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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MICHELLE TRUSSELL, *as Administrator
ad Prosequendum of the Estate of Jennifer A.
Ross, and as Guardian of minors L.R.K. and
B.A.K.,*

Plaintiff,

v.

MONMOUTH COUNTY; MONMOUTH
COUNTY SHERIFF SHAUN GOLDEN, *in
his official and individual capacities;*
MONMOUTH COUNTY EXECUTIVE
UNDERSHERIFF THEODORE
FREEMAN, *in his official and individual
capacities;* WARDEN VICTOR IANNELLO
OF THE MONMOUTH COUNTY
CORRECTIONAL INSTITUTION, *in his
official and individual capacities;*
CORRECTIONS OFFICER DYLAN J.
CONNELL, *in his individual capacity;*
CORRECTIONS OFFICER RANDI
PATTERSON, *in his individual capacity;*
BONNIE MCKITTRICK, *in her individual
capacity;* CFG HEALTH SYSTEMS, LLC;
JOHN AND JANE DOE CORRECTIONS
OFFICERS 1-10, *in their individual
capacities;* and JOHN AND JANE DOE CFG
AGENTS 1-5, *in their individual capacities,*

Defendants.

Civil Action No. _____

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Michelle Trussell—on behalf of the Estate of her daughter, Jennifer A. Ross, and her grandchildren, L.R.K., and B.A.K.—brings this civil rights action under 42 U.S.C. § 1983; the

New Jersey Civil Rights Act, N.J.S.A. 10:6-2 (“NJCRA”); and state law against Defendants Monmouth County; Monmouth County Sheriff Shaun Golden (“Sheriff Golden”), in his official and individual capacities; Monmouth County Executive Undersheriff Theoadore Freeman (“Undersheriff Freeman”), in his official and individual capacities; Warden Victor Iannello (“Warden Iannello”) of the Monmouth County Correctional Institution (“MCCI” or the “Facility”), in his official and individual capacities; MCCI Corrections Officer Dylan J. Connell (“CO Connell”) in his individual capacity; MCCI Corrections Officer Randi Patterson (“CO Patterson”), in his individual capacity; Corrections Officers John and Jane Doe 1-10 (“John/Jane Doe COs”), in their individual capacities; CFG Health Systems, LLC (“CFG”), the provider of healthcare services to detainees at the MCCI; Bonnie McKittrick (“McKittrick”), a licensed practical nurse providing services at the MCCI, in her individual capacity and as an agent of CFG; and John and Jane Doe CFG Agents 1-5 (“John/Jane Doe CFG Agents”), in their individual capacities: (collectively, “Defendants”). Plaintiff alleges that Defendants violated rights afforded to her daughter Jennifer under the Fourteenth Amendment to the United States Constitution; the New Jersey Constitution; the New Jersey Wrongful Death Act, N.J.S.A. 2A:31-1 (“Wrongful Death Act”); the New Jersey Survivor’s Act, N.J.S.A. 2A:15-3 (“Survivor’s Act”); and other provisions of New Jersey statutory and common law. Plaintiff also alleges that Jennifer’s children have claims against Defendants under state law. Plaintiff seeks damages and remedies on behalf of the Estate of her daughter and her grandchildren resulting from the violations described in this Complaint.

INTRODUCTION

1. On September 17, 2022, Jennifer A. Ross (“Jennifer”) was the mother of two young children, ages five and eight. She had battled long-term drug dependency and was on the road to recovery in the summer of 2022. She participated in an in-patient rehabilitation program and had

been accepted into the Monmouth County Drug Court Program (“Drug Court”), now known as “Recovery Court,” to resolve drug-related charges. On her journey to sobriety, her future seemed bright and promising as she embraced her role as a mother.

2. In the early evening of September 17, 2022, Jennifer was arrested at her mother’s home on outstanding warrants for alleged failure to appear in Drug Court and municipal court on scheduled dates. Jennifer was taken in handcuffs to the MCCI, where detainees are held awaiting their court appearances. Like other detainees in the Facility, Jennifer was in the custody, control, and care of Monmouth County corrections officers. Jennifer’s most basic wants and needs, as well as her well-being and safety, depended on those officers.

3. Jennifer’s drug dependency presented heightened health concerns. Given her serious medical conditions, the Facility’s officials had a duty to shield her from the presence and danger of illicit drugs. The sorry history of the Facility, however, is that detainees were routinely exposed to an open and notorious drug trade. For years before Jennifer’s detention, a cascade of illicit drugs flowed into the Facility unchecked by authorities. The distribution and use of drugs within the Facility were commonplace.

4. An assortment of drugs was typically available to detainees who were in states of despair or suffering withdrawal symptoms.

5. Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello knew of the conditions in the Facility and knew about drug use, drug overdoses, and drug overdose deaths that occurred within the Facility. Those Defendants were aware of the pervasive smuggling of drugs into the MCCI, and that Monmouth County had been sued for drug overdose fatalities that occurred in the Facility. Yet they failed to take adequate or reasonable

measures to stem the tide of drugs entering the Facility or to stop the distribution of drugs to and among detainees. This abysmal failure was the result of lax detection and enforcement measures.

6. They also failed to report to the New Jersey Department of Corrections (“NJDOC”), which has oversight responsibilities over the MCCI, the true nature of the drug infestation in the MCCI.

7. For example, a pretrial detainee overdosed on drugs in the Facility in April 2022, and was taken to a local hospital where he died. Monmouth County did not report that incident as a death in custody to the NJDOC because the death occurred in a hospital. Such deceptions deprived the NJDOC of the ability to fulfill its oversight responsibilities over the Facility.

8. In another case, after a detainee overdosed in the Facility in late 2022 and received treatment at a hospital, upon the detainee’s return to the Facility, no official questioned him about how he acquired the drugs that led to his overdose. Underreporting drug-related conduct and failing to investigate the source of illicit drugs were manifestations of the overall indifference of Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello to the clear and present dangers faced by detainees in the Facility who have histories of substance use disorders.

9. MCCI’s corrections officers—including Defendants CO Connell, CO Patterson, and John/Jane Doe COs—lacked sufficient training and supervision not only in the realm of drug detection and prevention, but also in reviving a drug-overdose victim.

10. On September 20, 2022, thirty-one-year-old Jennifer Ross died of a drug overdose while in the custody, control, and care of Defendants Sheriff Golden, Undersheriff Freeman, Warden Iannello, CO Connell, CO Patterson, John/Jane Doe COs (collectively, “Corrections Defendants”) and Defendant Monmouth County.

11. The identity of the person who gave Jennifer the drug cocktail that caused her death is currently unknown to Plaintiff. Those who screened Jennifer when she was admitted to the Facility, however, knew of her serious medical conditions and substance use disorder but made no effort to place her under careful watch or in a protective setting away from the omnipresent drug trafficking in the MCCI.

12. After Jennifer overdosed, the responding corrections officers and medical personnel—including Defendants CO Connell, CO Patterson, John/Jane Doe COs, McKittrick, and John/Jane Doe CFG Agents—made inadequate efforts to revive her, proximately causing Jennifer’s overdose death.

13. For years, the ubiquity of drugs in the Facility had endangered the health and safety of detainees and constituted an unconstitutional condition of confinement. The deliberate indifference of Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello to the known and deadly dangers in the drug-ridden Facility and to the substantial risk of harm, including death by overdose, to detainees such as Jennifer, directly and proximately caused Jennifer’s death.

14. Plaintiff brings this action to hold Defendants liable for Jennifer’s pain and suffering, loss of enjoyment of life, and wrongful death, and to seek damages for Jennifer’s Estate and children as well as punitive damages against certain Defendants.

15. Plaintiff also seeks injunctive and other equitable relief, as well as attorneys’ fees and costs.

JURISDICTION AND VENUE

16. The United States District Court for the District of New Jersey has original jurisdiction over Plaintiff's claims arising under federal law pursuant to 28 U.S.C. § 1331 and § 1343.

17. The United States District Court for the District of New Jersey has jurisdiction over Plaintiff's pendent state-law claims pursuant to 28 U.S.C. § 1367(a) because those claims relate to, and form part of, the same case or controversy.

18. The events giving rise to Plaintiff's claims occurred in this District, and therefore this District is the proper venue under 28 U.S.C. § 1391(b)(2).

19. Plaintiff has complied with the notice requirements of the New Jersey Tort Claims Act, N.J.S.A. 59:8-8.

PARTIES

A. Plaintiff

20. Plaintiff Michelle Trussell brings this action as the duly appointed administrator *ad prosequendum* of her daughter Jennifer's Estate, and as guardian of Jennifer's two minor sons, L.R.K. and B.A.K.

21. L.R.K., born in 2014, is a minor and surviving son of Jennifer.

22. B.A.K., born in 2017, is a minor and surviving son of Jennifer.

23. Both L.R.K. and B.A.K. reside with Plaintiff, their maternal grandmother and legal guardian, in Toms River, New Jersey.

B. Defendants

24. Monmouth County is a county in the State of New Jersey. It owns, operates, manages, and controls the MCCI, a county jail, which is located at 1 Waterworks Road, Freehold,

New Jersey 07728. Monmouth County is responsible for the safety and health of all detainees in its charge and for all matters of policy enacted and enforced within the MCCI. Monmouth County is responsible for hiring competent and law-abiding MCCI staff, agents, and independent contractors and for addressing unlawful conditions in the MCCI. Monmouth County is a “person” under 42 U.S.C. § 1983 and under N.J.S.A. 10:6-2. Monmouth County is sued for the role it played in proximately causing Jennifer’s pain and suffering, loss of enjoyment of life, and wrongful death, as well as for the losses suffered by Jennifer’s sons.

25. Shaun Golden has served as the Sheriff of Monmouth County since 2010. The Monmouth County Sheriff is responsible for the overall management and operation of the MCCI. He is also responsible for operating the Facility in a safe, sanitary, and humane manner, in compliance with the United States Constitution, the New Jersey Constitution, New Jersey’s laws, Monmouth County’s resolutions, rules, and regulations, and NJDOC policies. Sheriff Golden is additionally responsible for protecting the constitutional rights of all individuals in the custody, control, and care of the MCCI. Sheriff Golden promulgates rules, regulations, and policies concerning the management, personnel, and overall operation of the MCCI. These rules, regulations, and policies include, or should include, the measures that can and should be taken (1) to prevent the entry, distribution, and use of illicit drugs in the Facility; (2) to protect at-risk detainees from exposure to illicit drugs; and (3) to provide treatment to detainees experiencing an overdose. Sheriff Golden is likewise responsible for the oversight, training, and supervision of all MCCI staff, agents, and independent contractors, including its corrections officers. At all relevant times, Sheriff Golden was acting under color of state law and within the scope of his employment as a Monmouth County official. He is sued in his official and individual capacities for the role he

played in proximately causing Jennifer's pain and suffering, loss of enjoyment of life, and wrongful death, as well as for the losses suffered by Jennifer's sons.

26. Theoadore Freeman is the Executive Undersheriff of the Monmouth County Sheriff's Office. At all relevant times, Undersheriff Freeman was responsible for overseeing the MCCI. In this capacity, Undersheriff Freeman is responsible for the overall management and operation of the MCCI. He is also responsible for maintaining the Facility in a safe, sanitary, and humane manner, in compliance with the United States Constitution, the New Jersey Constitution, New Jersey's laws, Monmouth County's resolutions, rules, and regulations, and NJDOC policies. Undersheriff Freeman is additionally responsible for protecting the constitutional rights of all individuals in the custody, control, and care of the MCCI. Undersheriff Freeman promulgates rules, regulations, and policies concerning the management, personnel, and overall operation of the MCCI. These rules, regulations, and policies include, or should include, the measures that can and should be taken (1) to prevent the entry, distribution, and use of illicit drugs in the Facility; (2) to protect at-risk detainees from exposure to illicit drugs; and (3) to provide treatment to detainees experiencing an overdose. Undersheriff Freeman is likewise responsible for the oversight, training, and supervision of all MCCI staff, agents, and independent contractors, including its corrections officers. At all relevant times, Undersheriff Freeman was acting under color of state law and within the scope of his employment as a Monmouth County official. He is sued in his official and individual capacities for the role he played in proximately causing Jennifer's pain and suffering, loss of enjoyment of life, and wrongful death, as well as for the losses suffered by Jennifer's sons.

27. Victor Iannello became Warden of the MCCI on November 30, 2021. He was previously the Acting Deputy Warden of the Facility. At all relevant times, Warden Iannello was

responsible for the daily management and operation of the MCCI and for the safety and health of the detainees in the Facility's custody, control, and care. He was and currently is responsible for maintaining the Facility in a safe, sanitary, and humane manner, in compliance with the United States Constitution, the New Jersey Constitution, New Jersey's laws, Monmouth County's resolutions, rules, and regulations, and NJDOC policies. Warden Iannello is additionally responsible for protecting the constitutional rights of all individuals in the custody, control, and care of the MCCI. Warden Iannello promulgates rules, regulations, and policies concerning the management, personnel, and overall operation of the MCCI. These rules, regulations, and policies include, or should include, the measures that can and should be taken (1) to prevent the entry, distribution, and use of illicit drugs in the Facility; (2) to protect at-risk detainees from exposure to illicit drugs; and (3) to provide treatment to detainees experiencing an overdose. Warden Iannello is likewise responsible for the oversight, training, and supervision of all MCCI staff, agents, and independent contractors, including its corrections officers. At all relevant times, Warden Iannello was acting under color of state law and within the scope of his employment as a Monmouth County official. He is sued in his official and individual capacities for the role he played in proximately causing Jennifer's pain and suffering, loss of enjoyment of life, and wrongful death, as well as for the losses suffered by Jennifer's sons.

28. Dylan J. Connell was a corrections officer at MCCI at the time of Jennifer's detention and in that capacity was responsible for Jennifer's care as well as her health and safety. At all relevant times, CO Connell was acting under color of state law and within the scope of his employment. He is sued in his individual capacity for the role he played in proximately causing Jennifer's pain and suffering, loss of enjoyment of life, and wrongful death, as well as for the losses suffered by Jennifer's sons.

29. Randi Patterson was a corrections officer at MCCI at the time of Jennifer's detention and in that capacity was responsible for Jennifer's care as well as her health and safety. At all relevant times, CO Patterson was acting under color of state law and within the scope of his employment. He is sued in his individual capacity for the role he played in proximately causing Jennifer's pain and suffering, loss of enjoyment of life, and wrongful death, as well as for the losses suffered by Jennifer's sons.

30. Bonnie McKittrick is a licensed practical nurse and an employee or agent of CFG who worked at the MCCI at the time of Jennifer's detention. At all relevant times, McKittrick was acting under the supervision of Defendants CFG, John/Jane Doe CFG Agents, and/or Sheriff Golden, Undersheriff Freeman, and Warden Iannello. McKittrick was also acting under color of state law and as a CFG employee within the scope of her employment. She is sued in her individual capacity for the role she played in proximately causing Jennifer's pain and suffering, loss of enjoyment of life, and wrongful death, as well as for the losses suffered by Jennifer's sons.

31. CFG Health Systems, LLC is a for-profit company that provides medical and behavioral health services to correctional facilities, including the MCCI. Pursuant to a contract with Monmouth County dated March 22, 2018, CFG assigned CFG personnel such as McKittrick to provide medical services to detainees at the MCCI. At all relevant times, CFG was responsible for promulgating and implementing protocols for the adequate medical care and treatment of individuals detained at the MCCI. CFG was also responsible for ensuring that McKittrick and John/Jane Doe CFG Agents followed those protocols and were properly supervised and trained to respond to a suspected drug overdose. CFG is sued for the role it played in proximately causing Jennifer's pain and suffering, loss of enjoyment of life, and wrongful death, as well as for the losses suffered by Jennifer's sons.

32. John and Jane Doe Corrections Officers 1-10 are fictitious names representing unidentified former and current employees of the MCCI. John/Jane Doe COs include those MCCI corrections officers who—through their actions or omissions—were a cause of Jennifer’s pain and suffering, loss of enjoyment of life, and wrongful death, as well as the losses suffered by Jennifer’s sons. At all relevant times, John/Jane Doe COs were acting under the supervision of Sheriff Golden, Undersheriff Freeman, and/or Warden Iannello, under color of state law, and within the scope of their employment. John/Jane Doe COs are sued in their individual capacities and remain unknown to Plaintiff at this time.

33. John and Jane Doe CFG Agents 1-5 are fictitious names representing unidentified former and current employees of CFG who—through their actions, omissions, or promulgation of policies—were a cause of Jennifer’s pain and suffering, loss of enjoyment of life, and wrongful death, as well as the losses suffered by Jennifer’s sons. At all relevant times, John/Jane Doe CFG Agents were acting under the supervision of CFG and/or Sheriff Golden, Undersheriff Freeman, and Warden Iannello, under color of state law, and within the scope of their employment. John/Jane Doe CFG Agents are sued in their individual capacities and remain unknown to Plaintiff at this time.

FACTUAL ALLEGATIONS

A. Jennifer is Arrested and Detained at the MCCI

34. On September 17, 2022, Jennifer was arrested by Monmouth County Sheriff’s officers on warrants for failure to appear on scheduled dates in Drug Court and the Highlands Municipal Court located in Atlantic Highlands, New Jersey.

35. That evening, Jennifer was transported to the MCCI, where she was processed and detained.

36. Jennifer had no drugs in her possession when she entered the Facility.

37. During the intake, screening, and booking process, MCCI officials and CFG medical personnel learned of Jennifer's drug dependency and substance use disorder. They knew at the time of Jennifer's intake that she (1) had been arrested for a failure to appear in Drug Court; (2) had a history of using drugs and a substance use disorder; and (3) had needle marks on her right arm, which were observed by CO Patterson. As a result of the intake process, Jennifer was placed on the Clinical Opiate Withdrawal Scale and Clinical Institute Withdrawal Assessment ("COWS/CIWA") protocol and prescribed detox medication to ease her withdrawal symptoms.

38. Jennifer's medical history and substance use disorder were documented and part of her file and therefore known to MCCI officials and CFG personnel. Any risks presented by Jennifer's medical and social history were known to the MCCI officials who determined her custody status and housing assignment. The corrections officers responsible for monitoring Jennifer knew or should have been informed of Jennifer's medical conditions and substance use disorder.

39. Despite her substance use disorder, Jennifer was not placed in a sufficiently secure and protective setting or under any special watch to address her medical needs.

40. Jennifer was not only housed in the Facility with individuals who had known histories of substance use but also in a location where detainees had access to illicit drugs distributed in the Facility.

B. Illicit Drugs are Widely Available to Detainees at the MCCI

41. Before and during Jennifer's detention, illicit drugs were available to MCCI detainees in myriad ways. For example:

- a. Detainees were not adequately searched for drugs when admitted into the Facility.
- b. Drugs were sold or traded inside the Facility for money, food, or favors.
- c. Drugs were smuggled into the Facility through the mail in different ways. For instance, envelopes soaked in drugs addressed to detainees were permitted to enter the Facility and were then smoked by detainees. Detainees also arranged to have co-conspirators send contraband to them using what appeared to be a letter from an attorney. This allowed detainees to open the envelopes outside the presence of corrections officers.
- d. Drugs were smuggled into the Facility by MCCI staff, who then conspired with detainees to distribute them.

42. In the fall of 2022, the possession and distribution of drugs were parts of daily life in the Facility. Detainees who were prescribed medication to facilitate and ease their detoxification sold that medication to other detainees. Detainees lit drug-coated papers and inhaled them and transferred drugs throughout the Facility with the aid of detainee workers.

43. Also in 2022, a pretrial detainee suffered a drug overdose in the MCCI and was treated at a local hospital. When he returned to the Facility, no MCCI official questioned the detainee about the source of the drugs that nearly killed him.

44. Criminal complaints filed over a several-year period offer a glimpse of how widely drugs permeated the MCCI.

45. From January to May 2020, MCCI detainee Taques Hall and other MCCI detainees, along with MCCI employee Ryan Steinmetz, operated a drug conspiracy in the Facility, distributing over 100 doses of Suboxone (an opioid), a controlled dangerous substance.

46. As part of that conspiracy, Steinmetz smuggled drugs and other contraband—including a cellphone—to detainees in the Facility. The detainees hid strips of Suboxone and marijuana in food items and then placed the tampered food on meal trays. A detainee working in the MCCI kitchen then transported the drugs on the meal trays for sale and distribution in the Facility.

47. The following year, between August 1 and September 3, 2021, MCCI Corrections Officer Bryant Mack conspired with Taques Hall and other detainees to distribute controlled dangerous substances in the Facility. Mack smuggled ADB-BUTINACA, a cannabinoid drug, into the Facility using potato chip bags and gave them to Ladonn Brown, a detainee food server. Brown later gave one such bag to Hall.

48. Publicly available documents state that on September 4, 2021, a search of Brown's cell uncovered thirteen suspected Suboxone pills, marijuana, a bottle of K2 spray labeled "Blunt life," and contraband packaging. On that same day, a search of Hall's cell uncovered fifty-one light green whole pills, ninety light green half pills and twenty orange pills suspected to be Suboxone; more than half a pound of synthetic marijuana; and two bottles of K2 synthetic marijuana, as well as packaging materials and scales.

49. In another publicized example of the MCCI's lax drug screening and detection, MCCI detainee Alvino Hinton admitted that on April 17, 2022, he smuggled fentanyl-laced heroin into the Facility and gave it to another detainee, David Egner. Egner thereafter was transported to CentraState Medical Center suffering from acute heroin/fentanyl poisoning. He died three days later in the hospital.

50. Egner's overdose led officials to search Hinton. They found thirty-six wax folds of suspected fentanyl hidden in Hinton's underwear.

51. N.J.A.C. 10A:31-13.31 requires every adult correctional facility in the State of New Jersey to notify the NJDOC of a death in custody.

52. Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello had a duty to implement NJDOC protocols and policies designed to ensure the safety of MCCI detainees. Yet there was a failure to report Egner's death as a death in custody to the NJDOC, even though the fatal overdose that led to his death occurred in the Facility.

53. As a result of the failure to report Egner's death, the true extent of the drug problem in the Facility was concealed and the NJDOC's supervisory role was undermined.

54. On August 17, 2022, Hinton was charged with causing Egner's drug-induced death.

55. Just one month later, Jennifer fatally overdosed at the MCCI while in the custody, control, and care of Monmouth County and the Corrections Defendants.

56. At the time of Jennifer's admission into the Facility, Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello had actual and constructive knowledge of the longstanding and ongoing drug epidemic at the Facility. In 2017, Undersheriff Freeman co-authored an article in which he cited incidents involving detainees smuggling drugs into the MCCI that led to two detainees dying from drug overdoses two weeks apart. Those overdose deaths resulted in lawsuits against Monmouth County.

57. The incidents that resulted in criminal charges identified above give just a glimpse of the depth of the drug epidemic that has persisted in the MCCI. The open drug trade and drug abuse inside the Facility encountered by countless detainees constituted a dangerous condition of confinement. It is a condition that has been tolerated by the deliberate indifference of Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello.

58. The easy access to drugs within the MCCI continued even after Jennifer's death. Most recently, a female detainee overdosed while in custody at the MCCI in or around July 24, 2023. The female detainee who overdosed was given drugs smuggled into the MCCI by other detainees.

C. Jennifer Faced a Heightened Risk of Overdose While Detained

59. Monmouth County and the Corrections Defendants knew that detainees like Jennifer with a history of substance use disorder are at a heightened risk of suffering an overdose and even death if they ingest drugs.

60. A July 31, 2018 article in the Asbury Park Press in which Sheriff Golden is quoted stated that “[a]ccording to jail officials, some 76 percent of inmates in county jails face addiction.”¹ That same article noted that “[i]nmates charged with drug offenses are particularly vulnerable to overdosing because with withdrawal comes a lower tolerance for opioids.”² Those facts were well known to the general public and those in the corrections industry.³

¹ Ken Serrano, *Recovery Coaches Head to Jail to Help Monmouth County Detainees with Addictions*, Asbury Park Press (July 31, 2018), <https://www.app.com/story/news/2018/07/31/recovery-coaches-head-jail-help-detainees-addictions/868087002/>.

² *Id.* The term “inmate” is used interchangeably with “detainee.” Both terms refer to individuals incarcerated at MCCI.

³ See, e.g., Eliana Kaplowitz et al., *Fentanyl-related Overdose During Incarceration: A Comprehensive Review*, 9 Health & Just. J. 13 (2021), <https://healthandjusticejournal.biomedcentral.com/articles/10.1186/s40352-021-00138-6> (“Fentanyl and related compounds have recently saturated the illicit drug supply in the United States, leading to unprecedented rates of fatal overdose. Individuals who are incarcerated are particularly vulnerable, as the burden of opioid use disorder is disproportionately higher in this population, and tolerance generally decreases during incarceration.”); *Overdose Deaths and Jail Incarceration: National Trends and Racial Disparities*, Vera Inst. of Just., <https://www.vera.org/publications/overdose-deaths-and-jail-incarceration/national-trends-and-racial-disparities> (last visited Jan. 9, 2024) (“The ways that incarceration contributes to increased overdose risk, particularly for people using opioids, include tolerance loss during periods of abstinence, limited access to Medication-Assisted Treatment (MAT) and naloxone while

61. Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello were responsible for implementing policies intended to protect vulnerable detainees with substance use disorders, like Jennifer, held in the MCCI. NJDOC regulations, pursuant to N.J.A.C. 10A:31-13.26, dictated that detoxification from alcohol, barbiturates, and similar drugs was to occur under medical supervision at the MCCI. The MCCI's policies and procedures required that CO Connell, CO Patterson, and John/Jane Doe COs monitor detoxing detainees by using video equipment and conducting physical checks of those detainees every fifteen minutes.

62. Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, Warden Iannello, and John/Jane Doe COs did not place Jennifer in a setting sufficiently secure and protective and did not sufficiently monitor her to address her medical needs.

63. According to the MCCI's records, Jennifer was suffering from drug withdrawal, anxiety, and exhibiting symptoms of depression. Nevertheless, in reckless disregard of their duties, Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, Warden Iannello, and John/Jane Doe COs placed Jennifer or permitted Jennifer to be placed in a section of the MCCI where drugs were available and presented an irresistible temptation.

64. Despite the above Defendants' knowledge of the substantial risk of harm faced by Jennifer, she was housed with other detainees who were known to have drug histories. All of

incarcerated and when released, and disruptions to health care and social supports.”); *see also* *Criminal Justice DrugFacts*, Nat'l Inst. on Drug Abuse (June 2020), <https://nida.nih.gov/publications/drugfacts/criminal-justice>; Beth Schwartzapfel & Jimmy Jenkins, *Overdose Deaths in State Prisons Have Jumped Dramatically Since 2001*, NPR (July 15, 2021, 6:00 AM), <https://www.npr.org/2021/07/15/1015447281/overdose-deaths-state-prisons-increase>.

Jennifer's cellmates were charged with possession of controlled dangerous substances and/or possession of drug paraphernalia in or before September 2022.

65. Despite MCCI's records that documented Jennifer's serious substance use disorder and other medical conditions, the Corrections Defendants did not adequately monitor Jennifer or her cellmates.

66. As a result of the Corrections Defendants' failure to adequately monitor Jennifer and other detainees, someone within the Facility was able to distribute a fentanyl-laced drug to her.

D. Jennifer Suffers an Overdose, Is Deprived of Adequate Medical Care, and Dies in the Custody of the MCCI

67. On September 20, 2022, Jennifer ingested a fatal drug cocktail provided to her by someone within the Facility.

68. As a result of Defendants CO Connell, CO Patterson, and John/Jane Doe COs' failure to closely monitor Jennifer, Jennifer's overdose went undetected for an unreasonable period, which delayed an adequate response and urgent life-saving measures.

69. Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello failed to promulgate and/or implement adequate policies and procedures for conducting physical checks and monitoring of detainees, particularly those with substance use disorders and other medical conditions, such as Jennifer.

70. In addition, Defendants CO Connell, CO Patterson, and John/Jane Doe COs failed to follow the policies and procedures that were in place, including those that required corrections officers to constantly monitor detoxing detainees by using video equipment and/or conducting physical checks of those detainees every fifteen minutes.

71. Defendant McKittrick, who responded to Jennifer's call when Jennifer was in the throes of a drug overdose, did not follow established medical protocols to revive Jennifer. Defendants CO Connell, CO Patterson, John/Jane Doe COs, and John/Jane Doe CFG Agents were on-site and had an opportunity to intervene and provide Jennifer with life-saving treatment but failed to do so.

72. Narcan (also known by the drug's generic name, naloxone) is a medication that acts as an antidote to an opioid overdose. No limit is placed on the number of Narcan doses that can be administered to an overdose victim. According to the Center for Disease Control, Narcan typically begins working within two to three minutes and even when a patient is unresponsive and not breathing.

73. CFG policy requires that its personnel and agents reassess their patients after each dose of Narcan to determine its effect and the need for additional doses. CFG policy further mandates that, if a patient shows minimal or no response to Narcan, its personnel and agents administer subsequent doses to treat a potential drug overdose.

74. Defendant McKittrick administered only two doses of Narcan to Jennifer, in violation of CFG's own protocols, which require that Narcan be repeatedly administered if there is minimal or no response to initial doses.

75. Defendants CO Connell, CO Patterson, John/Jane Doe COs, and John/Jane Doe CFG Agents who were present failed to provide Jennifer with additional doses of Narcan.

76. Jennifer's death resulted from mixed drug toxicity (including fentanyl and morphine).

77. The failure of Defendants McKittrick, CO Connell, CO Patterson, John/Jane Doe COs, and John/Jane Doe CFG Agents to administer additional doses of Narcan and provide Jennifer adequate medical care denied Jennifer her last chance at survival.

78. Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello also deprived Jennifer of her last chance at survival by failing to promulgate and/or implement appropriate policies governing how MCCI staff should respond to an overdose and by failing to train and supervise MCCI staff on how to do so.

E. Defendants' Deliberate Indifference Proximately Caused Jennifer's Death

79. Jennifer died from a drug overdose in a jail cell, in the custody, control, and care of Defendants, as she awaited her appearance in Drug Court.

80. She was not detained in a safe and secure facility so that she could continue her road to recovery. Instead, she was housed in a facility with a raging drug epidemic.

81. No one was ever arrested or charged with distributing the fentanyl-laced drugs that caused Jennifer's death.

82. Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello had authority to operate, control, and supervise the MCCI. Based on the years-long history of drug use and distribution within the Facility, they had knowledge of the open and notorious distribution and use of drugs in the Facility. They also knew of the nature and extent of the serious dangers presented by drugs to the health and well-being of detainees, particularly those detainees with substance use disorders who required heightened care and surveillance.

83. Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello knew that drugs poured into the Facility by detainees, MCCI staff, visitors, and mail but took wholly inadequate measures to stem the flow. They also knew of the various ways

that drugs were distributed inside the Facility to detainees—by other detainees, MCCI staff, visitors, and mail—but took wholly inadequate measures to investigate, deter, and stop such behavior.

84. Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello knew that drugs were frequently smuggled into the Facility and were available to the detainee population, and they knew of previous drug overdoses in the Facility. Jennifer's intake records revealed that she was at a heightened risk of drug overdose because she was a Drug Court participant with a history of drug dependency.

85. The above Defendants' custom, policy, and/or practice of deliberate indifference to the serious medical needs of drug dependent detainees proximately caused Jennifer's overdose, pain and suffering, loss of enjoyment of life, and wrongful death.

86. The Corrections Defendants breached various state and federal laws, as well as their duties, by permitting or acquiescing in the following practices:

- a. The failure to properly screen detainees for illicit drugs on admission into the Facility;
- b. The failure to properly monitor, supervise, and house detainees with known substance use disorders, and to create and implement policies to do so;
- c. The failure to perform cell checks on a regular basis to ascertain and ensure the health and safety of detainees;
- d. The failure to properly monitor and/or review security cameras to determine whether detainees had possession of drugs and/or were distributing drugs to other detainees;
- e. The failure to properly train employees on how to detect and/or monitor detainees for drug possession, drug distribution, and drug overdoses;
- f. The failure to implement policies and train employees on how to respond to detainees experiencing a drug overdose and/or how to render medical treatment and/or how to render life-saving aid to detainees suffering from a drug overdose; and

- g. The failure to implement policies requiring the appropriate administration of Narcan.

87. Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello's collective failures—actions and inactions—constitute a custom, practice, and/or policy of deliberate indifference to the health and safety of detainees that (i) violated Jennifer's federal and state constitutional rights and statutory and common law rights, and (ii) proximately caused Jennifer's pain and suffering, loss of enjoyment of life, and wrongful death, as well as the losses suffered by Jennifer's sons.

88. At all relevant times, the individual Corrections Defendants acted in wanton and willful disregard of the foreseeable harm Jennifer faced while detained in the MCCI, and Plaintiff is therefore entitled to punitive damages.

F. The Impact of Jennifer's Death on Her Family

89. Jennifer is survived by her sons, L.R.K. and B.A.K., her parents, her twin brother, her grandparents, and many family members and friends who loved and cherished her.

90. Jennifer's absence is felt most acutely by her young sons, L.R.K. and B.A.K, who sorely miss their mother's presence in their lives.

91. Their mother's death has adversely affected them behaviorally and emotionally.

92. B.A.K. has struggled with frequent emotional outbursts, sleeping through the night, and the fear of being alone. Every day, he tells his grandmother how much he misses his mother, and often he cries because of her absence. He frequently calls out to his grandmother in their home to hear her voice—to assure himself of her presence—and constantly says that he loves her. B.A.K. fears that he will lose his grandmother like he lost his mother.

93. Since his mother’s death, L.R.K. has become emotional and withdrawn from others, and has had difficulty concentrating on schoolwork, reading, and everyday tasks. He has been picked on by other children because of his mother’s death, causing him to cry in front of his peers. As a result, he does not mention his mother at school. He has said that talking about his mother “hurts too much,” and when doing so, he becomes upset and suffers panic attacks.

94. Since their mother’s death, L.R.K. has gained weight, often using food as an outlet to escape his anger and sadness, whereas B.A.K.’s eating habits have diminished. Each boy has suffered and dealt with grief in his own way.

95. Holidays and celebrations—times when L.R.K. and B.A.K. especially miss their mother—trigger emotional outbursts. A family movie night during the Halloween season resulted in L.R.K. bursting into tears because he wished his mother was there. During Christmas 2022, the boys wept as they put up ornaments.

96. L.R.K. and B.A.K. often express how much they miss their mother to family members and close family friends.

97. They are both in therapy to cope with their grief and the permanent loss of Jennifer’s care, guidance, and companionship.

CAUSES OF ACTION

COUNT ONE

**VIOLATION OF CONSTITUTIONAL RIGHTS UNDER THE FOURTEENTH
AMENDMENT TO THE UNITED STATES CONSTITUTION**

FAILURE TO PROTECT

(Monmouth County and the Corrections Defendants)

98. Plaintiff repeats and incorporates by reference the preceding paragraphs of her Complaint as though fully set forth herein.

99. Count One is brought pursuant to 42 U.S.C. § 1983 and the Due Process Clause of the Fourteenth Amendment of the United States Constitution.

100. Monmouth County and the Corrections Defendants are “persons” under 42 U.S.C. § 1983 who acted under color of state law and deprived Jennifer of rights secured by the United States Constitution.

101. Pursuant to the Fourteenth Amendment’s Due Process Clause, pretrial detainees are entitled to safe and humane conditions of confinement.

102. Monmouth County and the Corrections Defendants had a constitutional obligation to protect Jennifer, a pretrial detainee, from known dangers that threatened Jennifer’s health and safety within the Facility.

103. Monmouth County and the Corrections Defendants knew the ease with which illicit drugs were smuggled into the MCCI and of the pervasive distribution and use of drugs at the Facility. As such, Monmouth County and the Corrections Defendants knew of the obvious and substantial risk of harm associated with drug use in the MCCI, including the likelihood of an overdose and death. For example, just one month before Jennifer’s incarceration, an MCCI detainee had been criminally charged with causing the drug overdose death of another detainee.

104. Monmouth County and the Corrections Defendants were deliberately indifferent to these known dangers.

105. Monmouth County and the Corrections Defendants knew that individuals with substance use disorders are particularly vulnerable to relapsing and overdoses. The MCCI’s records detailed that Jennifer was such an individual and therefore faced a heightened risk of drug overdose. During Jennifer’s intake, it was revealed that she was a Drug Court participant with a history of substance use disorder and was exhibiting signs of withdrawal. That information should

have been made available and known to all MCCI personnel responsible for her custody, control, and care.

106. Despite their knowledge that drugs were frequently smuggled into and distributed within the Facility and posed a substantial risk of harm to Jennifer and other detainees with substance use disorders, Monmouth County and the Corrections Defendants did not take adequate corrective or remedial actions to protect them.

107. At all times material to this Complaint, Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello maintained policies, practices, and/or customs that collectively resulted in the widespread distribution and use of drugs in the Facility. Those policies, practices, and/or customs were the driving force behind the constitutional violations outlined in Count One of this Complaint. Those policies, practices, and/or customs included:

- a. The failure to properly screen detainees for illicit drugs on admission to the Facility;
- b. The failure to properly search detainees, visitors, corrections officers, other Facility employees, or the mail for drugs or to adequately search the Facility for drugs;
- c. The failure to supervise and train MCCI employees to properly conduct the screenings and searches described in subparagraphs a. and b.;
- d. The failure to properly monitor, observe, and protect at-risk detainees with known substance use disorders;
- e. The failure to perform cell checks for drugs on a regular basis and to ascertain the health and safety of at-risk detainees with substance use disorders;
- f. The failure to properly monitor and/or review security cameras to detect illicit drug use and distribution;
- g. The failure to have and implement proper procedures, training, and supervision for MCCI employees and medical staff in responding to drug overdoses and other such emergencies, and in rendering life-saving aid;

- h. The failure to properly train MCCI staff on how to detect and/or monitor detainees and MCCI employees for drug possession and drug distribution; and
- i. The failure to have and implement proper procedures, training, and supervision for the appropriate administration of Narcan.

108. Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello knew of the flow of drugs into and within the Facility and knew of the substantial risk of serious harm to the health and safety of MCCI detainees, such as Jennifer, posed by the ready access to such drugs. In collectively failing to take adequate measures to protect the lives and health of the detainees in their custody, control, and care from the clear and present danger of drugs as outlined in Paragraph 107, those Defendants acted with deliberate indifference to a degree that shocks the conscience.

109. Those Defendants were responsible for the policies, practices, and/or customs that violated the constitutional rights of Jennifer. Those policies, practices, and/or customs of deliberate indifference to the serious medical needs of pretrial detainees with a known history of drug dependency proximately caused Jennifer's overdose, pain and suffering, loss of enjoyment of life, and wrongful death.

110. Defendants CO Connell, CO Patterson, and John/Jane Doe COs are liable for failing to fulfill their constitutional duties to prevent the open and notorious distribution and use of drugs at the MCCI, which placed Jennifer at substantial risk of harm and proximately and directly caused her death.

111. As a result of Monmouth County's and the Corrections Defendants' conduct, Jennifer sustained economic and compensatory damages, conscious pain and suffering, and loss of enjoyment of life, and her children have sustained the loss of her care, guidance, companionship, and financial support. On behalf of Jennifer's Estate, Plaintiff seeks a recovery for all of those

damages and losses. Plaintiff also seeks punitive damages against the individual Corrections Defendants.

112. Pursuant to 42 U.S.C § 1988, these Defendants are liable for reasonable attorneys' fees and costs incurred in bringing this action.

COUNT TWO

VIOLATION OF CONSTITUTIONAL RIGHTS UNDER THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION

FAILURE TO TRAIN, SUPERVISE, OR DISCIPLINE

**(Defendants Monmouth County, Sheriff Shaun Golden, Undersheriff Theoadore Freeman,
and Warden Victor Iannello)**

113. Plaintiff repeats and incorporates by reference the preceding paragraphs of her Complaint as though fully set forth herein.

114. Count Two is brought pursuant to 42 U.S.C. § 1983 and the Due Process Clause of the Fourteenth Amendment of the United States Constitution, which entitle pretrial detainees to safe and humane conditions of confinement.

115. Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello are "persons" under 42 U.S.C. § 1983 who acted under color of state law and deprived Jennifer of rights secured by the United States Constitution.

116. Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello had the authority and duty to hire, screen, train, supervise, and discipline employees, corrections officers, medical staff, and personnel in the Facility.

117. Those Defendants' constitutionally infirm policies, practices, and/or customs relating to the training, supervision, and discipline of employees, corrections officers, medical staff, and personnel in the Facility resulted in lax drug screening and detection measures,

inadequate monitoring of at-risk detainees with known histories of substance use disorders, and inadequate responses to detainees suffering from a suspected overdose.

118. Those Defendants are liable for failing to supervise and/or train the MCCI's corrections officers to fulfill their constitutional duties to protect detainees from the substantial risk of harm posed by the omnipresence of drugs in the Facility and to discipline those officers who did not fulfill those duties. Those failures to supervise, train, and/or discipline corrections officers were the direct and proximate cause of the violation of Jennifer's constitutional rights and of her death.

119. As a result of the conduct of Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello, Jennifer sustained economic and compensatory damages, conscious pain and suffering, and loss of enjoyment of life, and her children have sustained the loss of her care, guidance, companionship, and financial support. On behalf of Jennifer's Estate, Plaintiff seeks a recovery for all of those damages and losses. Plaintiff also seeks punitive damages against Defendants Sheriff Golden, Undersheriff Freeman, and Warden Iannello.

120. Pursuant to 42 U.S.C § 1988, these Defendants are liable for reasonable attorneys' fees and costs incurred in bringing this action.

COUNT THREE

**VIOLATION OF CONSTITUTIONAL RIGHTS UNDER THE FOURTEENTH
AMENDMENT TO THE UNITED STATES CONSTITUTION**

STATE CREATED DANGER

**(Defendants Monmouth County, Sheriff Shaun Golden, Undersheriff Theodore Freeman,
and Warden Victor Iannello)**

121. Plaintiff repeats and incorporates by reference the preceding paragraphs of her Complaint as though fully set forth herein.

122. Count Three is brought pursuant to 42 U.S.C. § 1983 and the Due Process Clause of the Fourteenth Amendment of the United States Constitution.

123. Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello are “persons” under 42 U.S.C. § 1983 who acted under color of state law and deprived Jennifer of rights secured by the United States Constitution.

124. Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello exercised custody, control, and care over Jennifer and other detainees with histories of substance use disorders and maintained the facility that exposed those detainees to dangerous and potentially deadly conditions. Those abysmal conditions constituted a state-created danger that directly harmed Jennifer, and she was a reasonably foreseeable victim of the dangers known to those Defendants.

125. Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello created or enhanced a danger to Jennifer by detaining her in a facility plagued by the distribution and use of illicit drugs. By the manner in which they operated and controlled the Facility, those Defendants created and/or enhanced a known and substantial risk of harm to Jennifer and other MCCI detainees with substance use disorders and therefore deprived Jennifer of her Fourteenth Amendment right to substantive due process.

126. For years, Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello knew of the widespread distribution and use of illicit drugs at the MCCI, and the substantial risks of harm associated with drug dependency, including the likelihood of relapse and overdose and death. Yet those Defendants continued to authorize lax drug screening and detection measures in the Facility.

127. Those Defendants permitted the deleterious conditions in the Facility to persist, creating a substantial and heightened risk that detainees with substance use disorders, such as Jennifer, would suffer a drug overdose.

128. During Jennifer's intake, it was revealed that she was a Drug Court participant with a history of substance use disorder and was exhibiting signs of withdrawal. Yet Jennifer was detained in a controlled environment where she was exposed to the same deadly substances from which she was attempting to abstain. Just as law enforcement or corrections officials would not lock a recovering alcoholic charged with driving under the influence in a bar, Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello should not have incarcerated Jennifer in what was essentially a drug den.

129. Given those Defendants' knowledge of the ubiquity of drugs, overdoses, and overdose deaths in the Facility, and given their failure to take corrective measures, Jennifer's death from a drug overdose was a reasonably foreseeable event. Detaining Jennifer in an environment where she would likely relapse and overdose and where she was able to ingest a deadly cocktail of drugs was a direct and foreseeable harm of the dangerous conditions in the Facility.

130. Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello further enhanced the danger to Jennifer by failing to ensure that MCCI complied with NJDOC's policy and reporting requirements, including the obligation to report all fatalities to the NJDOC, such as Egner's death from a drug overdose. The manipulation of statistics denied the NJDOC the ability to fulfill its oversight responsibilities and to take corrective action.

131. Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello acted with deliberate indifference to the likelihood of harm, and even death, to detainees within the Facility, leading to the predictable but preventable tragedy in this case. In

light of the magnitude of the persistent drug problem in the Facility, those Defendants exhibited a degree of indifference that shocks the conscience.

132. As a direct and proximate cause of their actions in creating and enhancing the dangerous conditions at the Facility, Jennifer suffered injuries and damages, including death. She sustained economic and compensatory damages, conscious pain and suffering, loss of enjoyment of life, and the loss of being able to provide care, guidance, companionship, and financial support to her minor children. On behalf of Jennifer's Estate, Plaintiff seeks a recovery for all of those damages and losses. Plaintiff also seeks punitive damages against Defendants Sheriff Golden, Undersheriff Freeman, and Warden Iannello.

133. Pursuant to 42 U.S.C. § 1988, Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello are liable for reasonable attorneys' fees and costs incurred in bringing this action.

COUNT FOUR

VIOLATION OF CONSTITUTIONAL RIGHTS UNDER THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION

FAILURE TO RENDER ADEQUATE MEDICAL CARE

**(Defendants Corrections Officer Dylan J. Connell, Corrections Officer Randi Patterson,
John and Jane Doe Corrections Officers 1-10, Bonnie McKittrick, and John and Jane Doe
CFG Agents 1-5)**

134. Plaintiff repeats and incorporates by reference the preceding paragraphs of her Complaint as though fully set forth herein.

135. Count Four is brought pursuant to 42 U.S.C. § 1983 and the Due Process Clause of the Fourteenth Amendment of the U.S. Constitution.

136. Defendants CO Connell, CO Patterson, John/Jane Doe COs, McKittrick, and John/Jane Doe CFG Agents had a duty to comply with generally accepted standards of care expected of corrections officers and medical professionals in their treatment of Jennifer.

137. It is widely accepted in the corrections profession and industry that detainees with substance use disorders are at substantial risk of overdosing if they ingest drugs without the supervision of medical professionals and that detainees who are suffering from opioid overdose should be administered Narcan immediately.

138. Despite the documentation of Jennifer's history of substance use disorder in her MCCI records, the substantial risk of harm she faced because of the pervasiveness of illicit drugs in the Facility, and her placement in a cell with individuals who had known drug histories, Defendants CO Connell, CO Patterson, and John/Jane Doe COs failed to adequately monitor Jennifer through cell checks and/or to take other reasonable measures to protect Jennifer from harm.

139. As a direct and proximate result of those failures, those Defendants did not discover Jennifer overdosing sooner and did not administer Narcan in the critical moments that could have saved her life.

140. It is a widely accepted protocol in the medical profession that Narcan must be administered immediately and in repeated doses to a person suffering a drug overdose until she begins to breathe again. CFG's policies incorporate this protocol.

141. Despite knowing that Jennifer had overdosed on drugs, Defendant McKittrick failed to administer, as required, repeated doses of Narcan to Jennifer.

142. As a direct and proximate result of Defendant McKittrick's failure to administer additional doses of Narcan in the critical moments that could have saved Jennifer's life, Jennifer died while in medical distress.

143. Despite observing that Jennifer had overdosed on drugs, Defendants CO Connell, CO Patterson, John/Jane Doe COs, and John/Jane Doe CFG Agents did not administer additional doses of Narcan to Jennifer in the critical moments that could have saved her life.

144. As a direct and proximate cause of Defendants CO Connell, CO Patterson, John/Jane Doe COs, and John/Jane Doe CFG Agents' deliberate indifference to Jennifer's serious medical needs, Jennifer suffered injuries, including death. She sustained economic and compensatory damages, conscious pain and suffering, and loss of enjoyment of life, and the loss of being able to provide care, guidance, companionship, and financial support to her minor children. On behalf of Jennifer's Estate, Plaintiff seeks a recovery for all of those damages and losses. Plaintiff also seeks punitive damages against the individual Defendants.

145. Pursuant to 42 U.S.C. § 1988, the aforementioned Defendants are liable for reasonable attorneys' fees and costs incurred in bringing this action.

COUNT FIVE

VIOLATION OF THE NEW JERSEY CIVIL RIGHTS ACT, N.J.S.A. 10:6-2

(All Defendants)

146. Plaintiff repeats and incorporates by reference the preceding paragraphs of her Complaint as though fully set forth herein.

147. Defendants, acting under color of law, violated the New Jersey Civil Rights Act, N.J.S.A. 10:6-2, by depriving Jennifer of rights secured by the New Jersey Constitution, state law, and the United States Constitution.

148. Defendants deprived Jennifer of fundamental rights protected by Article I, Paragraph 1 of the New Jersey Constitution, which guaranteed her the rights “of enjoying . . . life and liberty, . . . and of pursuing and obtaining safety and happiness.” Article I, Paragraph 1 affords every person the guarantee of substantive due process and protects against injustice. Defendants also violated Article I, Paragraph 12 of the New Jersey Constitution, which prohibits the infliction of “cruel and unusual punishments.”

149. As a result of the Defendants’ conduct, Jennifer suffered injuries and damages, including death. She sustained economic and compensatory damages, conscious pain and suffering, loss of enjoyment of life, and the loss of being able to provide care, guidance, companionship, and financial support to her minor children. On behalf of Jennifer’s Estate, Plaintiff seeks a recovery for all of those damages and losses. Plaintiff also seeks punitive damages against the individual Corrections Defendants.

150. Pursuant to N.J.S.A. 10:6-2(f), Defendants are liable for reasonable attorneys’ fees and costs incurred in bringing this action.

COUNT SIX

NEGLIGENCE IN THE PERFORMANCE OF MINISTERIAL DUTIES UNDER THE NEW JERSEY TORT CLAIMS ACT, N.J.S.A. 59:1-1 to 59:12-3

(Monmouth County and the Corrections Defendants)

151. Plaintiff repeats and incorporates by reference the preceding paragraphs of her Complaint as though fully set forth herein.

152. At all relevant times, Defendants Sheriff Golden, Undersheriff Freeman, Warden Iannello, CO Connell, CO Patterson, and the John/Jane Doe COs were under a duty to act reasonably in the performance of their respective duties, including by following policies and

procedures to protect detainees, including Jennifer, from obtaining, using, and overdosing on drugs.

153. Defendants Sheriff Golden, Undersheriff Freeman, and Warden Iannello knew that drugs were smuggled into and distributed within the Facility on a frequent basis and that the presence of illicit drugs posed a serious risk that detainees with substance use disorders, such as Jennifer, would overdose. Those Defendants had a ministerial duty to exercise due and reasonable care in protecting the detainees in their custody, control, and care. They also had a duty to take reasonable steps to prevent the distribution of drugs within the Facility and to safeguard the health and safety of all detainees, but particularly vulnerable detainees with substance use disorders who were at increased risk of a drug overdose.

154. Defendants Sheriff Golden, Undersheriff Freeman, and Warden Iannello breached their duties of care by failing to take adequate or reasonable measures to stem the tide of drugs entering the Facility or to stop the distribution of drugs to and among detainees. They further breached their duties by failing to place Jennifer in an environment where she would be appropriately monitored and safeguarded from gaining access to illicit drugs.

155. Defendants CO Connell, CO Patterson, and the John/Jane Doe COs breached their duties of reasonable care by: (1) failing to adhere to earlier referenced NJDOC regulations, including N.J.A.C. 10A:31-13.26, which dictates that detoxification from alcohol, barbiturates, and similar drugs must occur under medical supervision at the MCCI; (2) failing to adhere to earlier referenced MCCI policies and procedures, including the requirement that corrections officers constantly monitor detoxing detainees by using video equipment and/or conducting physical checks of those detainees every fifteen minutes; (3) failing to prevent the distribution of drugs; (4) allowing or facilitating the procurement and use of drugs at the MCCI; (5) failing to

adequately monitor Jennifer on the day that she died through cell checks that would have revealed that she obtained drugs and was under the influence of drugs; and (6) failing to ensure that Jennifer received timely and adequate medical attention when she overdosed.

156. At all relevant times, the Corrections Defendants were acting as employees of Monmouth County and within the scope of that employment. As such, Monmouth County is responsible for their negligent acts.

157. As a direct and proximate cause of the negligent conduct of Monmouth County and the Corrections Defendants, Jennifer suffered injuries and damages, including death. She sustained economic and compensatory damages, including conscious pain and suffering, recoverable by Plaintiff under N.J.S.A. 2A:15-3.

158. As a direct and proximate result of the negligent conduct of Monmouth County and the Corrections Defendants, L.R.K. and B.A.K. suffered damages recoverable under N.J.S.A. 2A:31-1 to -6, including, but not limited to, compensatory damages and the loss of love, advice, counsel, companionship, guidance, and financial support Jennifer provided them as their mother.

159. Plaintiff also seeks punitive damages against the Corrections Defendants.

COUNT SEVEN

NEGLIGENT FAILURE TO TRAIN AND/OR SUPERVISE UNDER THE NEW JERSEY TORT CLAIMS ACT, N.J.S.A. 59:1-1 to 59:12-3

**(Defendants Monmouth County, Sheriff Shaun Golden, Undersheriff Theoadore Freeman,
and Warden Victor Iannello)**

160. Plaintiff repeats and incorporates by reference the preceding paragraphs of her Complaint as though fully set forth herein.

161. At all relevant times, Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello were under a duty to exercise due care in training and supervising corrections

officers at the MCCI for the purpose of ensuring the safety and well-being of the detainees in their custody, control, and care.

162. Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello breached that duty by failing to properly train and/or supervise corrections officers at the MCCI in: (1) preventing the distribution, possession, and use of drugs at the MCCI, (2) adequately monitoring detainees to ensure their safety and well-being, and (3) responding to overdoses.

163. Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello failed to act reasonably in the performance of their respective duties by not maintaining or enforcing policies and procedures to prevent and protect detainees, including Jennifer, from obtaining, using, and overdosing on drugs while detained at the MCCI.

164. As a direct and proximate cause of Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello's failure to adequately supervise and train MCCI corrections officers and to enact, maintain, and/or enforce policies and procedures to do so, Jennifer was able to access drugs in the MCCI and overdose while in Defendants' custody.

165. As a direct and proximate result of Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello's negligent conduct, Jennifer suffered injuries and damages, including death. She sustained economic and compensatory damages, including conscious pain and suffering, recoverable by Plaintiff under N.J.S.A. 2A:15-3.

166. As a direct and proximate result of Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello's negligent conduct, L.R.K. and B.A.K. suffered damages recoverable under N.J.S.A. 2A:31-1 to -6, including, but not limited to, compensatory damages and the loss of love, advice, counsel, companionship, guidance, and financial support Jennifer provided them as their mother.

167. Plaintiff also seeks punitive damages against the Corrections Defendants.

COUNT EIGHT

**NEGLIGENCE IN THE PERFORMANCE OF DISCRETIONARY ACTIVITIES
UNDER THE NEW JERSEY TORT CLAIMS ACT, N.J.S.A. 59:1-1 to 59:12-3**

**(Defendants Monmouth County, Sheriff Shaun Golden, Undersheriff Theoadore Freeman,
and Warden Victor Iannello)**

168. Plaintiff repeats and incorporates by reference the preceding paragraphs of her Complaint as though fully set forth herein.

169. At all relevant times, Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello were under a duty to act reasonably in the performance of their respective duties by enacting, maintaining, and enforcing policies and procedures to protect detainees, including Jennifer, from obtaining, using, and overdosing on drugs.

170. Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello breached their duties to exercise reasonable care by failing to control the flow of drugs into the MCCI, failing to prevent Jennifer from procuring drugs, and failing to protect Jennifer from overdosing on drugs. They failed to maintain a reasonably safe environment for detainees with substance use disorders who were in their custody, control, and care and who were particularly susceptible to the temptation of drugs. Those failures were palpably unreasonable under the circumstances.

171. At all relevant times, Defendants Sheriff Golden, Undersheriff Freeman, and Warden Iannello were acting as employees of Monmouth County and within the scope of that employment. As such, Monmouth County is responsible for their negligent acts.

172. As a direct and proximate cause of the negligence of Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello, Jennifer died while in their custody.

173. As a direct and proximate result of Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello's negligent conduct, Jennifer suffered injuries and damages, including death. She sustained economic and compensatory damages, including conscious pain and suffering, recoverable by Plaintiff under N.J.S.A. 2A:15-3.

174. As a direct and proximate result of Defendants Monmouth County, Sheriff Golden, Undersheriff Freeman, and Warden Iannello's negligent conduct, L.R.K. and B.A.K. suffered damages recoverable under N.J.S.A. 2A:31-1 to -6, including, but not limited to, compensatory damages and the loss of love, advice, counsel, companionship, guidance, and financial support Jennifer provided them as their mother.

175. Plaintiff also seeks punitive damages against the Corrections Defendants.

COUNT NINE
NEGLIGENCE
UNDER NEW JERSEY COMMON LAW

(Defendants Bonnie McKittrick, CFG Health Systems, LLC, and John and Jane Doe CFG Agents 1-5 (collectively, "Medical Defendants"))

176. Plaintiff repeats and incorporates by reference the preceding paragraphs of her Complaint as though fully set forth herein.

177. At all relevant times, the Medical Defendants owed Jennifer a duty to render adequate medical care to her while she was in the custody, control, and care of the MCCI. Defendant CFG had a duty to establish policies, practices, and/or procedures to ensure that its agents and medical staff—including Defendants McKittrick and John/Jane Doe CFG Agents—correctly assessed detainees admitted into the MCCI and properly treated and cared for them.

178. As alleged in the preceding paragraphs, the Medical Defendants breached those duties by: (1) failing to administer additional doses of Narcan to Jennifer when she overdosed on

drugs, in contravention of widely known and accepted medical standards, including CFG's own policies; and (2) failing to train, supervise, and/or monitor employees to ensure that they were administering repeated doses of Narcan to overdosing detainees.

179. As a direct and proximate cause of the Medical Defendants' negligence, Jennifer did not receive additional doses of Narcan and died in MCCI custody.

180. At all relevant times, Defendants McKittrick and John/Jane Doe CFG Agents were acting as employees of CFG, and within the scope of that employment. As such, CFG is responsible for the negligent acts of Defendants McKittrick and John/Jane Doe CFG Agents.

181. As a direct and proximate result of the Medical Defendants' conduct, Jennifer suffered injuries and damages, including death. She sustained economic and compensatory damages, including conscious pain and suffering, recoverable by Plaintiff under N.J.S.A. 2A:15-3.

182. As a direct and proximate result of these Defendants' negligent conduct, L.R.K. and B.A.K. suffered damages recoverable under N.J.S.A. 2A:31-1 to -6, including, but not limited to, compensatory damages and the loss of love, advice, counsel, companionship, guidance, and financial support Jennifer provided them as their mother.

183. Plaintiff also seeks punitive damages against the Corrections Defendants.

COUNT TEN

LOST CHANCE OF SURVIVAL UNDER THE NEW JERSEY TORT CLAIMS ACT, N.J.S.A. 59:1-1 to 59:12-3

(Monmouth County and the Corrections Defendants)

184. Plaintiff repeats and incorporates by reference the preceding paragraphs of her Complaint as though fully set forth herein.

185. Defendants CO Connell, CO Patterson, and John/Jane Doe COs were or should have been trained to administer Narcan to overdosing individuals.

186. Defendants Sheriff Golden, Undersheriff Freeman, and Warden Iannello failed to promulgate, implement, and/or enforce, through training and supervision, effective policies on the administration of Narcan to overdosing individuals.

187. Jennifer was able to obtain and consume drugs, and Defendant CO Connell was alerted that Jennifer was in medical distress on the evening of September 20, 2022. Defendant CO Patterson responded to Jennifer's cell with CO Connell, and both observed that Jennifer was in the throes of a drug overdose.

188. Despite Defendants CO Connell's and CO Patterson's training, they did not timely respond to Jennifer's medical emergency, letting critical minutes pass before finally opening her cell door. Neither administered Narcan to Jennifer and, therefore, they did not follow generally accepted standards of care for corrections officers in their treatment of Jennifer.

189. Defendants John/Jane Doe COs also failed to appropriately respond to Jennifer's medical distress or failed to take any lifesaving measures to prevent Jennifer's death.

190. As set forth earlier, Defendants CO Connell, CO Patterson, and John/Jane Doe COs breached their duty of reasonable care owed to Jennifer by failing to monitor and provide adequate medical treatment to her. As a result of their negligent conduct, Jennifer lost any chance of survival in the critical moments after she went into medical distress.

191. At all relevant times, the Corrections Defendants were acting as employees of Monmouth County and within the scope of that employment. As such, Monmouth County is responsible for their negligent acts.

192. As a direct and proximate result of Defendants CO Connell, CO Patterson, and John/Jane Doe COs' conduct, Jennifer suffered injuries and damages, including death. She sustained economic and compensatory damages, including conscious pain and suffering, recoverable by Plaintiff under N.J.S.A. 2A:15-3.

193. As a direct and proximate result of Defendants CO Connell, CO Patterson, and John/Jane Doe COs' conduct, L.R.K. and B.A.K. suffered damages recoverable under N.J.S.A. 2A:31-1 to -6, including, but not limited to, compensatory damages and the loss of love, advice, counsel, companionship, guidance, and financial support Jennifer provided them as their mother.

COUNT ELEVEN

**LOST CHANCE OF SURVIVAL
UNDER NEW JERSEY COMMON LAW**

(Defendant Bonnie McKittrick)

194. Plaintiff repeats and incorporates by reference the preceding paragraphs of her Complaint as though fully set forth herein.

195. Defendant McKittrick is trained to administer Narcan to overdosing individuals.

196. On September 20, 2022, the date of Jennifer's death, the practices and procedures of Defendant McKittrick's employer, CFG, required that a minimum of two doses of Narcan be administered intranasally to suspected drug overdose victims, with 1 mg given per nostril every five minutes. CFG's policies further required that its employees reassess the patient after each dose to determine the effect and need for additional Narcan. If a patient showed minimal or no response to Narcan, CFG mandated that its employees administer subsequent doses to treat a drug overdose.

197. Despite those CFG protocols and widely accepted medical standards and procedures that require administering multiple doses of Narcan to overdosing individuals,

Defendant McKittrick inadequately responded to Jennifer's medical distress by failing to administer repeated doses of Narcan.

198. As set forth earlier, Defendant McKittrick breached her duty of reasonable care owed to Jennifer by failing to provide adequate medical treatment. As a result of Defendant McKittrick's negligent conduct, Jennifer lost any chance of survival in the critical moments after she went into medical distress.

199. As a direct and proximate result of Defendant McKittrick's conduct, Jennifer suffered injuries and damages, including death. She sustained economic damages and compensatory damages, including conscious pain and suffering, recoverable by Plaintiff under N.J.S.A. 2A:15-3.

200. As a direct and proximate result of Defendant McKittrick's conduct, L.R.K. and B.A.K. suffered damages recoverable under N.J.S.A. 2A:31-1 to -6, including, but not limited to, compensatory damages and the loss of love, advice, counsel, companionship, guidance, and financial support Jennifer provided them as their mother.

201. Plaintiff also seeks punitive damages against the Corrections Defendants.

COUNT TWELVE

WRONGFUL DEATH UNDER THE NEW JERSEY WRONGFUL DEATH ACT, N.J.S.A. 2A:31-1 to 2A:31-6

(All Defendants)

202. Plaintiff repeats and incorporates by reference the preceding paragraphs of her Complaint as though fully set forth herein.

203. As a result of the wrongful acts of Defendants, as described throughout this Complaint, Jennifer died while a detainee in the MCCI, causing L.R.K. and B.A.K., Jennifer's minor sons, to suffer damages, including, but not limited to, the loss of love, advice, counsel,

companionship, guidance, and financial support Jennifer provided them as their mother. Plaintiff seeks compensatory damages for the pecuniary loss Jennifer's minor sons have sustained and punitive damages against Defendants. Plaintiff also seeks the recovery of all reasonable funeral expenses.

204. By reason of the Corrections Defendants' wrongful acts and omissions, Plaintiff is entitled to recover punitive and exemplary damages.

205. This action has been commenced within two years of Jennifer's death.

206. Plaintiff, the duly appointed administrator *ad prosequendum* of Jennifer's Estate, brings this action pursuant to the New Jersey Wrongful Death Act, N.J.S.A. 2A:31-1 to -6, for the benefit of Jennifer's minor sons.

207. Plaintiff also seeks punitive damages against the Corrections Defendants.

COUNT THIRTEEN

SURVIVAL ACTION UNDER THE NEW JERSEY SURVIVOR'S ACT, N.J.S.A. 2A:15-3

(All Defendants)

208. Plaintiff repeats and incorporates by reference the preceding paragraphs of her Complaint as though fully set forth herein.

209. As a result of the wrongful acts of Defendants, as described throughout this Complaint, Jennifer suffered injuries and damages, including death, while a detainee in the MCCI.

210. Plaintiff seeks damages for the injuries caused by Defendants resulting in Jennifer's wrongful death, for which Jennifer would have had a cause of action had she lived, such as her pain and suffering and any other damages, as authorized by law.

211. This cause of action for survival damages is brought pursuant to the authority of the New Jersey Survivor's Act, N.J.S.A. 2A:15-3.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court grant the following relief:

1. Enter judgment in favor of Plaintiff on behalf of the Estate of Jennifer A. Ross for compensatory, pain and suffering, punitive, and loss of enjoyment of life damages, as allowed by law, against each Defendant, jointly and severally in an amount to be determined at trial.
2. Enter judgment in favor of Plaintiff on behalf of L.R.K. and B.A.K. for compensatory damages and the loss of love, advice, counsel, companionship, guidance, and financial support Jennifer provided them as their mother.
3. Award Plaintiff counsel fees and costs pursuant to 42 U.S.C. § 1988 and/or the New Jersey Civil Rights Act.
4. Award equitable and injunctive relief to address policy deficiencies at the MCCI identified herein or later revealed during discovery.
5. Grant such other relief as the Court deems just and proper.

TRIAL BY JURY DEMANDED

Plaintiff demands a trial by jury on all issues so triable under Rule 38 of the Federal Rules of Civil Procedure.

Dated: January 9, 2024

Respectfully submitted,

LOWENSTEIN SANDLER LLP

/s/ Barry T. Albin

Barry T. Albin, Esq.
Natalie Janet Kraner, Esq.
Stephanie Ashley, Esq.
Cassandra Essert, Esq.
Pati Candelario, Esq.

CERTIFICATION UNDER LOCAL CIVIL RULE 11.2

I, Barry T. Albin, of full age, hereby certify pursuant to 28 U.S.C. § 1746 that the matter in controversy is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding.

Dated: January 9, 2024

/s/ Barry T. Albin
Barry T. Albin
LOWENSTEIN SANDLER LLP
One Lowenstein Drive
Roseland, New Jersey 07068
973-597-2500

CIVIL COVER SHEET

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

I. (a) PLAINTIFFS

Michelle Trussell, as Administrator ad Prosequendum of the Estate of Jennifer A. Ross, and as Guardian of minors L.R.K. and B.A.K.

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

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

Barry T. Albin, Esq., Natalie Janet Kraner, Esq., Stephanie Ashley, Esq., Cassandra Essert, Esq., Pati Candelario, Esq., Lowenstein Sandler LLP, One Lowenstein Drive, Roseland, New Jersey 07068, (973) 597-2500

DEFENDANTS

Monmouth County, et al. (See attachment)

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

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

Attorneys (If Known)

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

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

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

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, 1 1, 2 2, 3 3, 4 4, 5 5, 6 6

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

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, INTELLECTUAL PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Real Property, Labor, etc.

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

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

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

Brief description of cause: Plaintiff sues to recover for unconstitutional conditions of confinement and tortious conduct that caused her daughter's fatal drug overdose in a county jail.

VII. REQUESTED IN COMPLAINT:

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

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE DOCKET NUMBER

DATE 01/09/2024 SIGNATURE OF ATTORNEY OF RECORD s/ Barry T. Albin

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

DEFENDANTS

MONMOUTH COUNTY

MONMOUTH COUNTY SHERIFF SHAUN GOLDEN, *in his official and individual capacities*;

MONMOUTH COUNTY EXECUTIVE UNDERSHERIFF THEODORE FREEMAN, *in his official and individual capacities*;

WARDEN VICTOR IANNELLO OF THE MONMOUTH COUNTY CORRECTIONAL INSTITUTION, *in his official and individual capacities*;

CORRECTIONS OFFICER DYLAN J. CONNELL, *in his individual capacity*;

CORRECTIONS OFFICER RANDI PATTERSON, *in his individual capacity*;

BONNIE MCKITTRICK, *in her individual capacity*;

CFG HEALTH SYSTEMS, LLC;

JOHN AND JANE DOE CORRECTIONS OFFICERS 1-10, *in their individual capacities*; and

JOHN AND JANE DOE CFG AGENTS 1-5, *in their individual capacities*.