

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

JOHN R. GULASH, JR.,	)	No.
ADMINISTRATOR OF THE ESTATE	)	
OF DAVID TRACY,	)	
	)	COMPLAINT FOR DAMAGES
Plaintiff,	)	
	)	
	)	
vs.	)	
	)	DEMAND FOR JURY TRIAL
JOHN J. ARMSTRONG;	)	
CONNECTICUT DEPARTMENT OF	)	
CORRECTIONS; BRETT S.	)	
RAYFORD; UNIVERSITY OF	)	<b>NO.301CV362PCD</b>
CONNECTICUT HEALTH CENTER;	)	
ROBERT TRESTMAN, M.D.;	)	
NORTHERN CORRECTIONAL	)	
INSTITUTION; LARRY J. MYERS;	)	
EDWARD BLANCHETTE, M.D.;	)	
RONALD HENSLEY, M.D.; SHEILA	)	
HUGHES, R.N.; PHYSICIAN	)	
DOES ONE through FIVE; NURSE	)	
AND MEDICAL WORKER DOES SIX	)	
through TEN; and JOHN OR	)	
JANE DOES ELEVEN through	)	
FIFTEEN,	)	
	)	
	)	
Defendants.	)	

JURISDICTION

1. This case is brought pursuant to 42 U.S.C. § 1983. Jurisdiction is based upon 28 U.S.C. §§ 1331 and 1343. Jurisdiction over the state law claims is conferred by 28 U.S.C. § 1367.

VENUE

2. Venue is based upon 28 U.S.C. §§ 1391 (b)(1) and (2). All of the Defendants reside in the District of Connecticut, and all of the events or omissions giving rise to the claims herein arose in the District of Connecticut.

INTRODUCTION

3. This Complaint for Damages concerns the failure of the Connecticut Department of Corrections to care properly for inmates with mental illness and for those who are at risk of suicide.

4. On April 5, 2000, 20-year-old David Tracy hanged himself to death with a bed sheet in his cell at the Wallens Ridge State Prison in Big Stone Gap, Virginia.

5. At the time of his death, David was committed to the care and custody of the Connecticut Department of Corrections; but he had been sent to Wallens Ridge pursuant to a Contract between the Connecticut and Virginia Departments of Corrections.

6. At the time that David was sent to Wallens Ridge, the Connecticut officials responsible for his care knew that he suffered from serious psychiatric disabilities and chronic mental illness, and that he had a history of suicide attempts. And they knew that the Virginia Department of Corrections would be unable to care properly

for him, that his mental illness would go untreated, and that these conditions would significantly increase the likelihood that he would attempt once again to take his own life.

7. In short, the Defendants knew when they transferred David Tracy to Wallens Ridge that they were causing him great despair and hopelessness, and that he would likely die as a result.

8. This complaint for damages seeks redress from the Connecticut State entities and individuals responsible for the failure to properly treat David's mental illness, for the failure to protect David from harm, for his death, and for the anguish and injuries suffered by him prior to his death.

#### PARTIES

9. Plaintiff JOHN R. GULASH, JR. is the Administrator of the Estate of David Tracy.

10. Defendant JOHN J. ARMSTRONG is, and was at all relevant times, the Commissioner of the CONNECTICUT DEPARTMENT OF CORRECTIONS. As such, he was responsible for the administration of this State's correctional system, including the provision of medical, mental health and psychiatric services, treatment and supervision to all

persons committed to the custody of the DEPARTMENT,  
including David Tracy.

11. Defendant ARMSTRONG is and was also responsible for the hiring, supervision, training, discipline and control of persons working for the DEPARTMENT, including persons directly responsible for the provision of mental health and psychiatric treatment and services to inmates committed to the custody of the DEPARTMENT.

12. Defendant ARMSTRONG is and was also responsible, either directly or in a supervisory capacity, for the selection and transfer of inmates, including David Tracy, from CONNECTICUT DEPARTMENT OF CORRECTIONS facilities to Wallens Ridge State Prison.

13. Defendant CONNECTICUT DEPARTMENT OF CORRECTIONS, acting through its agents, representatives and employees, was responsible for the care, custody and treatment of David Tracy at all relevant times mentioned herein.

14. Defendant BRETT S. RAYFORD is, and was at all relevant times, the Director of Health, Mental Health & Addiction Services for the CONNECTICUT DEPARTMENT OF CORRECTIONS. As such, he was responsible for the provision of medical, mental health and psychiatric services, treatment and supervision to all persons committed to the custody of the DEPARTMENT, including David Tracy. He was

also responsible, either directly or in a supervisory capacity, for screening Connecticut inmates for transfer to Wallens Ridge and for authorizing the transfer of David Tracy.

15. Defendant EDWARD BLANCHETTE, M.D., is, and was at all relevant times, the Director of Clinical Services for the CONNECTICUT DEPARTMENT OF CORRECTIONS. As such, he was responsible for the provision of medical, mental health and psychiatric services, treatment and supervision to all persons committed to the custody of the DEPARTMENT, including David Tracy. He was also responsible, either directly or in a supervisory capacity, for screening Connecticut inmates for transfer to Wallens Ridge and for authorizing the transfer of David Tracy.

16. Defendant UNIVERSITY OF CONNECTICUT HEALTH CENTER is and was at all relevant times responsible for providing medical, mental health and psychiatric care, services and supervision to persons in the custody of the CONNECTICUT DEPARTMENT OF CORRECTIONS, including David Tracy. One or more of its agents, employees and/or representatives were also responsible for screening Connecticut inmates for transfer to Wallens Ridge, and were responsible for authorizing the transfer of David Tracy.

17. Defendant ROBERT TRESTMAN, Ph.D., M.D., is, and was at all relevant times, Director of Mental Health, Correctional Managed Health Care, UNIVERSITY OF CONNECTICUT HEALTH CENTER. As such, he was responsible for providing mental health and psychiatric care, services and supervision to persons in the custody of the CONNECTICUT DEPARTMENT OF CORRECTIONS, including David Tracy. He was also responsible, either directly or in a supervisory capacity, for screening Connecticut inmates for transfer to Wallens Ridge and for authorizing the transfer of David Tracy.

18. Defendant NORTHERN CORRECTIONAL INSTITUTION is the CONNECTICUT DEPARTMENT OF CORRECTIONS facility where David Tracy was incarcerated from December 11, 1998 until his transfer to Wallens Ridge State Prison on October 26, 1999.

19. Defendant LARRY J. MYERS is, and was at all relevant times, the Warden of NORTHERN CORRECTIONAL INSTITUTION. As such, Defendant MYERS was responsible for the administration of NORTHERN CORRECTIONAL INSTITUTION, including the provision of medical, mental health and psychiatric services, treatment and supervision to all persons incarcerated therein, including David Tracy.

20. Defendant MYERS was also responsible, either directly or in a supervisory capacity, for screening Connecticut inmates for transfer to Wallens Ridge and for authorizing the transfer of David Tracy.

21. Defendant RONALD HENSLEY, M.D., was at all relevant times a physician employed at the CONNECTICUT DEPARTMENT OF CORRECTIONS. He was responsible for providing medical care to persons with mental illness in the custody of the CONNECTICUT DEPARTMENT OF CORRECTIONS, and he was specifically responsible for caring for David Tracy while David was incarcerated at NORTHERN CORRECTIONAL INSTITUTION and during the period prior to David's transfer to Wallens Ridge State Prison.

22. Defendant SHEILA HUGHES, R.N., was at all relevant times a nurse employed at the CONNECTICUT DEPARTMENT OF CORRECTIONS. She was responsible for providing medical care to persons with mental illness in the custody of the CONNECTICUT DEPARTMENT OF CORRECTIONS, and she was specifically responsible for caring for David Tracy while David was incarcerated at NORTHERN CORRECTIONAL INSTITUTION and during the period prior to David's transfer to Wallens Ridge State Prison.

23. Defendants PHYSICIAN DOES ONE through FIVE were at relevant times physicians employed at or by the

CONNECTICUT DEPARTMENT OF CORRECTIONS and/or the UNIVERSITY OF CONNECTICUT HEALTH CENTER who provided or ordered or failed to provide or order medical, mental health and/or psychiatric care and treatment for David Tracy after becoming aware of David's need for such treatment. The true names and capacities of Defendants PHYSICIANS DOES ONE through FIVE are presently unknown to Plaintiff. Plaintiff is informed and believes, and therefore alleges on information and belief, that each of them is responsible in some manner for the injuries alleged herein. Plaintiff therefore sues PHYSICIANS DOES ONE through FIVE by such fictitious names and will seek leave to amend this Complaint to add their true names when the same have been ascertained.

24. Defendants NURSE AND MEDICAL WORKER DOES SIX through TEN were at relevant times nurses and medical workers employed at the CONNECTICUT DEPARTMENT OF CORRECTIONS and/or the UNIVERSITY OF CONNECTICUT HEALTH CENTER who provided or ordered or failed to provide or order medical, mental health and/or psychiatric care and treatment for David Tracy after becoming aware of David's need for such treatment. The true names and capacities of Defendants NURSE AND MEDICAL WORKER DOES SIX through TEN are presently unknown to Plaintiff. Plaintiff is informed

and believes, and therefore alleges on information and belief, that each of them is responsible in some manner for the injuries alleged herein. Plaintiff therefore sues NURSE AND MEDICAL WORKER DOES SIX through TEN by such fictitious names and will seek leave to amend this Complaint to add their true names when the same have been ascertained.

25. Defendants JOHN OR JANE DOES ELEVEN through FIFTEEN are the physicians, administrators or other persons employed or retained by the CONNECTICUT DEPARTMENT OF CORRECTIONS and/or UNIVERSITY OF CONNECTICUT HEALTH CENTER, who were each responsible for screening Connecticut inmates for transfer to Wallens Ridge, for authorizing the transfer of David Tracy to Wallens Ridge and/or for the other acts, omissions and injuries alleged herein. The true names and capacities of Defendants JOHN OR JANE DOES ELEVEN through FIFTEEN are presently unknown to Plaintiff. Plaintiff is informed and believes, and therefore alleges on information and belief, that each of them is responsible in some manner for the injuries alleged herein. Plaintiff therefore sues JOHN OR JANE DOES ELEVEN through FIFTEEN by such fictitious names and will seek leave to amend this Complaint to add their true names when the same have been ascertained.

26. The Virginia Department of Corrections and the Wallens Ridge State Prison, and their officials, guards, medical personnel and other agents, representatives and employees, are, for the purposes of the acts and omissions set forth in this Complaint, agents of the State of Connecticut. See Conn. Gen. Stat. § 18-106, Article IV(a).

FACTS

27. At all times mentioned herein, each individual Defendant was acting in the course and scope of his or her employment.

28. At all times mentioned herein, each Defendant was acting under color of state law.

29. During the period of David Tracy's incarceration at the CONNECTICUT DEPARTMENT OF CORRECTIONS, including prior to and at the time that the Defendants sent him to Wallens Ridge State Prison, David suffered from chronic mental illness and psychiatric disabilities, and he had a history of suicide attempts and impulses. For example:

- a. In September 1997, David attempted suicide by hanging himself with a sheet;
- b. On March 10, 1998, David attempted suicide;
- c. On June 19, 1998, David attempted suicide by tying a piece of sheet and shoelaces around his neck after writing a note to Connecticut

correctional officers that he "wanted to die;"

- d. On August 10, 1998, David mutilated himself by self-inflicting a scratch to his right arm with staples;
- e. On November 11, 1998, David flooded his cell and stated that he was "hearing voices;"
- f. On November 29, 1998, David used a blanket to tie a noose to the top bunk in his cell, and stated that he hadn't slept in two days and wanted to kill himself;
- g. On November 30, 1998, David used socks to make a noose, and he threatened suicide;
- h. On December 2, 1998, David stated that he would kill himself if he was moved to restrictive housing;
- i. On December 2 and 6, 1998, David requested to remain on suicide watch; and
- j. On December 7, 1998, David stuck a paper clip into an electrical outlet and started a fire in his cell.

30. After each of these suicide attempts and incidents, David was examined by one or more physicians, nurses or medical workers employed by the CONNECTICUT

DEPARTMENT OF CORRECTIONS and/or the UNIVERSITY OF CONNECTICUT HEALTH CENTER, and he was sometimes temporarily assigned to a psychiatric unit of the DEPARTMENT. He was then subsequently released to a general population unit or sent to administrative segregation.

31. During the period of David Tracy's incarceration at the CONNECTICUT DEPARTMENT OF CORRECTIONS, one or more of David's treating psychiatrists, including Kunjathan Thankappan, M.D., assessed him as a "Mental Health 4."

32. A "Mental Health 4" is a person exhibiting moderate impairment from a psychiatric condition, mental illness or a sub-acute or chronic nature.

33. Persons assessed as "Mental Health 4" include individuals with chronic schizophrenia or bipolar disorders having frequent psychotic exacerbations, needing medication and assistance with activities of daily living, and individuals with borderline personality disorder with frequent suicidal gestures or episodes of self-mutilation, who, due to chronic mood instability and impulsiveness, require daily contact and support.

34. Persons assessed as "Mental Health 4" are frequently incapable of functioning in a general population setting, but rather, necessitate an environment which is

structured and where there is direct interaction with mental health staff on a frequent basis.

35. Kunjathan Thankappan, M.D., assessed David Tracy as a "Mental Health 4" on December 1, 1998, only 11 months prior to David's transfer to Wallens Ridge State Prison.

36. On or about December 11, 1998, shortly after a number of David's suicide attempts and incidents, and shortly after Dr. Thankappan assessed David as a "Mental Health 4", the Defendants transferred David, or permitted or failed to object to his transfer, from Garner Correctional Institution to NORTHERN CORRECTIONAL INSTITUTION.

37. By transferring David, the Defendants improperly and deliberately interfered with the continuity and efficacy of his psychiatric care and supervision.

38. In the process of this transfer, and afterwards, Defendants HENSLEY and HUGHES, and those persons responsible for supervising HENSLEY and HUGHES, including Defendants ARMSTRONG, RAYFORD, TRESTMAN and BLANCHETTE, deliberately failed to ensure that David was properly treated and supervised in light of his "Mental Health 4" assessment, his chronic mental illness, his psychiatric condition and his suicidal history and tendencies.

39. Defendants HENSLEY and HUGHES, and David's other treating physicians, nurses and medical workers at the CONNECTICUT DEPARTMENT OF CORRECTIONS, noted at various times that David benefited from the psychotropic medication Thorazine in treating his extreme agitation and suicidal impulses.

40. In July 1999, Defendant HENSLEY prescribed Thorazine for David; however, the Defendants, including Defendants HENSLEY and HUGHES, improperly discontinued the Thorazine on or about August 23, 1999, approximately eight weeks before David's transfer to Wallens Ridge.

41. By the time that the Defendants sent David Tracy to Wallens Ridge, in addition to improperly discontinuing his psychotropic medication, someone at the DEPARTMENT OF CORRECTIONS also downgraded the severity of his mental health status from a "Mental Health 4" to a "Mental Health 3."

42. In changing David's mental health status, or in permitting or failing to object to the change, the Defendants failed to properly consider David's history of suicide attempts and impulses, and they failed to properly consider that, as recently as December 1998, Dr. Thankappan had assessed David as a "Mental Health 4."

43. Notwithstanding the improper downgrading of the severity of David's mental health status, by assessing David as a "Mental Health 3," the Defendants still recognized that he suffered from a chronic mental illness.

44. Persons assessed as "Mental Health 3" include individuals with chronic schizophrenia or bipolar disorder, individuals with major depression who may have a history of suicidal behavior and need supportive services and/or medications and may require periodic hospitalizations, and individuals with personality disorders, e.g. borderline personality disorder and require supportive services and crisis intervention to prevent self-mutilation or suicidal gestures.

45. Persons assessed as "Mental Health 3" require monitoring by mental health professionals and/or psychiatrists and they may require psychotropic medication. They may also have difficulty functioning in a general population setting and need on-site mental health services and intervention on at least a periodic basis.

46. During the period of time that David Tracy was in the custody of the DEPARTMENT OF CORRECTIONS, including the period of time that he was incarcerated at Wallens Ridge:

- a. the Defendants failed to provide or to ensure the provision to him of a structured

- environment where there is direct interaction with mental health staff on a frequent basis;
- b. the Defendants failed to properly monitor David or to ensure proper monitoring by mental health professionals and/or psychiatrists;
  - c. the Defendants failed to prescribe or to administer, or to ensure the prescription or administration of, appropriate psychotropic medications; and
  - d. the Defendants housed David, or permitted David to be housed, in a general population setting and failed to provide or to ensure the provision of adequate on-site mental health services and intervention on at least a periodic basis.

47. The Defendants knew about David Tracy's chronic mental illness and psychiatric disabilities, they knew about his numerous suicide attempts and his propensity for suicide, and they knew and should have known that Wallens Ridge would be unable to provide the psychiatric and other medical and mental health care, supervision and treatment required to properly treat and monitor David.

48. Wallens Ridge State Prison was designed and intended to confine, control and punish the worst and most violent prisoners in the country.

49. The Defendants knew and should have known at the time that they transferred David Tracy to Wallens Ridge that, because of the Super Maximum status of Wallens Ridge and because of the policies and practices of the Virginia Department of Corrections, David would be subjected to conditions of confinement that would be incompatible with the proper treatment of his psychiatric disorders and that would have a substantial likelihood of leading to his future suicide attempts.

50. These conditions of confinement included complete denial of privacy, denial of exercise and recreation, strict control and limitation of movement, removal of social contact, enforced idleness and absence of meaningful activity, extreme forms of punishment and behavioral modification, and continued threats from electroshock weapons, chemical sprays, firearms, shotguns, and other methods of control and discipline.

51. The Defendants knew and should have known that, upon David's transfer to Wallens Ridge State Prison, he would be hundreds of miles from his family and loved ones, that, due to the distance, cost and inconvenience, and due

to the restrictive visiting rules at Wallens Ridge, it would be virtually impossible for anyone to visit him in Big Stone Gap, Virginia, and that this lack of familial contact and support and this extreme isolation would have a profoundly negative effect upon his psychiatric well-being.

52. The Defendants knew and should have known that, on or about June 30, 1999, less than four months before David Tracy was transferred to Wallens Ridge, the Commonwealth of Virginia Auditor of Public Accounts concluded that the independent contractor retained by the Virginia Department of Corrections to provide medical and mental health services to inmates at Wallens Ridge was often in non-compliance with service standards in the contract, and that during the year preceding its Report, the Virginia Department of Corrections had assessed penalties on the independent contractor at different institutions for issues such as not triaging timely, not assessing the inmate's condition within 48 hours, and not giving inmates timely referral visits.

53. The Auditors Report stated that at Red Onion State Prison, a Virginia super maximum facility identical to Wallens Ridge, the independent contractor did not have a psychiatrist for over 2 months.

54. The Defendants also knew and should have known that:

- a. It was the policy and practice of the Wallens Ridge State Prison that mental health staff, if and when they are properly employed at the Prison, tour the housing units only once per month, and that David Tracy required more frequent contact with mental health staff;
- b. It was the policy and practice of the Wallens Ridge State Prison that mental health staff provide more frequent housing unit consultations only to inmates on medication, and that David Tracy's medication had been discontinued by the Defendants in August, 1999;
- c. It was the policy and practice of the Wallens Ridge State Prison that psychiatric consultations, if and when they occur in the housing units, take place at the inmate's cell door, where guards and other inmates may freely listen and where privacy and confidentiality are non-existent, and that

David Tracy required more private and confidential psychiatric consultations;

- d. It was the policy and practice of the Wallens Ridge State Prison that, for inmates in segregation, there is no therapy or mental health treatment other than medication, that David Tracy might be and was sent to segregation at Wallens Ridge, and that the lack of therapy and mental health treatment would be extremely harmful to David's psychiatric well-being; and
- e. It was the policy and practice of the Wallens Ridge State Prison that the prison provides no acute or chronic psychiatric care of any kind to inmates (except in life-threatening emergencies) unless and until the Virginia D.O.C. obtains permission from Connecticut D.O.C. before incurring costs for such services, and that the failure to provide more timely and effective psychiatric care to David Tracy would be extremely harmful to him, might result in his decompensation and might result in further suicide attempts.

55. The Defendants also knew that The Correctional Services Contract between Connecticut and Virginia prohibited the transfer of any inmate with "chronic mental health problems;" thus, the Defendants knew and should have known that Virginia prison officials would assume incorrectly that David Tracy had no such mental health problems, and that the Virginia officials would treat and supervise David as if he had no such problems.

56. At the time that the Defendants transferred David to Wallens Ridge, they deliberately failed to inform Virginia officials of the full extent and nature of David's history of suicide attempts and his propensity for suicide.

57. At the time that the Defendants transferred David to Wallens Ridge, they also deliberately failed to inform Virginia officials about the nature and seriousness of David's mental health problems and history.

58. The Defendants knew and should have known that transferring David to Wallens Ridge under these circumstances would inevitably result in the exacerbation of his mental illness and psychiatric disorders, and that the transfer would significantly increase the likelihood of David's decompensation and future attempts to kill himself.

59. Notwithstanding the Defendants' knowledge of David Tracy's mental health assessment and status, his

history of suicide attempts, his mental illness and his psychiatric needs, and notwithstanding the Defendants' knowledge that David would not receive adequate psychiatric care or supervision in Virginia, on October 26, 1999, the Defendants transferred David from NORTHERN CORRECTIONAL INSTITUTION to Wallens Ridge State Prison.

60. The Defendants transferred David to Wallens Ridge, or permitted or failed to object to his transfer to Wallens Ridge, where they knew and intended that he would be confined in a population setting that would be utterly at odds with the treatment protocol required of his condition, utterly at odds with the supervision and care required by persons assessed as a "Mental Health 4" or a "Mental Health 3," and utterly at odds with the proper supervision and care of persons who pose a risk of suicide.

61. The Defendants transferred David to Wallens Ridge, or permitted or failed to object to his transfer, even though they knew and should have known that the conditions of isolation, enforced idleness, surveillance and control posed a serious risk of aggravating his symptoms, precipitating his psychiatric decompensation, and causing him to attempt to take his own life.

62. The individually named Defendants each acted with reckless or callous indifference to David Tracy's dignity

as a human being and to his constitutional and statutory rights.

63. As a direct and proximate result of the acts and omissions of the Defendants, David Tracy's mental illness and psychiatric disabilities went untreated and/or improperly treated, he was improperly supervised and cared for, he suffered extreme distress, agitation, anguish and hopelessness, and on April 5, 2000, he hanged himself to death with a bed sheet tied to the bunk in his cell.

FIRST CLAIM FOR RELIEF

(Deliberate Indifference -- Failure to Provide Constitutionally Adequate Medical Care -- against Defendants HENSLEY, HUGHES, PHYSICIAN DOES ONE, TWO and THREE, NURSE AND MEDICAL WORKER DOES SIX, SEVEN and EIGHT, and JOHN OR JANE DOES ELEVEN, TWELVE and THIRTEEN, in their individual capacities)

64. Plaintiff realleges and incorporates by reference each and every allegation in paragraphs 1 through 63.

65. By failing to provide David Tracy with constitutionally adequate medical care and supervision, the Defendants knowingly disregarded an excessive risk to David's health and safety and knowingly subjected him to pain, physical and mental injury, and death, thereby violating David's rights under the Eighth and Fourteenth Amendments to the United States Constitution.

SECOND CLAIM FOR RELIEF

(Deliberate Indifference -- Failure to Provide Constitutionally Adequate Medical Care -- Supervisory Liability, against Defendants ARMSTRONG, RAYFORD, TRESTMAN, MYERS, BLANCHETTE, PHYSICIAN DOES FOUR and FIVE, NURSE AND MEDICAL WORKER DOES NINE and TEN, and JOHN OR JANE DOES FOURTEEN and FIFTEEN, in their individual capacities)

66. Plaintiff realleges and incorporates by reference each and every allegation in paragraphs 1 through 63.

67. Defendants were personally involved in and responsible for the deliberate indifference to David Tracy's serious medical needs in that:

- a. They participated directly in the decision to deny him needed medical and psychiatric treatment and to transfer him to Wallens Ridge;
- b. They failed to remedy the improper medical care and transfer after being informed of such;
- c. They created a policy and custom, and they allowed the continuance of a policy and custom, under which Connecticut inmates with chronic mental illness and psychiatric disabilities, and with suicidal propensities, would be deprived of adequate

medical care and would be transferred out of State;

- d. They were deliberately indifferent in supervising and training subordinates who committed the wrongful acts described herein; and
- e. They exhibited deliberate indifference to David Tracy's rights by failing to act on information indicating that he was receiving grossly substandard medical care and supervision, that he would be and was improperly transferred to Wallens Ridge, and that other unconstitutional and harmful acts were occurring.

68. The acts and omissions of these Defendants proximately caused David Tracy's suffering, injuries and death.

69. By failing to provide David Tracy with constitutionally adequate medical care and supervision, Defendants knowingly disregarded an excessive risk to his health and safety and knowingly subjected him to pain, physical and mental injury, and death, thereby violating David's rights under the Eighth and Fourteenth Amendments to the United States Constitutions.

THIRD CLAIM FOR RELIEF

(Deliberate Indifference To Safety -- Failure to Protect -- against Defendants HENSLEY, HUGHES, PHYSICIAN DOES ONE, TWO and THREE, NURSE AND MEDICAL WORKER DOES SIX, SEVEN and EIGHT, and JOHN OR JANE DOES ELEVEN, TWELVE and THIRTEEN, in their individual capacities)

70. Plaintiff realleges and incorporates by reference each and every allegation in paragraphs 1 through 63.

71. By transferring, or by allowing or not objecting to the transfer of, David Tracy to Wallens Ridge, Defendants knowingly disregarded an excessive risk to David's health and safety and knowingly failed to protect him from harm caused by himself and others, due to his mental illness and to his propensity for suicide, thus subjecting him to pain, physical and mental injury, and death in violation of his rights under the Eighth and Fourteenth Amendments to the United States Constitution.

FOURTH CLAIM FOR RELIEF

(Deliberate Indifference to Safety -- Failure to Protect -- Supervisory Liability, against Defendants ARMSTRONG, RAYFORD, TRESTMAN, MYERS, BLANCHETTE, PHYSICIAN DOES FOUR and FIVE, NURSE AND MEDICAL WORKER DOES NINE and TEN, and JOHN OR JANE DOES FOURTEEN and FIFTEEN, in their individual capacities)

72. Plaintiff realleges and incorporates by reference each and every allegation in paragraphs 1 through 63.

73. Defendants were personally involved in and responsible for transferring David to Wallens Ridge in that:

- a. They participated directly in the decision to transfer him;
- b. They failed to remedy or reverse the transfer after being informed about it;
- c. They created a policy and custom, and they allowed the continuance of a policy and custom, under which Connecticut inmates with chronic mental illness and psychiatric disabilities, and with suicidal propensities, would be transferred out of State;
- d. They were deliberately indifferent in supervising and training subordinates who participated in the decision to transfer David; and
- e. They exhibited deliberate indifference to David Tracy's rights by failing to act on information indicating that he would be and was improperly transferred to Wallens Ridge.

74. The acts and omissions of the Defendants proximately caused David Tracy's suffering, injuries and death.

75. By transferring, or by allowing or not objecting to the transfer of, David Tracy to Wallens Ridge, the Defendants knowingly disregarded an excessive risk to his health and safety and knowingly failed to protect him from harm caused by himself and others, due to his mental illness and to his propensity for suicide, thus subjecting him to pain, physical and mental injury, and death in violation of his rights under the Eighth and Fourteenth Amendments to the United States Constitution.

FIFTH CLAIM FOR RELIEF

(Violation of Equal Protection, United States Constitution, against all individual Defendants in their individual capacities)

76. Plaintiff realleges and incorporates by reference each and every allegation in paragraphs 1 through 63.

77. The Correctional Services Contract between Connecticut and Virginia prohibited the transfer of any inmate with "chronic mental health problems."

78. Plaintiff is informed and believes, and therefore alleges on information and belief, that David Tracy was the only inmate, or one of very few inmates, with "chronic

mental health problems" who was transferred to Wallens Ridge.

79. By transferring David Tracy to Wallens Ridge, and/or by permitting, encouraging or failing to stop David's transfer, the Defendants intentionally treated him differently from other CONNECTICUT DEPARTMENT OF CORRECTIONS inmates suffering from chronic mental health problems who were not sent to Wallens Ridge.

80. There was no rational basis for the Defendants' differing treatment of David Tracy; the treatment was irrational and arbitrary.

81. The Defendants' differing treatment of David Tracy violated his right to Equal Protection under the Fourteenth Amendment to the United States Constitution.

SIXTH CLAIM FOR RELIEF

(Violation of Conn. Gen. Stat. § 17a-542 -- failure to provide humane and dignified treatment -- against all Defendants)

82. Plaintiff realleges and incorporates by reference each and every allegation in paragraphs 1 through 63.

83. At all times mentioned herein, David Tracy was a "Patient" within the meaning of Conn. Gen. Stat. § 17a-540(b).

84. NORTHERN CORRECTIONAL INSTITUTION and the other facilities of the CONNECTICUT DEPARTMENT OF CORRECTIONS

that housed David Tracy during the period of his incarceration in Connecticut are "Facilities" within the meaning of Conn. Gen. Stat. § 17a-540(a).

85. The Defendants failed to provide humane and dignified treatment to David Tracy, in violation of Conn. Gen. Stat. § 17a-542.

86. As a direct and proximate consequence of the Defendants' acts and omissions, David Tracy suffered extreme fear, agitation and anguish, suffered exacerbation of his psychiatric disabilities and mental illness, and hanged himself, thereby losing his capacity to carry on and enjoy the activities of living, losing his capacity to earn money, and suffering severe physical pain and death.

87. This Count is brought pursuant to Conn. Gen. Stat. § 17a-550 and is a civil action for money damages.

SEVENTH CLAIM FOR RELIEF

(Violation of Conn. Gen. Stat. § 17a-542 -- failure to provide a specialized treatment plan -- against all Defendants)

88. Plaintiff realleges and incorporates by reference each and every allegation in paragraphs 1 through 63, 83 and 84.

89. The Defendants failed to treat and monitor David in accordance with a specialized treatment plan suited to his disorders and to his psychiatric circumstances,

including treatment for his extreme distress and agitation and his suicidal impulses, and failed to provide proper suicide monitoring and prevention, all in violation of Conn. Gen. Stat. § 17a-542.

90. As a direct and proximate consequence of the Defendants' acts and omissions, David Tracy suffered extreme fear, agitation and anguish, suffered exacerbation of his psychiatric disabilities and mental illness, and hanged himself, thereby losing his capacity to carry on and enjoy the activities of living, losing his capacity to earn money, and suffering severe physical pain and death.

91. This Count is brought pursuant to Conn. Gen. Stat. § 17a-550 and is a civil action for money damages.

EIGHTH CLAIM FOR RELIEF

(Violation of Conn. Gen. Stat. § 17a-544 -- improper seclusion -- against all Defendants)

92. Plaintiff realleges and incorporates by reference each and every allegation in paragraphs 1 through 63, 83 and 84.

93. The Defendants transferred David to Wallens Ridge where they knew and intended that he would be placed involuntarily in seclusion for substantial periods of time, when such was not ordered by a physician and was not necessary because of an imminent physical danger to David

or to others, and when such seclusion was inconsistent with the proper treatment of David's psychiatric disabilities and mental illness, in violation of Conn. Gen. Stat. § 17a-544.

94. As a direct and proximate consequence of the Defendants' acts and omissions, David Tracy suffered extreme fear, agitation and anguish, suffered exacerbation of his psychiatric disabilities and mental illness, and hanged himself, thereby losing his capacity to carry on and enjoy the activities of living, losing his capacity to earn money, and suffering severe physical pain and death.

95. This Count is brought pursuant to Conn. Gen. Stat. § 17a-550 and is a civil action for money damages.

#### NINTH CLAIM FOR RELIEF

(Violation of Conn. Gen. Stat. § 17a-545 -- failure to conduct psychiatric examinations -- against all Defendants)

96. Plaintiff realleges and incorporates by reference each and every allegation in paragraphs 1 through 63, 83 and 84.

97. The Defendants failed to conduct, or to ensure David's receipt of, proper physical and psychiatric examinations, in violation of Conn. Gen. Stat. § 17a-545.

98. As a direct and proximate consequence of the Defendants' acts and omissions, David Tracy suffered

extreme fear, agitation and anguish, suffered exacerbation of his psychiatric disabilities and mental illness, and hanged himself, thereby losing his capacity to carry on and enjoy the activities of living, losing his capacity to earn money, and suffering severe physical pain and death.

99. This Count is brought pursuant to Conn. Gen. Stat. § 17a-550 and is a civil action for money damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff JOHN R. GULASH, JR.,  
ADMINISTRATOR OF THE ESTATE OF DAVID TRACY, prays for  
relief as follows:

1. For compensatory damages according to proof;
2. For punitive damages;
3. For costs and reasonable attorneys fees; and
4. For such further relief as the Court deems just  
and proper.

Dated: March 8, 2001

Respectfully submitted,

Richard A. Bieder  
Antonio Ponvert III

By: \_\_\_\_\_  
Antonio Ponvert III  
CT 17516  
Attorneys for Plaintiff

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff, JOHN R. GULASH, JR., ADMINISTRATOR OF THE ESTATE OF DAVID TRACY, hereby demands trial by jury.

Dated: March 8, 2001

By: \_\_\_\_\_  
Antonio Ponvert III  
CT 17516  
Attorneys for Plaintiff