

**THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

**MALLORY ADDINGTON &
LONDON ADDINGTON**

versus

**BAYOU DORCHEAT CORRECTIONAL
CENTER, et al.**

*** NO. 5:18-CV-1116 – EEF - MLH (LEAD)
* NO. 5:19-CV-00411-EEF-MLH (MEMBER)
*
* JUDGE FOOTE
*
*
* MAGISTRATE JUDGE HORNSBY

PLAINTIFFS’ AMENDED COMPLAINT

NOW INTO COURT, through undersigned counsel, come Plaintiffs, Mallory Addington, Landon Addington and Cody Addington, who respectfully submit this Amended Complaint and aver the following:

PARTIES AND CLAIMS ALLEGED

1. Plaintiffs herein are Mallory Addington, Landon Addington and Cody Addington, the surviving children of Joshua Dolan Addington who died at Bayou Dorcheat Correctional Center (BDCC) on April 1, 2018.

2. Mallory Addington and Landon Addington filed a Complaint in the lead case on August 29, 2018 (“Lead Complaint”) against (1) BDCC, (2) John Lewis, in his individual and official capacity as Warden of BDCC, (3) Gary Sexton, in his individual and official capacity as Sheriff of Webster Parish and (4) Unknown Agents of BDCC and/or the Webster Parish Sheriff’s Department in their individual and official capacities as employees of BDCC and/or Webster Parish Sheriff’s Department.

3. On April 1, 2019, Cody Addington filed a Complaint in the member case (“Member Complaint”) against the same defendants listed in paragraph 2 above. The member case and lead case were consolidated on June 5, 2019 by Order of this Court.

4. Both the Lead Complaint and Member Complaint assert wrongful death and survival actions under Louisiana law and make official capacity claims under 42 U.S.C. § 1983 against John Lewis and Gary Sexton, individual capacity claims under 42 U.S.C. § 1983 against Unknown Agents of BDCC and state law negligence claims against John Lewis, Gary Sexton and Unknown Agents of BDCC.

5. The current defendants in this matter are (1) John Lewis, in his individual and official capacity as Warden of BDCC and (2) Gary Sexton, in his individual and official capacity as Sheriff of Webster Parish.

6. Plaintiffs herein amend their Complaint to assert wrongful death and survival actions against (a) Nurse Debra Claunch, (b) Sergeant Damion Wells and (c) Dr. Frederick Heard for deliberate indifference shown by them to Joshua Addington’s serious medical needs, in violation of 42 U.S.C. § 1983, the Eighth Amendment and Louisiana state law.

BACKGROUND

7. Plaintiffs incorporate all of the allegations set forth in the previously filed Lead Complaint and Member Complaint as if fully set forth herein and further allege as follows:

8. On March 17, 2018, Joshua Addington was booked into BDCC as a transfer from Bossier Medium Security Facility.

9. Upon intake, Joshua Addington was evaluated by a deputy at BDCC for his routine health screening.

10. Joshua Addington informed the deputy that he had Type II diabetes and Joshua Addington's Medical Transfer Form from Bossier Medium Security Facility indicated he was prescribed Amitriptyline in the evening and insulin twice a day.

11. BDCC's Policies and Procedures for Medical Treatment provide: "Medications will be administered according to doctor's instructions only. Corrections deputies will ensure offenders receive their medications according to doctor's instructions."

12. The Webster Parish Corrections Offender Handbook, Section "XV. Medical and Dental," part C., provided to inmates by BDCC, states that "Bayou Dorcheat Medical Officer will make initial examinations and conduct sick call. The Medical Officer is a Nurse who operates and consults with the Webster Parish Physician for obtaining prescriptions needed for medications and/or medical appointments and/or treatment...."

13. Nurse Debra Claunch came to BDCC for 34 minutes on March 17, 2018, to fill Joshua Addington's insulin syringes, but did not see or evaluate him for intake at any time.

14. Nurse Claunch did not notify Dr. Heard, the physician responsible for oversight of inmate medical care at BDCC, of Joshua Addington's transfer or his prescriptions for Amitriptyline or insulin. Nurse Claunch never obtained doctor's orders for Joshua Addington's medical care or prescription medications.

15. Based upon Joshua Addington's medical transfer form from Bossier Medium Security Facility and his intake health screening performed by a BDCC deputy, Joshua Addington was to receive insulin twice daily during his two-week incarceration at BDCC.

16. Nurse Claunch failed to ensure that BDCC corrections deputies administered insulin or Amitriptyline to Joshua Addington timely.

17. Between March 17, 2018 and March 30, 2018, Joshua Addington did not receive his prescribed four morning doses of insulin (March 18, 19, 24, 25) and ten evening doses (March 18, 19, 21, 22, 23, 26, 27, 28, 26, 30). No Amitriptyline was ever administered, nor were there any orders to discontinue the Amitriptyline.

18. BDCC's Policies and Procedures for Medical Treatment provide "The corrections deputy administering medications will make a reasonable effort to ensure offender takes medication provided" and "All medications administered by corrections deputies will be documented."

19. Moreover, corrections deputies at BDCC are required to document each time a prescribed medication is refused by, or otherwise is not administered to, an inmate.

20. Neither Nurse Claunch, Warden John Lewis, Sergeant Damien Wells or Dr. Frederick Heard ensured or confirmed that the correctional deputy dispensing medication and/or blood sugar testing equipment to Joshua Addington documented the rationale for the missed doses of insulin, including any alleged refusals.

21. Neither Nurse Claunch, Warden John Lewis, Sergeant Damien Wells or Dr. Frederick Heard ensured that a complete and uniform medical record was created or maintained for Joshua Addington.

22. Joshua Addington's blood sugar readings were not documented or maintained in any BDCC medical record, nor were any of his blood sugar readings ever communicated to or reviewed by any BDCC medical personnel.

23. On Friday, March 30, 2018, at about 8:30am, Joshua Addington was found unconscious in his dorm after suffering a hypoglycemic event.

24. Sergeant Wells notified Nurse Claunch, who was on vacation until April 3, 2018, of Joshua Addington's condition and Nurse Claunch told Sergeant Wells to call an ambulance, but never notified Dr. Frederick Heard. No medical records from BDCC were provided to the EMS personnel or Minden Medical Center for his hospital admission.

25. The paramedics took Joshua Addington to the Emergency Room at Minden Medical Center on March 30, 2018, and a correctional deputy followed in a separate vehicle.

26. Once Joshua Addington's blood sugar was stabilized, he was released at about 11:00am on March 30, 2018, and his discharge instructions were given to the correctional deputy who drove Joshua Addington back to BDCC.

27. The correctional deputy placed the discharge instructions in Nurse Claunch's mailbox for her to review upon her return from vacation, which did not occur until April 3, 2020, after Joshua Addington was deceased.

28. Dr. Heard was never notified by any BDCC personnel or Nurse Claunch of Joshua Addington's hospitalization or return to BDCC with discharge instructions.

29. None of the Minden Medical Center discharge instructions or orders, including medication orders, were reviewed or followed by BDCC personnel or staff, including Nurse Claunch, Warden John Lewis, Sergeant Damien Wells or Dr. Frederick Heard between the time of Joshua Addington's discharge and his death.

30. At 13:12 on March 30, 2018, approximately two (2) hours after he returned to BDCC from Minden Medical Center, prison records noted Joshua Addington was having problems in his dorm and was transferred to a holding cell for further observation.

31. Sergeant Wells was the officer in charge of all correctional Deputies on the A shift from March 30-April 1, 2018.

32. Sergeant Wells did not notify any medical personnel about moving Joshua Addington to a holding cell and no medical personnel evaluated Joshua Addington while he was located in the holding cell.

33. At 15:32, Joshua Addington's blood sugar reading was 154 and he had a temperature of 101.2 Fahrenheit.

34. Sergeant Wells did not relay Joshua Addington's complaint of fever to any medical personnel and Joshua Addington's fever went untreated.

35. On March 31, 2018, Joshua Addington remained in the holding cell and his blood sugar readings were 284 at 09:25, 364 at 12:43, 309 at 14:36, 274 at 17:24.

36. Joshua Addington's March 31, 2018 blood sugar readings were communicated to Sergeant Wells, but Sergeant Wells did not notify Nurse Claunch, Dr. Heard or any other medical personnel.

37. On the afternoon of March 31, 2018, Joshua Addington complained of nausea to a correctional deputy as noted in BDCC's Master Control Log.

38. A correctional deputy gave Joshua Addington an unknown medication for his nausea at 1:09pm on March 31, 2018. Neither the name of the medication nor its administration was ever documented in any BDCC medical record or MAR as required by BDCC policy.

39. BDCC Medical policy states that "Medications will be administered according to doctor's instructions only," and that "All medications administered by corrections deputies will be documented. This includes over the counter medications."

40. The BDCC deputy who administered the unknown medication for Joshua Addington's nausea did not inform any medical personnel of Joshua Addington's symptoms, nor of the administration of the unknown medication as required by BDCC policy.

41. No medical BDCC medical personnel, including Nurse Claunch or Dr. Heard, authorized or ordered the nausea medication the BDCC deputy administered to Joshua Addington on March 31, 2018 as required by BDCC policy.

42. Sergeant Wells failed to ensure the name of the medication and its administration were documented in any BDCC medical record or MAR, or that any BDCC medical personnel were notified of Joshua Addington's symptoms or the medication administration as required by BDCC policy.

43. At 2:36pm on March 31, 2018 Joshua Addington's blood sugar was 309.

44. No insulin was given in response to the blood sugar of 309, and no BDCC medical personnel, including Nurse Claunch or Dr. Heard, was notified, evaluated Joshua Addington, or provided any orders in response as required by BDCC policy.

45. At 6:15am on April 1, 2018, Joshua Addington's blood sugar reading was 366 and he asked a deputy for water because none was available in his holding cell. Sergeant Wells was aware of this reading, because the reading was documented in a BDCC "unusual occurrence report" that was reviewed and signed off by Sergeant Wells.

46. Sergeant Wells failed to ensure any BDCC medical personnel were notified of Joshua Addington's 366 blood sugar reading, including Nurse Claunch or Dr. Heard, as required by BDCC policy.

47. No insulin was given in response to the blood sugar of 366, and no BDCC medical personnel, including Nurse Claunch or Dr. Heard evaluated Joshua Addington, or provided any orders in response as required by BDCC policy.

48. At 6:15am on April 1, 2018, nearly 48 hours after his discharge from Minden Medical Center following a serious diabetic event, Joshua Addington had still not received his

prescribed insulin, or any other medications, as ordered by Minden Medical Center treating physician.

49. At 1:21pm Deputy Edwards found Joshua Addington unresponsive in his cell and tried to administer oxygen by bag valve, but there was no oxygen in the bottle.

50. At 1:55pm, paramedics announced Joshua Addington dead.

51. Despite Dr. Heard's obligation to visit BDCC weekly to provide treatment to inmates in need, Dr. Heard never evaluated Joshua Addington, reviewed his medical records or visited BDCC at all during Joshua Addington's sixteen days of incarceration at BDCC, as required by BDCC policy.

TITLE 42 U.S.C. § 1983 – EPISODIC ACTS OR OMISSIONS

52. A prison official violates the Eighth Amendment's prohibition against cruel and unusual punishment when his or her conduct demonstrates deliberate indifference.

53. An episodic act or omission occurs when one or more officials act with deliberate indifference towards a prison policy, custom, or rule (or lack thereof) which causes actual harm to a detainee.

54. Dr. Heard acted with deliberate indifference by failing to create a policy for Nurse Claunch and other deputies regarding the intake process for inmates who arrive with chronic and/or serious health conditions.

55. Dr. Heard acted with deliberate indifference and violated BDCC's policy of weekly visits by failing to visit BDCC at all during Joshua Addington's sixteen-day incarceration.

56. Nurse Claunch acted with deliberate indifference when she failed to evaluate Joshua Addington during his March 17, 2018 intake at the prison or otherwise evaluate/treat/monitor him upon his return from Minden Medical Center.

57. Nurse Claunch acted with deliberate indifference in failing to maintain a uniform and complete medical record for Joshua Addington, despite her awareness of his serious chronic medical issues.

58. Nurse Claunch acted with deliberate indifference in failing to consult with a nutritionist or order Joshua Addington's diabetic diet upon his intake at BDCC.

59. Sergeant Wells acted with deliberate indifference in failing to notify any BDCC medical personnel regarding Joshua Addington's multiple dangerously high blood sugar readings, nausea and refusal to eat.

60. Sergeant Wells acted with deliberate indifference in failing to notify any BDCC medical personnel regarding Joshua Addington's Minden Medical Center discharge instructions and orders.

61. Nurse Claunch acted with deliberate indifference in failing to follow-up with BDCC regarding Minden Medical Center's discharge instructions and orders, knowing he had been admitted to the hospital for a life-threatening diabetic event on March 30, 2018, and knowing she would not be returning to BDCC for several days.

62. Sergeant Wells acted with deliberate indifference in failing to ensure that Joshua Addington received his insulin and other medications, as prescribed by Minden Medical Center, between the time of Joshua Addington's return to BDCC from Minden Medical Center and his death on April 1, 2018.

63. Sergeant Wells acted with deliberate indifference in failing to ensure that Joshua Addington's blood sugar levels and medication administration were completely and consistently documented.

64. Sergeant Wells, Nurse Claunch, and Dr. Heard deprived Joshua Addington of constitutionally adequate medical care, provided for in Title 42 U.S.C. § 1983, by allowing deputies to make medical decisions without a doctor's instruction or supervision.

65. Sergeant Wells, Nurse Claunch, and Dr. Heard acted with deliberate indifference in failing to follow and enforce Policy 6 in BDCC's instructional manual which stated, "Corrections deputy will follow instructions provided by medical provider and will record the information in MAR."

66. Sergeant Wells, Nurse Claunch and Dr. Heard acted with deliberate indifference in failing to ensure Joshua Addington's records were uniform and complete, resulting in sporadic and unreliable blood sugar measurements and insulin administration documentation.

67. Sergeant Wells, Nurse Claunch and Dr. Heard acted with deliberate indifference in failing to enforce and follow BDCC Medical Policy regarding administering medications, which stated: "Medications will be administered according to doctor's instructions only. Corrections deputies will ensure offenders receive their medications according to doctor's instructions"

68. Due to Sergeant Wells, Nurse Claunch and Dr. Heard's failure to comply with the above Medical Policy, Joshua Addington's diabetes was grossly and severely mismanaged.¹

69. Sergeant Wells acted with deliberate indifference in failing to ensure his deputies followed Policy 12, which states: "deputies will remain receptive to medical needs of offenders, reporting medical problems encountered to the medical officer should the offender fail to do so."

¹ Notwithstanding this allegation, Plaintiffs also allege the unwritten "custom" of BDCC was also in violation of Joshua Addington's constitutional rights as there were no medical policies in place to provide him with adequate medical care when he experienced complications with his diabetes.

70. Due to Sergeant Wells' failure to enforce Policy 12, Nurse Claunch, the medical officer, was not notified when Joshua Addington did not receive his twice daily insulin. BDCC records provide no medical rationale for the missed doses, nor any alleged refusals by Joshua Addington.

71. BDCC Medical Policy 9 states "Medical supplies determined to be needed by the Medical Officer are to be stored and readily available at BDCC."

72. Nurse Claunch acted with deliberate indifference in failing to follow BDCC Medical Policy 9, ensuring oxygen tanks at BDCC were working and full of oxygen.

73. Nurse Claunch acted with deliberate indifference in acting (and failing to act) outside of the scope of her nursing licensure.

74. Nurse Claunch's failure to follow BDCC policies contributed to Joshua Addington's death because he was unable to receive potentially lifesaving oxygen on April 1, 2018 while waiting for the paramedics' arrival.

75. Nurse Claunch, Sergeant Wells and Dr. Heard acted with deliberate indifference to the obvious and serious medical needs of Joshua Addington and directly caused his death in violation of [42 U.S.C. § 1983](#), the Eighth Amendment and Louisiana law.

76. Plaintiffs have wrongful death and survival actions based on 2315.2 and 2315.1.

DAMAGES

77. As a result of the foregoing, Plaintiffs are entitled to an award of damages to include all compensatory, special, punitive and other damages as are reasonable in the premises associated with actions for wrongful death and survival, including, but not limited to:

- a. Pain, suffering, anguish, distress and all other damages suffered by Joshua Addington while incarcerated at Minden Medical Center;

- b. Past, present, and future emotional distress;
- c. Past, present, and future mental anguish;
- d. Physical pain and suffering;
- e. Loss of enjoyment of life;
- f. Punitive damages;
- g. Attorney fees;
- h. Expert witness fees,
- i. Judicial interest;
- j. Court costs; and
- k. All other relief to which he may be entitled by law or equity.

PRAYER

WHEREFORE, Plaintiffs Mallory Addington, Landon Addington and Cody Addington, pray that after due proceedings had, there be judgment rendered in their favor and against Defendants and that they be awarded compensatory damages, punitive damages, attorneys' fees, costs, legal interest, expert witness fees, and any other relief to which they are entitled under law and equity.

Respectfully submitted,

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Please Serve:

Service on all defendants will be completed by waiver pursuant to Rule 4(d) of the FRCP.