

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION

DINETHA L. RAYNER, )  
INDIVIDUALLY, AND AS )  
ADMINSITRATRIX OF THE )  
ESTATE OF KELSEY JEROME )  
RAYNER, SR. )

PLAINTIFF, )

v. )

Civil Action Number: 2:19-cv-48

APPLING COUNTY SHERIFF'S )  
OFFICE, SHERIFF MARK )  
MELTON, APPLING COUNTY )  
CORRECTIONS OFFICERS )  
ADAM BELL, ANTHONY BARWICK, )  
JEFFERY HAMILTON, )  
NADIA WATTS, ELAINE )  
DOWDNEY, ERNESTINA MERCED, )  
BRANDON GRIFFIS, AND WILTON )  
EDWARDS, INDIVIDUALLY AND )  
IN THEIR OFFICIAL CAPACITIES, )  
SOUTHEAST CORRECTIONAL )  
MEDICAL GROUP, LLC, KACEY )  
NEWBERRY, LPN, CHRISTI )  
TURNER, LPN, LYNN MARSH, LPN, )  
KNICOLE LEE, FNP, )

DEFENDANTS. )

COMPLAINT

COMES NOW Dinetha L. Rayner, the surviving spouse of Kelsey Jerome Rayner, Sr., individually and as the Administrator of the Estate of Kelsey Jerome Rayner, Sr. and makes this her complaint for damages in the above captioned matter, and shows the court as follows:

## I. JURISDICTION AND VENUE

1. This is an action for damages pursuant to 42 U.S.C. § 1983 based upon the violations of Plaintiffs' rights under the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution. Jurisdiction exists pursuant to 28 U.S.C. § 1331 and 1343 based on 42 U.S.C. §1983 and questions of federal constitutional law. Supplemental jurisdiction over Plaintiffs' state law claims is pursuant to 28 U.S.C. §1367.
2. Venue is proper in this District under 28 U.S.C. § 1391(b)(1) because at least one Defendant resides in this judicial district. This District also is an appropriate venue for this action under 28 U.S.C. § 1391(b)(2) because all or at least a substantial part of the events or omissions giving rise to the claims asserted herein occurred in this judicial district.

## PARTIES

3. Plaintiff DINETHA L. RAYNER is an individual who is the duly appointed administratrix of the estate of the late Kelsey Jerome Rayner, Sr. (hereinafter "Mr. Rayner"). Plaintiff submits herself to the jurisdiction of this court.
4. Defendant APPLING COUNTY SHERIFF'S OFFICE is a branch of the county government of Appling County, Georgia which administers the customs, policies, and practices at the Appling County Jail.
5. Defendant MARK MELTON is and at all relevant times was the Sheriff of Appling County, and a law enforcement officer for Appling County and had

supervisory and managerial authority over the Appling County Sheriff's Department. In his capacity as Sheriff of Appling County, said Defendant is responsible for the management and operation of the Appling County Sheriff's Department and specifically responsible for ensuring that the sheriff's deputies and corrections officers of the Appling County Sheriff's Department complied with the color and pretense of the federal and state laws as well as the ordinances, regulations, customs, and usages of the State of Georgia and the Appling County Sheriff's Department. Furthermore, said Defendant is responsible for the policies, practices, customs and regulations of the Appling County Sheriff's Department; and for the hiring, training, supervision and discipline of agents, employees and deputies of the Appling County Sheriff's Department. Said Defendant is sued both in his official and individual capacities. Said Defendant is a resident and citizen of the State of Georgia and may be served with process at his place of employment, 560 Barnes Street, Baxley, GA.

6. Corrections Officers ADAM BELL, ANTHONY BARWICK, JEFFERY HAMILTON, NADIA WATTS, ELAINE DOWDNEY, ERNESTINA MERCED, BRANDON GRIFFIS, and WILTON EDWARDS were, at all times relevant to this matter, employees of the Appling County Sheriff's Office, and responsible for Mr. Rayner's safety and security. At all times relevant to this matter, said corrections officers were acting under color and pretense of the federal and state laws as well as the ordinances, regulations, customs, and

usages of the State of Georgia and the Appling County Sheriff's Department. Said Defendants are sued both in their official and individual capacities. Said Defendants are residents and citizens of the State of Georgia and may be served with process at their place of employment, 560 Barnes Street, Baxley, GA.

7. Defendant SOUTHEAST CORRECTIONAL MEDICAL GROUP LLC (hereinafter "SECMG") is a limited liability company contracted by Defendant Appling County or Appling County Sheriff's Office or was acting as Defendant Appling County or Appling County Sheriff's Office's agent. Defendant was acting under color of state law at the indicated times.
8. Defendant Kacey Newberry, LPN, is a licensed nurse practitioner employed by Defendant SECMG or was acting as Defendant SECMG's agent at all times material to this matter. Defendant was acting under color of state law at the indicated times.
9. Defendant Christi Turner, LPN, is a licensed nurse practitioner employed by Defendant SECMG or was acting as Defendant SECMG's agent at all times material to this matter. She is the head nurse at the Appling County Jail and the Clinical Site Coordinator. Defendant was acting under color of state law at the indicated times.
10. Defendant Knicole Lee, FNP, is a Family Nurse Practitioner employed by Defendant SECMG or was acting as Defendant SECMG's agent at all times

material to this matter. Defendant was acting under color of state law at the indicated times.

11. Lynn Marsh, LPN, is a licensed nurse practitioner employed by Defendant SECMG or was acting as Defendant SECMG's agent at all times material to this matter. Defendant was acting under color of state law at the indicated times.

12. Plaintiff pleads and states that Defendants and their agents and employees, acted willfully and wantonly toward Mr. Rayner, proximately causing his death. Therefore, no immunity applies in this matter. Moreover, Defendants have exhibited a pattern and practice of ignoring and violating the rights of the citizens of Georgia, including the decedent, which proximately caused the death of Mr. Rayner and, furthermore, negligently supervised and trained their employees despite their knowledge of the need to do so.

## II. FACTS

13. On or about October 1, 2016, Defendants Appling County Sheriff's Office and SECMG signed a Correctional Health Services Agreement. Per its terms the agreement continued in force through September 30, 2017. Said contract provided that

SECMG will provide emergency medical treatment to inmates as necessary and appropriate on site. With the assistance of the Sheriff's officers and 911 services, SECMG will arrange for emergency service to be provided at local hospitals. Appling County Sheriff's Office will be responsible for the cost of emergency transportation and treatment.

14. On April 16, 2017 at about 1:40 P.M., Mr. Rayner was arrested for Theft by Taking by officers of the Baxley Police Department. He was subsequently booked into the Appling County Jail.
15. On April 17, 2017, at about 10:45 A.M. employees of SECMG did Mr. Rayner's Medical intake and triage/receiving screening.
16. The medical history taken from Mr. Rayner showed he had suffered a nervous breakdown in 2008, that he had a history of prescribed use of Risperdal and Prozac, and that he had been diagnosed with manic depression and schizophrenia.
17. On April 18, 2017 at 4:53 P.M. Mr. Rayner bonded out of the Appling County Jail.
18. On June 28, 2017 at 6:55 P.M. Mr. Rayner was arrested for theft of services and no business license at Fred's Store on South Main Street.
19. On June 28, 2017 at about 9:30 A.M. employees of SECMG did Mr. Rayner's Medical intake and triage/receiving screening.
20. The medical history taken from Mr. Rayner at that time revealed a history of bipolar depression, prior use of medications for his psychological health including Vistaril and Clonidine. He had also been hospitalized in 2012 for a nervous breakdown.
21. At the time of Mr. Rayner's medical evaluation, he was showing signs of depression including crying and rapid speech.

22. On Thursday, June 29, 2017 Mr. Rayner complains of chest pains and is taken to the local ER for tests. Test results are normal and he is returned to the Jail.
23. On Friday, June 30, 2017 Mr. Rayner bonds out and is released.
24. On Friday, July 14, 2017 Mr. Rayner's bonding company comes off their bond on the misdemeanor charges at the request of the Appling County Sherriff's Department. However, the bond remained in force as to the pending felony charge according to the Appling County District Attorney.
25. On Saturday, July 15, 2017, Mr. Rayner was arrested for making harassing phone calls and disorderly conduct by deputies of the Appling Co Sheriff's Department.
26. On Sunday, July 16, 2017 at about 9:15 A.M., Knicole Lee, FNP, and Lynn Marsh, LPN, both employees of SECMG performed medical intake and triage/receiving screening of Mr. Rayner.
27. The medical history taken at the time of this visit was consistent with his prior history given on his prior intakes.
28. Medical intake revealed an abnormality in that Mr. Rayner had a fever of 99.9 degrees at the time of intake on 10:37 AM.
29. On July 16, 2017 during his intake by SECMG employees, new orders were given for the administration of Claritin and Vistaril by Knicole Lee, FNP, and Lynn Marsh, LPN."

30. On July 16, 2017 as a result of conflicts with other inmates Mr. Rayner was placed in administrative segregation, and on July 22, 2017 he was placed in Segregation Cell #4.
31. On Thursday, July 20, 2017 at about 1:50 P.M. Christi Turner, LPN, noted that "Rayner complains to nurse of low back and stomach pains. Dipstick UA done. Results show bilirubin high." From this date until his death Mr. Rayner continued to exhibit signs of intense stomach pain, but neither the Appling County Sheriff's Department nor the medical staff of SECMG made any effort to address his continued pain or complaints.
32. On Friday, July 21, 2017 at 10:19 A.M., Kacey Newberry, LPN, an employee of SECMG, noted in Mr. Rayner's chart that, "Rayner complains of stomach pain, seen by the nurse and blood work ordered for Saturday, June 22, 2017. Bowel sounds and vitals check out normal."
33. Christi Turner, LPN, ordered the lab work and ordered that it be done on July 22, 2017.
34. No vital signs were recorded in the notes of the visit during which Mr. Rayner had complained of stomach and back pain.
35. Knicole Lee, FNP, an employee of SECMG, noted in Mr. Rayner's Chart that, "Physician orders CBC, CMP, INR, and FE." The samples for the lab tests were to be taken on Saturday, July 22, 2017.

36. On July 21, 2017, the other occupants of Segregation Cell #4 were taken away, and Mr. Rayner was alone in Segregation Cell #4 from that date until the date of his death.
37. At the time of the events giving rise to Plaintiff's complaint, Kacey Newberry, LPN, who had been assigned to the Appling County Jail since May 2017, was being trained as a correctional nurse.
38. On July 22, 2017, Kacey Newberry, LPN, was present at the Appling County Jail for the purpose of taking samples from the inmates for lab work. Christi Turner, LPN, was also scheduled to be present for the same purpose but was unable to be present for work due to a death in her family.
39. Kacey Newberry, LPN, was working by herself at the Appling County Jail taking samples from the inmates for lab work. She had considerable difficulty taking the samples from the inmates and was not able to complete her assigned task. As a result, Ms. Newberry did not take any blood sample for lab analysis from Mr. Rayner as ordered.
40. At no time subsequent to Saturday, July 22, 2017, was any blood sample taken from Mr. Rayner.
41. On Saturday, July 22, 2017, Christi Turner, LPN, an employee of SECMG, noted in Mr. Rayner's Chart that, "Full time nurse unavailable on 7-22-17, so part-time nurse attempted to get blood work, but was not able."
42. On Monday, July 24, 2017, Mr. Rayner was taken to the State Court of Appling County in reference to his misdemeanor charges. Mr. Rayner plead

guilty to all of the misdemeanor charges that were pending in Appling County. He received a 12 months sentence which was to be suspended on satisfactory completion of probation. Despite his felony bond remaining in place, he was returned to custody at the Appling County Jail and he was not released.

43. On Monday July 24, 2017, at about 11:00 A.M. Mr. Rayner informed the State Court of Appling County during his plea colloquy, that

And I been using the bathroom, passing blood and all that, too. They supposed to took me to the hospital after that, but they didn't. I really need my body checked out, Mr. Pres. Whatever you can do to help me get out I'd appreciate it.

44. On the morning of Tuesday, July 25, 2017 Mr. Rayner began to experience increased distress from the infection which would eventually kill him. Video taken of his cell that morning show that he ate nothing that morning, and that he was in so much pain that he kneeled down and put his head and elbows on the floor.

45. On July 25, 2017, Mr. Rayner did not see the doctor at the jail when he made a periodic visit that day because his ordered labs were not complete.

46. Mr. Rayner did not eat any food on the evening of July 25, 2017.

47. Mr. Rayner had to use the toilet numerous times during the night of July 25-26, 2017, and eventually pulled his bedding off his bed and moved it to the toilet area of his Segregation Cell #4.

48. Mr. Rayner began vomiting repeatedly on the morning of Wednesday, July 26, 2017.

49. On July 26, 2017, at 9:46 A.M. Mr. Rayner received a morning dose of Vistaril and his daily dose of Claritin.
50. On July 26, 2017, at 4:00 P.M. Mr. Rayner did not get his afternoon dose of Vistaril.
51. On July 26, 2017, at 5:08 P.M. Officer Hamilton came to Segregation Cell #4 and checked on Mr. Rayner.
52. On July 26, 2017, at 5:10 P.M. Mr. Rayner's supper tray was delivered to his cell by other inmates. Mr. Rayner did not eat any of his supper.
53. At 5:20 P.M. Mr. Rayner fell to the floor face down in the fetal position.
54. At 5:24 P.M., a white male inmate came to take away Mr. Rayner's supper tray.
55. At 5:52 P.M. Officer Watts came to Segregation Cell #4 and checked on Mr. Rayner, but offered him no assistance whatsoever, despite his obvious and growing distress.
56. At 6:29 P.M. Officer Griffis came to Segregation Cell #4 and checked on Mr. Rayner, but offered him no assistance whatsoever, despite his obvious and growing distress.
57. At 7:13 P.M. Officer Griffis came to Segregation Cell #4 and checked on Mr. Rayner, but offered him no assistance whatsoever, despite his obvious and growing distress.

58. At 8:02 P.M. Officer Dowdney came to Segregation Cell #4 and checked on Mr. Rayner, but offered him no assistance whatsoever, despite his obvious and growing distress.

59. At 8:20 P.M. Officer Merced came to Segregation Cell #4 opened the door, entered the Segregation Cell #4, covered her nose and mouth with her collar, because of the smell in the cell, and touched and spoke to Mr. Rayner. Officer Merced was accompanied by Officer Griffis. But neither officer offered him any assistance whatsoever, despite the fact that he was obviously profoundly ill and in growing distress.

60. During Mr. Rayner's last few hours, his cries for help, moans of pain, and obvious distress led the inmate in the segregation cell across the hallway, Latasha Denise Smith, to repeatedly use the intercom in her own cell to call the corrections officers in the tower for assistance to him.

61. She repeatedly told the officers in the control tower that Mr. Rayner was dying and that they needed to take him to a hospital.

62. Her complaints were so frequent and bothersome to the officers in the control tower that they disabled her intercom button and prevented her from making any further verbal complaints.

63. After her intercom button was disabled, she employed other methods to try and get the attention of the officers in the control tower, at one point taking off her bra and waving it in front of the camera in her segregation cell to get the attention of the corrections officers in the control tower.

64. Despite the complaints of Ms. Latasha Denise Smith, the corrections officers in the tower made no effort to provide medical assistance to Mr. Rayner.

65. Mr. Rayner remained on the floor of his cell unable to move for hours.

According to the video recording of his cell, at 9:21 P.M. Mr. Rayner tried several times to push himself up off the floor without success.

66. At 9:31 P.M. Officer Merced came to Segregation Cell #4 and checked on Mr. Rayner, but offered him no assistance whatsoever, despite his obvious and growing distress.

67. At 9:32 P.M. video of his cell shows that Mr. Rayner tried to push himself up again without success. He rolled onto his back and stayed there.

68. A few minutes later at 9:46 P.M. Mr. Rayner stopped moving.

69. At about 9:57 P.M. Mr. Rayner died of the perforation of the descending colon brought on by peritonitis caused by sepsis

70. At 9:57 P.M. Officer Edwards, who was monitoring Mr. Rayner's cell via video and audio from the control room, could no longer hear Mr. Rayner breathing. Accordingly, Officer Edwards called to the cell on the intercom to check on him.

71. At 10:00 P.M. the corrections officer in the Control Tower called on the intercom to Segregation Cell #4 to check on Mr. Rayner, since he was not moving. There was no response from Mr. Rayner. Officer Merced advised Officer Griffis to go and check on him. Officer Griffis went to Segregation Cell

#4 and found that Mr. Rayner was dead. Officer Griffis radioed that Rayner was not breathing. Officer Griffis was ordered to start CPR on Mr. Rayner.

72. At 10:02 P.M. the Sheriff's Department notified Appling Co EMS that assistance was needed at the jail.

73. Appling Co EMS arrived at the jail at 10:04 P.M, and at Mr. Rayner's cell at 10:05 P.M.

74. At 10:22 P.M. a cardiac monitor showed no heart function. Mr. Rayner was declared dead.

75. At all times relevant to this matter, the Appling County Sheriff's Department has operated the Appling County Jail through its Detention Operations Division.

76. Among other things, the Detention Operations Division of the Appling County Sheriff's Department is responsible for maintaining inmates physical and mental health.

77. Defendant Sheriff of Appling County had statutory duties to provide medical care to inmates confined under his supervision pursuant to O.C.G.A. §§ 42-5-2(a), 42-4-4(a)(2), and 42-4-51(b).

78. The policy of the Appling County Sheriff's Department is to release inmates whose bond has been posted per Policy Number 1.18 of the Appling County Sheriff's Office's Jail Operations Manual.

### III. CAUSES OF ACTION

#### COUNT I

42 U.S.C. § 1983

#### DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEED

79. Plaintiff re-alleges and incorporates herein by reference the allegations of Paragraphs 1 through 78, above, as if fully set out herein.
80. Defendants jointly, or severally, or both, deprived Mr. Rayner of his Fourteenth Amendment rights, privileges, or immunities as a citizen of the United States.
81. Defendant Melton, as Sheriff of Appling County, had statutory duties to provide medical care to inmates confined under his supervision pursuant to O.C.G.A. §§ 42-4-4(a)(2), 42-4-51(b), and 42-5-2(a). The corrections officers named above were responsible for making sure that inmates confined to the Appling County Jail were provided with adequate medical care.
82. Defendant SECMG and its employees identified above, as contractors of the Defendant Sheriff of Appling County, had a duty to provide adequate medical care to inmates of the Appling County Jail.
83. Mr. Rayner had a serious medical need, that was so obvious that even a lay person would easily recognize the need for medical care.
84. Mr. Rayner had a serious medical need, which had been communicated to the Corrections Officers of the Appling County Jail, the medical staff of SECMG, the State Court of Appling County, and at least one Appling County Sheriff's

Deputy who was present in the courtroom for his misdemeanor plea on July 24, 2017.

85. MR. Rayner's serious medical need posed a substantial risk of serious harm to him if left unattended.

86. Corrections Officers Barwick, Hamilton, Watts, Griffis, Dowdney, Merced, and Edwards individually, and in their capacity as employees of the Sheriff of Appling County, knew, based on their personal observation of him, that Mr. Rayner had a serious medical need that posed a substantial risk of serious medical harm.

87. The defendants named above provided medical care that was so cursory as to amount to a failure to provide care, or failed altogether to provide or get necessary medical care for decedent's serious medical need in disregard or indifference to the risk of serious harm to Mr. Rayner.

88. The defendants named above were acting under color of law when they failed to provide or get necessary medical care for Mr. Rayner.

89. The Defendants conduct caused Mr. Rayner's death.

90. Accordingly, Plaintiff is entitled to damages in an amount sufficient to provide full and reasonable compensation for the physical, mental, and emotional pain and suffering sustained by Mr. Rayner, medical expenses incurred to treat Mr. Rayner, and lost future wages of Mr. Rayner.

COUNT II

42 U.S.C. § 1983

FAILURE TO RELEASE

91. Plaintiff re-alleges and incorporates herein by reference the allegations of Paragraphs 1 through 90, above, as if fully set out herein.
92. Defendants jointly, or severally, or both, deprived Mr. Rayner of his Eighth Amendment and Fourteenth Amendment rights, privileges, or immunities as a citizen of the United States.
93. Defendant Sheriff of Appling County failed to release Mr. Rayner on bond on Monday July 24, 2017, after the resolution of his misdemeanor criminal cases in the State Court of Appling County.
94. Mr. Rayner remained on bond for his outstanding felony criminal case, and as a result should have been released.
95. The failure of the Appling County Sheriff Department to release Mr. Rayner was a violation of his rights under the Eighth and Fourteenth Amendments to the U.S. Constitution.

COUNT III

FALSE IMPRISONMENT

96. Plaintiff re-alleges and incorporates herein by reference the allegations of Paragraphs 1 through 95, above, as if fully set out herein.
97. On July 24, 2017, Defendant Sheriff of Appling County, failed to release Mr. Rayner from custody after he was sentenced to probation on that date.

98. Further detention of Mr. Rayner was unlawful.
99. The said Sheriff's failure to release Mr. Rayne was in bad faith.
100. Mr. Rayner was deprived of his personal liberty until July 26, 2017, the date of his death in the custody of the Appling County Sheriff.
101. Because of his false imprisonment Mr. Rayner was made to suffer great physical, mental, and emotional pain.
102. As a result, Defendant Sheriff is liable in damages to Plaintiff for an amount to be proven at trial.

#### COUNT IV

#### NEGLIGENCE PER SE

#### MEDICAL MALPRACTICE

103. Plaintiff re-alleges and incorporates herein by reference the allegations of Paragraphs 1 through 102, above, as if fully set out herein.
104. Defendant SECMG, in its capacity as a contractor of the Appling County Sheriff's Office, and its employees Christi Turner, LPN, Knicole Lee, FNP, Kacey Newberry, LPN, and Lynn Marsh, LPN, had statutory duties to provide medical care to inmates confined under the supervision of the Appling County Sheriff pursuant to O.C.G.A. §§ 42-5-2(a), 42-4-4(a)(2), and 42-4-51(b).
105. At all times relevant to this, matter Mr. Rayner was a pretrial detainee, in the custody of the Appling County Sheriff, and confined at the Appling County Jail.

106. SECMG and its employees Christi Turner, LPN, Knicole Lee, FNP, Kacey Newberry, LPN, and Lynn Marsh, LPN, negligently failed to provide reasonably adequate medical care to Mr. Rayner.
107. SECMG and its employees Knicole Lee, FNP, and Lynn Marsh, LPN, failed to follow up once it was determined at intake into the Appling County Jail on July 16, 2017, that Mr. Rayner was febrile.
108. SECMG and its employee Kacey Newberry, LPN, failed to adequately investigate Mr. Rayner's complaints of low back pain and stomach pain on July 20, 2017.
109. SECMG and its employee Christi Turner, LPN failed to collect samples for lab tests as ordered at any time during Mr. Rayner's incarceration.
110. SECMG failed to allow Mr. Rayner to see a medical doctor in the employ of SECMG on July 25, 2016, because it employees had failed to collect lab samples as ordered.
111. As a result of the negligent failure of SECMG to provide reasonably adequate medical care to Mr. Rayner, he died in the Appling County Jail on July 26, 2017.
112. In compliance with the law of the State of Georgia, attached to this complaint is the affidavit of Dr. Lori E. Roscoe, setting forth the negligence of the Defendants and specifying therein the standard of care.

COUNT V

NEGLIGENCE

MEDICAL MALPRACTICE

113. Plaintiff re-alleges and incorporates herein by reference the allegations of Paragraphs 1 through 112, above, as if fully set out herein.
114. SECMG and its employees Christi Turner, LPN, Knicole Lee, FNP, Kacey Newberry, LPN, and Lynn Marsh, LPN, negligently failed to provide reasonably adequate medical care to Mr. Rayner.
115. SECMG and its employees Knicole Lee, FNP, and Lynn Marsh, LPN, failed to follow up once it was determined at intake into the Appling County Jail on July 16, 2017, that Mr. Rayner was febrile.
116. SECMG and its employee Kacey Newberry, LPN, failed to adequately investigate Mr. Rayner's complaints of low back pain and stomach pain on July 20, 2017.
117. SECMG and its employee Christi Turner, LPN failed to collect samples for lab tests as ordered at any time during Mr. Rayner's incarceration.
118. SECMG failed to allow Mr. Rayner to see a medical doctor in the employ of SECMG on July 25, 2016, because it employees had failed to collect lab samples as ordered.
119. As a result of the negligent failure of SECMG to provide reasonably adequate medical care to Mr. Rayner, he died in the Appling County Jail on July 26, 2017.

120. In compliance with the law of the State of Georgia, attached to this complaint is the affidavit of Dr. Lori E. Roscoe setting forth the negligence of the Defendants and specifying therein the standard of care.

#### COUNT VI

#### WRONGFUL DEATH

121. Plaintiff re-alleges and incorporates herein by reference the allegations of Paragraphs 1 through 120, above, as if fully set out herein.

122. Defendant SECMG, in its capacity as a contractor of the Appling County Sheriff's Office, and its employees Christi Turner, LPN, Knicole Lee, FNP, Kacey Newberry, LPN, and Lynn Marsh, LPN, had statutory duties to provide medical care to inmates confined under the supervision of the Appling County Sheriff pursuant to O.C.G.A. §§ 42-5-2(a), 42-4-4(a)(2), and 42-4-51(b).

123. SECMG and its employees Christi Turner, LPN, Knicole Lee, FNP, Kacey Newberry, LPN, and Lynn Marsh, LPN, negligently failed to provide reasonably adequate medical care to Mr. Rayner.

124. SECMG and its employees Knicole Lee, FNP, and Lynn Marsh, LPN, failed to follow up once it was determined at intake into the Appling County Jail on July 16, 2017, that Mr. Rayner was febrile.

125. SECMG and its employee Kacey Newberry, LPN, failed to adequately investigate Mr. Rayner's complaints of low back pain and stomach pain on July 20, 2017.

126. SECMG and its employee Christi Turner, LPN failed to collect samples for lab tests as ordered at any time during Mr. Rayner's incarceration.
127. SECMG failed to allow Mr. Rayner to see a medical doctor in the employ of SECMG on July 25, 2016, because its employees had failed to collect lab samples as ordered.
128. As a result of the negligent failure of SECMG to provide reasonably adequate medical care to Mr. Rayner, he died in the Appling County Jail on July 26, 2017.
129. Plaintiff Dinetha L. Rayner was the lawful spouse of plaintiff.
130. Plaintiff is entitled to bring this action. On the date of his death, Mr. Rayner was 42 years of age and had a reasonable life expectancy of 33 years.
131. Plaintiff is entitled to recover the full value of the life of Mr. Rayner, in an amount to be proven at trial.

## COUNT VII

### PUNITIVE DAMAGES

132. Plaintiff re-alleges and incorporates herein by reference the allegations of Paragraphs 1 through 131, above, as if fully set out herein.
133. Plaintiff contends that Defendants, jointly, severally, or jointly and severally, acted with malice or with reckless indifference to Mr. Rayner's federally protected rights.

134. Defendants' conduct showed a callous disregard for whether the conduct violated Mr. Rayner's protected federal rights.

135. Accordingly, Plaintiff is entitled to recover punitive damages from Defendants.

#### COUNT VIII

##### ATTORNEYS FEES AND EXPENSES OF LITIGATION

136. Plaintiff re-alleges and incorporates herein by reference the allegations of Paragraphs 1 through 135, above, as if fully set out herein.

137. Defendants have acted in bad faith, have been stubbornly litigious, or have caused Plaintiff unnecessary trouble and expense and Plaintiff is entitled to recover from Defendants all expenses of litigation, including attorney fees.

138. WHEREFORE, Plaintiff prays for the issuance and service of process as provided by law, for trial by jury, and that they recover damages for pain and suffering, medical expenses past and future, punitive damages, and attorney's fees and expenses of litigation, and court costs, and such other damages as are just and proper.

This 4<sup>th</sup> day of April, 2019.

/s/ C. Mitchell Warnock, Jr.  
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