County was obligated to properly train, supervise, and create policies and procedures for the staff at the Cuyahoga County Correctional Center for access to medical care and treatment of persons who are incarcerated. Had such generally accepted training, supervision, policy, and practice been in place, Plaintiff would have been properly monitored and treated, and he could have been saved from permanent disability and ongoing pain and suffering.

74. At all times relevant herein, Defendant Cuyahoga County recklessly failed, and was deliberately indifferent to the need to adequately train, supervise, screen, test, and discipline the Jail staff in providing access to and the provision of medical care for inmates in the jail facility.

75. At all times relevant herein, Defendant Cuyahoga County recklessly failed, and was deliberately indifferent to develop and institute adequate policies and procedures for the purposes of detecting and treating inmates with serious medical needs, and to maintain a jail facility which meets minimum standards pursuant to state and federal law, as well as the Constitutions of the United States and State of Ohio.

76. Moreover, Defendant Cuyahoga County failed to comply with the minimum standards set by the State of Ohio for full-service jails.

77. Defendant Cuyahoga County approved, authorized and acquiesced in the unlawful and unconstitutional conduct of their respective employees and/or agents named as Defendants

and their deliberate indifference to Plaintiff's serious medical needs, thereby directly and proximately causing Plaintiff Cameron North's injuries and suffering.

THIRD CLAIM FOR RELIEF
(Willful, Wanton, Reckless, and Negligent Conduct – Ohio Law)

78. All of the foregoing paragraphs are incorporated by reference and re-alleged as though fully set forth here.

79. Plaintiff Cameron North's injuries and suffering were directly and proximately caused by the willful, wanton, reckless, and/or negligent conduct of the individual Defendants, jointly and severally, who failed in carrying out their lawful duties, which involved providing Plaintiff Cameron North with access to medical care and detecting and treating his serious medical needs. Defendants' conduct was willful, wanton, and/or reckless and under Chapter 2744 of the Ohio Revised Code, and Defendants do not have immunity for said misconduct.

FOURTH CLAIM FOR RELIEF
**(Negligence – Against Defendant John Doe, former Medical Director and Defendants
Unnamed Doctors and/or Nurses – Ohio Law)**

80. All of the foregoing paragraphs are incorporated by reference and re-alleged as though fully set forth here.

81. Defendant John Doe, former Medical Director of the Cuyahoga County Correctional Center, who owed Plaintiff a duty of reasonable care, failed to exercise reasonable care in instituting adequate policies and procedures, training, and supervising correctional officers and correctional medical staff, including doctors and nurses, to provide inmate medical care and access to medical care. As a direct and proximate result of such failing, Plaintiff's serious medical needs were left untreated and he suffered a severe and permanently disabling stroke, had an aneurism, and required open heart surgery, among other injuries.

82. Defendants Unnamed Doctors and/or Nurses at the Cuyahoga County Correctional Center, who owed Plaintiff a duty of reasonable care, failed to exercise reasonable care in providing medical care and access to medical care to Plaintiff Cameron North. As a direct and proximate result of such failing, Plaintiff's serious medical needs were left untreated and he suffered a severe and permanently disabling stroke, had an aneurism, and required open heart surgery, among other injuries.

PRAYER FOR RELIEF

83. Plaintiff has suffered and continues to suffer injuries and damages and prays for judgment against Defendants for:

- A. Compensatory damages in an amount exceeding the jurisdictional amount in controversy requirement, to be determined at trial for the violation of Plaintiff's rights and his injuries and suffering;
- B. Punitive damages in an amount to be determined at trial for the Defendants' willful, wanton and reckless and conduct;
- C. Declaratory and injunctive relief to require the institution of policies, procedures, and training for staff of the Cuyahoga County Correctional Center to bring them into compliance with state and constitutional standards;
- D. Attorney fees and the costs of this action pursuant to 42 U.S.C. Section 1988; and
- E. All other relief which this Honorable Court deems equitable and just.

A JURY IS REQUESTED TO HEAR THIS MATTER.

s/ Terry H. Gilbert

TERRY H. GILBERT (0021948)

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