

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:	Chapter 11
TEHUM CARE SERVICES, INC.,	Case No. 23-90086 (CML)
Debtor.	

**YESCARE’S REPLY TO THE OBJECTION OF
HAMMEL J. CLARK-EL TO THE OMNIBUS MOTION TO ENJOIN
PLAINTIFFS FROM PROSECUTING CASES AGAINST RELEASED PARTIES**

The Omnibus Motion to Enjoin, ECF No. 2160, argued that plaintiffs who have active lawsuits against the Released Parties should be enjoined from further prosecuting those claims unless the Plan’s Injunctions and Consensual Claimant Release terminate or become void (*i.e.*, staying, but not yet dismissing those actions). YesCare notes that enjoining plaintiffs from prosecuting claims against Released Parties absent an uncured Default is consistent with Art. IV. 10., which provides in parallel that the Trusts “shall forebear from asserting or prosecuting any Released Estate Causes of Action between the Effective Dates and the Final payment Date unless a Settlement Payment Default occurs and is not cured”

Hammel J. Clark-El (“Plaintiff”) is an incarcerated individual pursuing claims pursuant to 42 U.S.C. § 1983 against former employees of the Debtor in the case captioned *Clark-El v. Ms. Lisa Pharmacy Technician, et al.*, Case No. 22-cv-02231, currently pending in the United States District Court for the District of Maryland (the “Plaintiff’s Action”). ECF No. 2295 at 1; **Exhibit A** (complaint). In his opposition to YesCare’s Omnibus Motion to Enjoin, Plaintiff argues that he should not be enjoined from prosecuting the claims against defendants Lisa Polson, Christiana

Logan, Nicole Hargraves, Fate Fashola, Lum Mercy Maximuangu, Annette Adams, Dr. Kashun Temesgen, Dr. Robert P. William, Arielle Horton and Nicole Madison (the “Former Employees”), each former employees of the Debtor, because (1) he did not receive adequate notice of the Plan terms and releases or his opt-out rights and (2) his claims against the Former Employees are not covered by the Channeling Injunction under the Plan. ECF No. 2295 at 5–13; *see also* **Exhibit A** at 31 (noting the defendants are former employees of Corizon, *i.e.*, the Debtor). Alternatively, Plaintiff argues that he should be permitted to opt-out of the Plan on an untimely basis because his failure to opt-out of the plan is attributable to “excusable neglect.” *Id.* at 13–15. As discussed below, the Court should reject Plaintiff’s arguments because: (1) the defendants in Plaintiff’s Action fall within the Plan’s express definition of “Released Parties” and the Plaintiff’s claims are therefore subject to the Plan’s injunctions, (2) Plaintiff had notice and the opportunity to opt-out of the Consensual Claimant Release but did not do so, (3) Plaintiff failed to raise his arguments opposing the effective Plan’s opt-out mechanism prior to Confirmation, and (4) Plaintiff’s arguments opposing the Plan’s opt-out mechanism are contrary to bedrock Fifth Circuit precedent that his brief inexplicably fails to mention.

I. Plaintiff’s Failure to Act with Notice of the Bankruptcy Precludes His Notice Arguments

Plaintiff argues that his respective claims against the Debtor’s former employees (who are “Released Parties” under the Plan) should not be enjoined under the Plan because he received inadequate notice of the bankruptcy proceedings and applicable deadlines. Plaintiff is mistaken.

It has long been the rule in the Fifth Circuit that “[o]nce creditors know about the bankruptcy, then they must take steps to protect their rights.” *In re Schepps Food Stores, Inc.*, 152 B.R. 136, 138 (Bankr. S.D. Tex. 1993); *Robbins v. Amoco Prod. Co.*, 952 F.2d 901 (5th Cir. 1992) (*reh’g denied* 1992) (“When the holder of a large, unsecured claim ... receives any notice ... that

its debtor has initiated bankruptcy proceedings, it is under constructive or inquiry notice that its claim may be affected, and it ignores the proceedings to which the notice refers at its peril.”) (citation omitted); *Otto v. Texas Tamale Co.*, 219 B.R. 732, 740 (Bankr. S.D. Tex. 1998) (The failure to act by an individual who knows about a debtor’s bankruptcy “is fatal to his claims.”).

Plaintiff’s arguments against the sufficiency of publication notices provided in connection with this bankruptcy proceeding are inapposite because this Court *has already held* the publication notice procedures employed to be adequate and compliant with the Bankruptcy Code. The Notice of Deadlines for the Filing of Proofs of Claim was published in The New York Times on May 8, 2023, and in The Wall Street Journal on May 9, 2023, *see* ECF No. 610, and Notice of Deadlines for the Filing of Proofs of Claim was also published in the Prison Legal News in the June 2023 issue, *see* ECF No. 658. Publication notice in the Prison Legal News was placed in the December 2024 issue, which notice provided detailed information regarding the procedures and deadlines for casting votes to accept or reject the Plan and warned in bold:

4. The Plan proposes certain releases and injunctions in furtherance of the Plan. For the specific terms and conditions of all the releases and injunctions provided for in the Plan, and the precise scope of the Claims and Demands to be channeled, please refer to the specific terms of the Plan, which can be obtained as described below.

and

OBJECTIONS NOT TIMELY FILED AND SERVED IN SUCH MANNER MAY NOT BE CONSIDERED BY THE BANKRUPTCY COURT AND MAY BE DEEMED OVERRULED WITHOUT FURTHER NOTICE.

See ECF No. 1863, Exhibit A. In its March 3, 2025 Confirmation Order, this Court “found that notice of the Confirmation Hearing and the opportunity for any party in interest to object to Confirmation have been adequate and appropriate as to all parties affected or to be affected by the Plan and the transactions contemplated thereby.” ECF No. 2014 at 6. The Court also held that

solicitation of votes on the Plan, including through Publication, was “appropriate and satisfactory” and “in compliance with the Bankruptcy Code.” ECF No. 2014 at 6 (Section G, ¶ 10).¹

Here, Plaintiff not only had a duty to act, but the Bankruptcy Code also *required* him to act once he had notice of the bankruptcy to protect his rights. Pursuant to Fed. R. Bankr. P. 3003(c), unscheduled creditors “MUST FILE” a Proof of Claim: “any creditor . . . whose claim or interest is not scheduled or scheduled as disputed, contingent, or unliquidated shall file a proof of claim or interest within the time prescribed by subdivision (c)(3) of this rule.” A creditor “who fails to do so shall not be treated as a creditor with respect to such a claim for the purposes of voting and distribution.” *Id.*; see also *Sequa Corp. v. Christopher*, 28 F.3d 512 (5th Cir. 1994) (“We have concluded that it does not offend due process to view actual notice of a debtor’s bankruptcy to a prepetition creditor as placing a burden on the creditor to come forward with his claim.”). Each Plaintiff’s “own failure” to act is relevant to their lack of notice argument. *Thornton v. Seadrill Ltd.*, 626 B.R. 422, 430 (S.D. Tex. 2021).

Having received adequate notice of the bankruptcy proceedings in advance of Confirmation Hearing, Plaintiff waived any objection to the opt out mechanism or Consensual Claimant Release by not raising it prior to confirmation. *In re Bludworth Bond Shipyard, Inc.*, 93 B.R. 520, 521 (Bankr. S.D. Tex. 1988) (“Failure on the part of a party in interest to file an objection to confirmation prior to the deadline fixed by the court results in waiver of the right to object.”).²

¹ Plaintiff also argues that he should have been provided actual notice as a “known claimant.” ECF No. 2295 at 10–11. Plaintiff’s sole evidence that he was “known” is receipt of a letter from YesCare on May 5, 2025 – well after the relevant publication notices were issued. *Id.* There is no evidence Plaintiff was a known creditor at any time prior to the Confirmation Hearing or Effective Date of the Plan.

² “Once creditors know about the bankruptcy, then they must take steps to protect their rights.” *In re Schepps Food Stores, Inc.*, 152 B.R. 136, 138 (Bankr. S.D. Tex. 1993); *Robbins v. Amoco Prod. Co.*, 952 F.2d 901 (5th Cir. 1992) (reh’g denied 1992) (once a party received notice, “it is

II. Plaintiff is a Consensual Claimant for the Purposes of the Plan and His Claims Against the Former Employees Should be Enjoined

Plaintiff's argument opposing the opt-out mechanism on the basis of his alleged lack of notice should fare no better. The Fifth Circuit has long endorsed the use of consensual third-party releases with an opt out mechanism, including after the Supreme Court's opinion in *Purdue Pharma*. See *In re Robertshaw US Holding Corp.*, 662 B.R. 300, 323 (Bankr. S.D. Tex. 2024) ("Hundreds of Chapter 11 cases have been confirmed in this District with consensual third-party releases with an opt-out."); *In re Pipeline Health Sys., LLC*, No. 22-90291, 2025 WL 686080, at *4 (Bankr. S.D. Tex. Mar. 3, 2025) ("Opt-out procedures are a proper means to obtain consent to third-party releases in a Chapter 11 plan."); *In re GOL Linhas Aereas Inteligentes S.A.*, No. 24-10118 (MG), 2025 WL 1466055, at *20 (Bankr. S.D.N.Y. May 22, 2025) ("Courts in the Fifth Circuit have long allowed releases via opt-outs, and they continue to do so post-*Purdue*.").

Incredibly, Plaintiff's brief fails to acknowledge controlling Fifth Circuit precedent or the "hundreds of Chapter 11 cases" in this Circuit that have used an opt-out mechanism. *Robertshaw*, 662 B.R. 300, 323 ("what constitutes consent, including opt-out features and deemed consent for not opting out, has long been settled in this District."). Further, any concern about expectations related to the Plan is particularly unfounded in this proceeding because the Consensual Claimant Release was prominently referenced and repeated throughout the Plan for anyone to see, both mailed and publication notices expressly warned about the Plan's release, see ECF No. 1863 at 4 (Exhibit A), and all any plaintiff had to do was follow simple directions if they wanted to opt-out

under constructive or inquiry notice that its claim may be affected, and it ignores the proceedings to which the notice refers at its peril.") (citation omitted); *Otto v. Texas Tamale Co.*, 219 B.R. 732, 740 (Bankr. S.D. Tex. 1998) (The failure to act by an individual who knows about a debtor's bankruptcy "is fatal to his claims").

to preserve their claims or request additional information or documentation. Plaintiff's arguments that he did not timely file Proof of Claim forms nor moved to file an untimely claim, despite having adequate publication notice of the bankruptcy proceedings as noted above, does nothing to help him. In the Fifth Circuit, "even if a party did not receive the opt out form—because [t]he[y] did not file a proof of claim—does not change the result here. A creditor cannot appeal from a confirmation order, even if the plan contains third party releases, if they were provided the relevant notices, but failed to file a proof of claim, appear in a bankruptcy proceeding, or object to the plan." *In re Pipeline*, 2025 WL 686080, at *4.

Nor is there merit to Plaintiff's arguments that he should be released from the Channeling Injunction of the Plan simply because his claims are asserted against the Released Parties instead of the Debtor or that his § 1983 claims against the Former Employees are not derivative of unasserted claims against the Debtor. This narrow view of what it means to hold a "Claim" under the Code has no merit for all of the reasons explained in the Motion to Enjoin, at Arg. § III, namely, that "Claim" for purposes of the Code is to be given "the broadest possible definition" to include any possible or potential claim regardless of whether it was asserted.

First, Plaintiff's assertion that the Channeling Injunction should not apply because Plaintiff's § 1983 cannot be attributed to the Debtor is incorrect. While it is true that a defendant such as a municipality may not be held liable under section 1983 unless a municipal policy caused the deprivation of a right protected by the Constitution or federal laws, *see, e.g., McConney v. Houston*, 863 F.2d 1180, 1184 (5th Cir. 1989), the law of this Circuit recognizes that vicarious liability is imposed on an employer for the torts of employees committed while the employee is acting within the course and scope of their employment relationship. *See Cedillo v. Campos*, Civil Action No. DR-14-CV-057-AM-VRG, 2014 U.S. Dist. LEXIS 191190, at *10 (W.D. Tex. Dec.

19, 2014); *Goodyear Tire & Rubber v. Mayes*, 236 S.W.3d 754, 757 (Tex. 2007). Thus, to the extent Plaintiff asserts claims against the Former Employees implicating their negligence while performing their duties in the course and scope of their employment with the Debtor, those claims are inherently derivative of claims against the Debtor.

Pursuant to the Plan, a “Holder” of a Claim means “any Person or Entity holding a Claim” ECF No. 2014 at 71 (Art. I, ¶ 105). Plaintiffs who could or did assert injuries arising from conduct that could be attributable to the Debtor are Holders of a “PI/WD Claim,” which is defined as:

any unsecured Claim against the Debtor that is attributable to, arises from, is based upon, relates to, or results from an alleged personal injury tort or wrongful death claim within the meaning of 28 U.S.C. § 157(b)(2)(B), including any PI/WD Claim against the Debtor.

Id. at 74 (Art. I, ¶ 142). Holders of PI/WD Claims who did not opt out became a “Consenting PI/WD Claimant.” *Id.* at 67 (Art. I, ¶ 45). Consenting PI/WD Claimants have their claims “channeled” into a PI/WD Trust and are subject to the Channeling Injunction. *Id.* (Art. I, ¶ 45); *Id.* at 95, (Art. IV.D) (“All Channeled PI/WD Trust Claims shall be subject to the Channeling Injunction.”). Pursuant to Art. III.F.6(a)(i), “[e]xcept as provided in the Plan, Holders of Channeled PI/WD Claims shall be enjoined from prosecuting any outstanding . . . Claims against the Released Parties in any forum whatsoever, including any state, federal, or non-U.S. court.” *Id.* at 87.

Any § 1983 claim adequately alleging a failure to provide necessary medical care inherently implicates a potential negligence claim against the Debtor (the entity retained to provide that care) based on the same facts. As detailed in Plaintiff’s opposition, he plainly asserts claims based on § 1983 against the Former Employees of the Debtor, *i.e.*, Released Parties under the Plan. ECF No. 2285 at 1–12. As the Holder of a Claim seeking recovery for personal injuries, Plaintiff

cannot avoid the Channeling Injunction. Accordingly, the Plaintiff should be enjoined from further prosecuting his claims against the Released Parties because he is a Consensual Claimant for purposes of the Plan and therefore subject to the Plan's Channeling Injunction.

CONCLUSION

For all the reasons stated herein and in YesCare's Omnibus Motion to Enjoin Plaintiffs From Prosecuting Cases Against Released Parties, ECF No. 2160, the Court should grant the Omnibus Motion to Enjoin, including as to Plaintiff Hammel J. Clark-El.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I do hereby certify that on the 1st day of July, 2025, a true and correct copy of the foregoing was electronically filed with the Clerk of Court and served using the CM/ECF system. In addition, a true and correct copy has been electronically mailed or mailed via first class US mail to the following:

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Sean Michael Ryan #787263 Thumb Correctional Facility 3225 John Conley Drive Lapeer, MI 48446	John Satterfield #1422780 Jessup Correctional Institution 7805 House of Corrections Road Jessup, MD 20794	Jeremy Killpack Joane Hallinan HALLINAN & KILLPACK 5240 E. Pima St. Tucson, AZ 85712 admin@hlfaz.com
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Thurman R. Watson 6306 Elmhurst Street District Heights, MD 20747 thurmanwatson1221@gmail.com	Emmanuel Adolfo Fishelman Robert Wesley Thayer Tucci Zipin, Amster & Greenberg, LLC 8757 Georgia Avenue Suite 400 Silver Spring, MD 20910 efishelman@zagfirm.com rtucci@zagfirm.com	Jim Williams #256142 2805 W. 8 Mile Road Detroit, MI 48203

Wallace Gary Collier aka Gary Winters O81345 Union Correctional Institution PO BOX 1000 Raiford, Fl 32083	Andrew J.J. Wolf #35408 Idaho State Correctional Center P.O. Box 70010 Boise, ID 83707	Shelton Lamont Wood #267922 13800 McMullen Hwy. Cumberland, MD 21502
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/s/ Trevor W. Carolan

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

HAMMEL J. CLARK-EL 316-351

OCTOBER 9th. 1967

JESSUP CORRECTIONAL INSTITUTION

P.O. BOX 534

JESSUP MARYLAND 20794

(Full name, date of birth, identification #, address of petitioner)

Plaintiff,

v.

ALL DEFENDANTS WORK AT,

JESSUP CORRECTIONAL INSTITUTION

P.O. BOX 534

JESSUP MARYLAND 20794, note: SEE ATTACHMENT OF THEIR NAMES

(Full name and address of respondent)

Defendant(s).

COMPLAINT

I. Previous Lawsuits

A. Have you filed other cases in state or federal court dealing with the same facts as in this case or against the same defendants?

YES ☐ NO ☒

B. If you answered YES, describe that case(s) in the spaces below.

1. Parties to the other case(s):

Plaintiff: N/A

Defendant(s): N/A

2. Court (if a federal court name the district; if a state court name the city or county):

FILED
LOGGED
ENTERED
RECEIVED

SEP 06 2022

AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND

DEPUTY

Case No.:

(Leave blank. To be filled in by Court.)

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Hammel J. Clark, No. 316-351
JESSUP CORRECTIONAL INSTITUTION
P.O. BOX 534
JESSUP, MARYLAND 20794

Plaintiff.

vs.

- (1) Pharmacy Technician, Ms. Lisa;
- (2) Pharmacy Technician, Ms. Christina,
- (3) Dr. Salin Nhean Nhean, PharmD
- (4) Medical Supervisor, Ms. Hargrave,
- (5) Medical Supervisor, Ms. Faith,
- (6) Doctor. Robert P. William,
- (7) Doctor. Kiabayan Hamid,
- (8) (RNP) Lum Maximuangu,
- (9) Chronic Care Scheduler, Ms. Frita,
- (10) Sick-Call-Slip Scheduler, Ms. Arial,
- (11) Medical Record(s) Supervisor, Ms. Madison,
- (12) Medical Record(s) Staff, Ms. A. Adams,
- (13) Doctor. Temesgen

Defendants' et al.

PRIVATE CONTRACTOR ADDRESSES

Local Address: Yes Care Client Service(s)
7240 Parkway Drive, Suite 350
Hanover, Maryland 21076

National Address: Yes Care Client Service(s)
205 Powell Place, Suite 104
Brentwood, Tennessee 37027

I, the Plaintiff, Hammel J. Clark, do not know the complete full name(s) of some of these noted Defendants, but I provided the Court the names(s) in which these Defendants are known by.

The Defendant Christina, as well as others refused to identify herself to Me and I had to get her name from an Correctional officer on duty at the Medical Dept.

She was the One also telling officers I do not get/receive (Medication) and I was suffering (WITHDRAWS), and suffering badly and despite the fact that She knew that I was prescribed the (MEDICATION) for, now I am suffering from (WITHDRAWS), ever since the (MEDICATION) had been arbitrarily just stopped in one (1) day without advising Me prior, nor slow'ly weening Me from the affect of (WITHDRAWS) after having taken this medication for a certain of time/or long term.

This Defendant simply told Me to put in a Sick-Call-Slips in to Medical. The Medical Staff who handles the Sick-Call-Slips/or processes them totally disregarded them in bad faith, which can be construed as manifested malfeasance, etc.

This total disregard for what I was going through was with specific intent to cause Me mental and physical pain and suffered and continue to suffer due to their mean acts, which they had knowledge of.

Respectfully submitted

Hammel J. Clark #

316-351

Hammel J. Clark

3. Case No.: _____
4. Date filed: _____
5. Name of judge that handled the case: _____
6. Disposition (won, dismissed, still pending, on appeal): _____
7. Date of Disposition: _____

II. Administrative Proceedings

A. If you are a prisoner, did you file a grievance as required by the prison's administrative remedy procedures?

YES ☒ NO ☐

1. If you answered YES:

a. What was the result? THEY ONLY RESPONDED TO ONE OF THE FOUR (ARP)
COMPLAINTS I FILED AGAINST THEM. THEY RESPONDED TO (ARP) 0845-
22. AND TOTALLY DISREGARDED ALL THE ISSUES I ACCUSED THEM OF.

YES ☐ NO ☒

2. If you answered NO to either of the questions above, explain why CORRECTIONAL MEDICAL
SERVICE IS A PRIVATE CONTRACTOR/ENTITY IN WHICH THE (IGO) INMATE
GRIEVANCE OFFICE DOES NOT ENTERTAIN MEDICAL COMPLAINT. SEE: ADAMSON

V. CORRECTIONAL MEDICAL SERVICE 359 Md 238. 753 A.2d 501 (1999),
III. Statement of Claim

(Briefly state the facts of your case. Include dates, times, and places. Describe what each defendant did or how he/she is involved. If you are making a number of related claims, number and explain each claim in a separate paragraph.)

I the plaintiff file this law suite complaint on these
defendants because of their (DELIBERATE INDIFFERENCE), and
reckless disregard causing me pain and suffering that could
have resulted in the death of this plaintiff. I state the
following of my accusing these defendants of what they done

- (1) I the plaintiff Hammel J. Clark files this lawsuit on these defendants whom work for private contractor....Contracted by the prison of "Jessup Correctional Institution" of the Department of Public Safety and Correctional Services. These defendants violated their own procedures disregarding Sick Call slips.
- (2) They violated policy and protocol of handling my medical condition, a deprivation of medical care causing an infliction both mentally and physically.
- (3) These defendants ignored, and shunned me with total disregard to my condition to a point that I was suffering so bad I thought that I was going to die. They treated me as if I had the plague in which they made me feel like.
- (4) These defendants imposed on me from themselves a state of deliberate indifference Violating this plaintiffs Eighth Amendment denial of medical attention and care in which they could have killed this plaintiff by their complete and total disregard.
- (5) This plaintiff was suffering from a serious medical need and that the medical staff, the medical supervisor and pharmacy tech. all of whom were aware of the need for medical attention, but failed to provide it to ensure that adequate care was available to said plaintiff. They all had actual knowledge of both my serious medical condition and the excessive risk, harm, pain and suffering posed by their action and inaction.

(6) Background of Mr. Clark's Medical Condition

I the plaintiff received an electro-shock from a milk-box wall socket that injury back in 2006. That shock affected the nerves in the plaintiff's spine. (left side and back mainly). Plaintiffs medical records will show that it noted by and from medical personnel that spinal cord injury nerves. From then on, the plaintiff has received epidural steroid injections in my spine. This

plaintiff was in a wheelchair for over (10) years dealing with medical pain from that shock. Plaintiff has had electro-selective procedures done to his nerves in his leg; etc. Plaintiff was at one time diagnosis of Lumbar radiculitis etc.

(7) Back in 2008 or 2009 this right after this plaintiff's injection, the pain and plaintiffs' condition were so bad that the treating doctor prescribed pain medication to MR. Clark named (Methadone).

(8) In 2017, while at (WCI) Western Correctional Institution, the Medical Department etc. a call came down to take methadone out of prison. What they did was properly ^{weaned} wean me off of the Methadone gave me an I.V., checked my vitals, and put me in a room and attended to me. Instead of Methadone they replaced my medication with Tramadol, in which is similar to an opioid narcotic similar in its addictive nature as Methadone.

(9) Plaintiff Mr. Clark was placed on Tramadol in 2017, and was on it from 2017 to 2022 of May which amounts to (5) five years. I, Mr. Clark was receiving 200 mg in the morning and 200 mg at night for pain, in which in the course of all those years; Mr. Clark was very addicted to tramadol medication and its use for the pain which he ~~was~~ ^{was} receiving it for.

Mr. Clarks (Pain)

(10) Plaintiff had had severe pain in my spine, left hip running from my knee up to my left hip around my spine. Plaintiff hip has given out ~~on~~ him continually off an on while walking with a walker. Plaintiff has fell when his hip gave out on him which I obtained a large gash in my left wrist. This plaintiff has been complaining of ~~the~~ deterioration of my Coccydian Tailbone for over a year. All they did was order a doughnut seat cushion in over a year. I'm unable to sit up on my tailbone, and it hurts when I go to the bathroom. I have to be careful the way I

lean and sit. My tailbone has gotten worse and my left hip hurts really bad, and the complaints I have made have all been disregarded, other than a doughnut seat cushion.

(Complaint on The Defendants)

- (11) In May of 2022, I the plaintiff Mr. Clark proceeded to the JCI Medical Department to get my medication, being 200 mg of Tramadol where I was confronted in the door way of the pharmacy by the (Pharmacy Technician), known to me as a (Ms. Lisa) told me and I quote, "You will not receive any more medication and that you were supposed to have been weaned off" Unquote I responded telling Ms. Lisa "That no one notified me of any such thing."
- (12) From that first week of May I haven't received any medication. I have continually expressed to the Pharmacy Tech. Ms. Lisa that I have never seen a doctor or a provider to take me off or stop my medication, or weaned off it.
- (13) Ms. Lisa's response was I quote, "Well put in a sick call slip" Unquote. So in turn that's what I did. On the second day I went to medial about this matter. I then stopped and approached the supervisor of medical Ms. Hargrove to explain to her that my medication has been stopped and that I have yet to been seen by a doctor to give me a replacement and that the Pharmacy Tech. Ms. Lisa stopped my medication. After telling me to wait in the lobby, Ms. Hargrove then returned approximately 15 minutes later and stated, "Put a sick call slip in to see the provider." Unquote.
- (14) I the plaintiff on the 3rd day while going through excruciating withdrawal symptoms then made my way to medical to explain to Ms. Lisa that I was going through withdrawal and needed my medication, and was there anything she could do about it. She then told me "There was nothing she could do about it. Its in the computer, and put in a sick call." I told

her that I had already put in a sick call slip and have not been called. She hunched her shoulder and walked away.

(15) I haven't received any medication, seen a doctor, and have been experiencing symptoms of withdrawal such as cold sweats; chills; hot flashes. My bones are burning every minute through the night I've had to squeeze my body to make that feeling of hurt go away all through the night. I went from one end of my bunk and got on the floor in a praying position trying to sleep. I went to the bathroom on my self and could not hold food and I was in pain because of the reason the medication was prescribed.

(16) I then started complaining to the other nurses Ms. Gloria, and Mr. Tony along with giving them sick call slips; first the medical department didn't answer my sick call slips. Sick call slips are to be answered within 48 to 72 hours of receipt. It was over a week and they still didn't call me. Again, the pain from the withdrawals began to arise, so I pulled up Ms. Lisa and the other supervisor Ms. Faith trying to explain what the problem was and that I had submitted sick call slips to Ms. Gloria and Mr. Tony and still haven't been called. She then had me fill out another sick call and made a copy of it. I still was not called to medical about these matters.

(17) After all of this and dealing with withdrawals I then went back to my housing unit. Lt. Oben of F-building. I was in his office hurting. He then called up on my behalf explaining to them what I'm going through about five times. Then he contacted a nurse and this nurse looked in the computer and said that I have an "active order" for the medication (Tramadol) and to come get my medication. I then left his office and went to medical and when I got there I was confronted by the other Pharmacy Tech. Ms. Christina who initially refused to be identified, only later to have her name given by an officer. She then called Lt. Oben to tell

him something. Then the officer at the desk Ms. Hines told me someone wanted me on the phone. It was Lt. Oben telling me to report back to my housing unit. When I arrived he told me there was nothing else he could do and to put in another sick call slip.

(18) I told Lt. Oben that I had already submitted a sick call slip, and that I had given it to the nurses. I have submitted sick call slips in the institutional medical sick call boxes and still I have not been called.

(19) From May to June 7th, 2022 for almost nearly a month I have submitted numerous sick call slips and was still not seen by a doctor or a sick call provider of any kind.

(20) Then on May 29th, I submitted a sick call slip to medical records to see who took me off of my medication and to get copies of the sick call slips I have submitted since the time Ms. Lisa told me my medicine was stopped.

(21) On June 8th 2022. I went to medical records and saw Ms. Madison (Supervisor) and her assistant Ms. Adam, when I sought to get these records they had nothing, no sick calls in which I had submitted over a months' time. They expressed to me that there was nothing in their computer system of me being weaned off of Tramadol in shape or form. No sick call slips were they're of me complaining of the need to see a doctor, of me complaining of pain and especially of all the withdrawal for over a week were not in my folder.

(22) I asked Ms. Madison the supervisor of medical records to go over the to next room of the Pharmacy where Ms. Lisa (Pharm. Tech.) was on the day of 6-08-2022 and ask her where was the information in their system that told her I should have been weaned off the tramadol. She was also asked about the initial medical order to wean me off and the name of the doctor who placed the order.

- (23) Ms. Madison came back and told me that she was not able to give me that information because it simply did not exist.
- (24) I then asked the Ofc. Obala to ask the Pharm. Tech Ms. Lisa that I wanted and needed to talk with her and she refused to come out and talk with me from that point.
- (25) Since the first week or so in May when the Pharm. Tech. Ms. Lisa cut me off from the medication I was taking I did not see a provider into June 18th 2022. Over a month later I saw Lum Maximuangu, RNP who downplayed my medical condition and knew what the medical staff had done to me.
- (26) I expressed to Lum Maximuangu (RNP) of my hip, spine, and coccydynia tailbone. I explained to her that I have been putting sick call slips in for over a month and that someone stopped my medication causing me to go through withdrawals. I explained to her that my hips are failing specifically my left hip everyday and goes out. I asked her and explained to her that I needed a seated walker because of my hips and she turned me down, telling me to continue using the walker I was given. Then on July 3rd 2022, my left hip went out and I fell, obtaining a very large gash on my left wrist. It was witnessed by the housing unit Sgt. Who contacted the building Lt. William Bunn who came and took picture of my wrist and had me to write a report because of how hard I fell, and opened my wrist up.
- (27) The (RNP) Lum Maximuangu noted in the report she made that I was without any medication since may.... But she had already knew that and kept it away from me.
- (28) The medical staff withheld names of certain people who I had to contually question who else was responsible of wrong doing.
- (29) I then received a report dated back in April 3rd 2022, where I saw before by (RNP) Lum Maximuangu and in that report she renewed my tramadol than renewed it again with an order

greater than the order to stop it exceeded all orders to stop it. None of this was expressed to me and the medical report shows that I had an active order for tramadol. (Start Date: April 3rd 2022), (Stop Date: August 3rd, 2022) and was (refilled on May 1st 2018, on June 18th 2022 when I saw her)

- (30) Then, I was told that a person by the name of Salim Nhean, Pharm D stopped my tramadol and are responsible of causing me to go through withdrawals without me seeing a doctor, but I have never had any encounter with this person, the only person to inform me of this was Pharm. Tech. Ms. Lisa medication being cut off made me go cold turkey.
- (31) I bring this lawsuit against (RNP) Lum Maximuangu because back on April 3rd 2022 I told her that my hip was giving out when I walk and then on June 18th 2022 I tell her I needed a seated walker, she denied me of it and I fell in July 3rd 2022.
- (32) I bring this suit against Ms. Ariel and Ms. Frida who does the scheduling for medical sick call slips. These are the two who receive every sick call slip and schedule the appointments. All sick call slips are triaged through them.
- (33) They participated in the mishandling of my sick call slip and would never schedule me to see a doctor, especially when I was going through withdrawals. Then as I started writing them up for their actions, the last two sick call slips I filed during the first week of July they answer, but never answered the one s from May to June. This equates to a month worth of sick call slips that were seemingly “misplaced” never to be found. I was also never seen for the last two sick calls of July.
- (34) I bring the action lawsuit against the supervisor because all the time they know and knew the sick call slip procedure and would continually tell me to keep putting in sick call slips and would never order for me to scheduled to get assistance.

- (35) I witnessed seeing Dr. Robert P. William here in which I talk with him and he told me to write it up and ask for a meeting with Pharm D. which is next to this person named (Salin Nehean)
- (36) Supervisor Ms. Hargrove, Supervisor Ms. Faith; Pharmacy Technician Ms. Lisa. All of whom told me to put in numerous sick call slips.
- (37) I was under the care of Dr. Hamid Kiabayan who oversaw my medical condition of C.C.C Chronic care. I was unable to get those files. Those files were needed because I saw him before I saw RNP Lum Maximuagu. She sat me back in the treatment of Dr. Hamid Kiabayan.
- (38) When I started filing complaints on them, the damage [redacted] already been done. I even had my tier officer when I was going through withdrawals to call medical. I was told to put in a sick call slip and order to lock in my cell or be placed on lock-up for refusing a direct order. I locked in and I suffered. That night I cried in pain for the whole night.
- (39) I wrote everything up that they did to me. I made copies of all the sick call slips I have submitted. The administrative ARP's I have filed along with my medical records dates and time will show that the medical personnel were all in this together, and intentionally sat back and conferred with one another. On June 7th 2022, I saw both Ms. Faith and the Pharmacy Tech Ms. Lisa about my sick call slips not being processed and they walk every day in the back of the medical department where Ms. Frida and Ms. Ariel office was, Ms. Faith being the supervisor of them. What does that say? From the time I was cut off and made to go cold turkey. It was over a month when I was seen by the nurse practitioner and she was apart of it... Nurse Practitioner Lum Maximuagu.

(40) Their action was motivated by bad intent. Than practitioner Lum Maximuagu wrote a

Consult on 6-18-2022 that did not reflect know of my medical condition and made report in April 3rd that on June 18th 2022 she denied me of and I fell because really did need a seated walker and still do. The provider Nurse Practitioner Lum Maximuagu (RNP) contradicted her own medical reports of her opinion, belief and judgement of my medical condition. I told her in April my hip goes out but in June she denied me a seated walker and two months later I fell obtaining a gash in my wrist. Then she placed a consult and did not mention a thing I complained about and that's in all the other medical reports.

(All Medical Records Will Reflect This

Serious Problem)

(41) This what they do and have done to me. In my experience and observation of the others.

I first was being seen by Dr. Robert P. Williams back in 2021. I complained about my coccydynia tailbone (coccyx). Pain in my spine and hip. He wrote consults, requesting I get a shot in my tailbone which was denied. All they approved was seated doughnut cushion. All else was denied. (6) six months later I was being seen by Dr. Hamid Kiabayan. I complained about the same issue. He got me in contact with pain management at one time. They never followed up in no other chronic care clinic than the ones scheduled appointments are Ms. Ariel and Ms. Frida when the doctor are not able to get their counterparts to approve any medical procedures and get tired of us complaining then they passed me over to the (PA) or in my case a nurse practitioner who was and ended up being Lum Maximuangu (RNP) who knows what is going on but dumbs herself down, not putting forth a disposition which show a patients serious medical issues and the need for treatment. There for they keep passing/scheduling their patient around every three (3) months amongst them all and at each

time the patient's medical problems/conditions continue to get worse. This is what happened in my case. One can tell by the medical record reports as to when I was seen by Doctor Robert P. Williams , then by Dr. Kiabayan, then later by RNP Maximuangu. Then she starts you all over again. This is a pattern of what they do and they are dealing with me/us and see our pain, but continue to allow outside people to deny us of medical treatment that they see we/I really need.

(42) These two being Ms. Ariel and Ms. Frida obstructed and impeded the process of my sick call slips for over a month. Ariel and Frida control the scheduling of appointments for prisoner sick call slips. They know I was complaining of withdrawals, pain etc.

(43) You see, I was never seen or called to medical for a month starting in May of 2022. Its when they were being exposed for what they were doing to me and someone was in their ear, and they then recognized that I was filing ARP complaints on medical.

(44) Then in July I submitted the last two sick call slips and who is it I am confronted by. Ms. Ariel and Frida who processed those sick call and sent me a pass and they waited on me. Question? What happens to those sick call slips I submitted when I was going through withdrawals...Surely Ms. Ariel and Ms. Frida got those sick call slips and disregarded every last one of them.

(45) The same goes for:

- (a) Dr. Robert William
- (b) Dr. Hamid Kiabayan
- (c) Supervisor Ms. Hargrove
- (d) Supervisor Ms. Faith
- (e) Pharmacy Tech. Lisa

(f) Pharmacy Tech Christian

(46) They followed the orders of an outsider who controls the decisions of theirs. I talked to Dr. Williams in the hallway when he was coming in to work in May while I was going through withdrawals

(47) Dr. Williams told me and I quote, "It's Pharm D, write it up and ask for a meeting. There's nothing I can do." Unquote

(48) I wrote up every time they denied of help. When I filed the Administrative (ARP) Complaint about my sick call slip went missing and none processed is when the only two I was seen long after was in July and Ms. Ariel and Frida only processed those two only because I identified them of their duty

(49) And conduct of their action and requirement of their occupation and position and sense of duty.

(50) What these medical people did to me as I sought out their help is unappreciated by medical health care and unaccustomed to principles and of ethical professional standards of conducts. It was unbearable , I had to fight to get them to see that I know and knew what they were doing and had done to me.

(51) Your Honor, someone really has to understand what the defendant's have done and have done to me. Please listen. After I was seen by the nurse practitioner (RNP) Ms. Lum Maximuangu on June 18, 2022, I than on or about July 14, 2022 received a medical pass for chronic care pain management. They call me up to medical and I signed two sick call slips and was than scheduled for pain management clinic again for (July 21, 2022). On Thursday July 21, 2022 I reported to my appointment for (CCC). When I got there I saw Dr. Kiabayon Hamid. On the speaker phone was Maximuangu and another doctor who I was unable to get his identity, and "Dr. Robert P. William".

(The three of us started having the meeting over the phone)

(52) I was clear and direct, explaining the pain in my spine, in my "tail bone" and my hips failing me. I presented medical document where I was seen as far back as January 2021, by Dr. Robert P. Williams. I submitted document where I was seen as far back in Jun 2021, being seen by Dr. Kiabayon Hamid. I expressed that I received a powerful electro shock that left me in a wheel chair for 9 ½ years. I told them how I was on methadone for many years. I told them of the steroid injection I gotten in my spine. I even showed these medical documents to Dr. Kiabayon Hamid at the sane time explaining to those on the phone speaker (the other identified doctor). I even showed them the report where as my hip went out and I fell obtaining a large gash in my wrist. I than clearly expressed what the pharmacy tech Ms. Lisa did and causing me to go through withdraws. None of them responded to that.

(53) "W hat they did to me was Cruel and Unusual Punishment." I had the shakes, defecated on my self plus I was dealing with my pain on top of the withdraws I was experiencing, it was to much to bear I thought that I was dying. All my medical files where in their system and what I presented they should have known, especially Doctor Robert P. William and Doctor Kiabayon Hamid, and (RNP) Lum Maximuangu.

(54) Your Honor: They all lied to me. Dr Robert P. William, Lum Maximuangu (RNP), the pharmacy tech, Ms. Lisa. These are the one's who told me that the reason my medication was taken/ or stopped is

because, Tramadol (this is medication prescribed for my condition) was being removed out of the prison system. I told them I never seen a doctor etc, Nor was I waned off of the medication. During the meeting the man doctor on the speaker phone after all this said and I quote "where going to give you the Tramadol back" unquote. Than he stated and I quote "where going to adjust the (Cymbalta) and (Baclofen) medication was order by (RNP) Lum Maximuangu on June 18, 2022. They stop given me the Tramadol on the first week of May 2022. She was the first one I seen over a month later and she order the medication Cymbalta and Baclofen so I could sleep because I still had the shakes after going through withdraws.

(55) On July 21, 2022 the same management team doctor's etc, re-prescribed the same medication being (Tramadol) right back to me for pain. In other words not only should it had not been stopped in the first place and the way in which they did it, but for them to prescribe the same medication back to me means that all I went trough, the withdraws and what it caused, the complaining, writing, administrative remedy's, submitting sick call's, having to beg and I mean beg for help from these medical defendant's, in which I never got, and they ran me back and forth and denied me every time. They did not even offer me so much as a (Aspirin). While having face to face talks and talking with Dr. Robert P. William and while going through withdraws he tells me, and I quote "write it up." Unquote." They are doing it to everyone.

(56) Had they had the meeting before they stopped the medication in May of 2022 we would not be here today because the same decision and conclusion they came to on July 21, 2022 would have been to not have stopped the medication at all, and it was intentionally done because of the total disregard that followed. My entire medical history was at their disposal. The defendant's action displayed that they did not do their due diligence of caring because they know and was made aware while showing a total disregard.

(57) (1) They did not properly inform Me at all. No doctor informed Me. It was the Pharmacy Tech. Ms. Lisa.

(2) They did not wane Me off the prescribed medication in which (TRAMADOL) is similar to "OPIOD NARCOTICS" and, I was prescribed and taking this medication for a little over Five (5) years, and just like that, without warning, without any type of Doctor Patient meeting to discuss stopping the medication, and, or to issue or prescribe any alternative medication(s), or other. I was on a prescribed (200 mg), which I took orally once in the morning, and once in the evening hours. I could have actually died from the withdraws, and

(58) (3) They did with specific intent, with knowledge that what they did to ignore, disregard, by removing all My "SICK-CALL-SLIPS", in which for the sake of argument are suppose to be placed in-to My medical file, which none of My 'SICK-CALL-SLIPS' submitted had been placed into My Medical Records. I know this for a fact since I requested copies of My Medical Files, which were picked up by Me on June Eighth, Twenty-Twenty-Two.

(59) From May to June Eighth, Twenty-Twenty-Two there was no sick call slips in My 'Medical File Folder and medical records. Ms. A. Adams, nor the supervisor Ms. Madison could give Me no Explanation to the where-about of all the 'SICK-CALL-SLIPS'; I submitted especially those concerning the "WITHDRAWS".

(60) I filed an "ADMINISTRATIVE" "REMEDY" "COMPLAINT" against the Medical Records Department at JCI on July Third, Twenty-Twenty-Two, including a part of the Complaint the Pharmacy Technician Ms Lisa. All My Sick-Call-Slips just disappeared or never was processed by them. I was also informed by both Ms. A. Adams, and Ms. Madison that there was nothing in their computer system as to what I requested. The Request was as follows:

(61) (1) I requested the Doctor who stopped My Medication; full name;
(2) A copy of the Order of how, where and, when the doctor/or any other medical staff or personnel never notified Me nor advised Me of discontinuing My medication, and how did the doctor wane Me off the medication.

The defendants can not put into words all what I explained what medical personnel did to Me; then, to add insult to injury medical personnel "RE-PRESCRIBED" the "SAME" "MEDICATION" for Me and this is what medical staff did to Me, causing Me to go through "WITHDRAWS," and not treating the soul problem causing My pains and sufferings.

(62). This Law Suite I am filing against these defendants is because one, they caused me to go through withdraws cold turkey abandoning me and I could have died, and the other reason is the fact that I have been denied proper medical treatment to the main causes of my problem location.

The medical records goes as far back to Jan, 2021 going on two years I have been complaining about my (TAIL BONE), medical mane (COCCYDYNIA) (COCCYX PAIN). I have seen Dr. Robert P. Williams back in 2020, I have seen PA, Bernard Alenda 4,20,21, and than I seen Dr. Kiabayan Hamid, and (RNP) Lum Maximuangu in which I have a history of seeing these providers. My tail bone has gotten worser, and with in two years the consult was denied that been over a year ago, and since than all I have been giving is a (DOUGHNUT CUSHION), used fore (HEMORRHOID), No other attempts to address my medical condition have been made.

(63). My (SPINE) and (HIPS). My hips goes out at will when I walk or turn around to start walking in another direction, or when I am sitting and go to stand up my hips mainly the left one goes out on me, and I have to catch my self from falling.

My spine in the middle going around to the left side hurts me so bad every day and its a ripple all the way around of pain. I am unable to properly sit, and its a knot or lump their. Its hurting me right now.

(64). I have been complaining about these medical condition going on two years to all these medical providers and they have been doing nothing but passing me around to one another doing nothing. They know what have to be done to help and assis me but they do not want to spend the money, and the providers who I named especially Dr. William they have allowed their out side counterparts who has never examined me like Dr. Temesgen. This doctor disposition is NOT IN THE BEST INTEREST OF MY HEALTH. He does not put forth logic, and fail to see the truth of ones medical issues, and he does this intentionally, and the provider goes along with him.. Dr. Temesgen , and Dr. Williams either caused me to go through withdraws, and or was apart of it. Dr. Temesgen over rides these provider decision who has hands on with me or us. When he or their counterparts deny everything than these providers starts passing ME/US around under minding my pain and medical condition, and than they have the ones who schedule the appoints being MS. FRITA, AND MS. ARIAL they schedul US/ME putting me with someone like (RNP) LUM MAXIMUANGU, who she than dummy her self down, (I MEAN NO DISRESPECT), but she does this disregarding the seriousness of my medical issue. When I respond to their response I will show the court evidence of what I state here. I have not had nothing done about thses medical complaints other than what I expressed going on two years.

(65). My body where these medical issues are have deteriorated and down in the corner of the pit feels like lightning shooting when I walk and my hips in the corner on the side of my growing lightning shoots down and at times my hips goes out. Please, I am asking the court to make these defendants address the soul causes of my medical issues.

(66). The most insulting disposition is when I know what they do and I bring my issues to their attention they down play them, and blame it on a out side counterpart and the two being MS. FRITA, and MS. ARIAL they are dangerous and unprofessional who has interfered with treatment requested by me.

(67). Ms. frita, and Ms. Arial these two control all the scheduling of the (Sick Call Slips), making appointments for inmates. There action are backed with ill-intent, and disregard putting forth rude comments, and ill-legal act, and they are not alone in doing these illegal acts.

(THE SECOND PART OF MY LAW SUITE)

(68). These defendants almost (KILLED), me causing me to go through (WITHDRAWS). After pulling up everyong I was so sick I sat on the floor my bones burning crying to the correctional officer to help me. He called the medical department and they told him what they told everybody else including my self they

told him to tell me to put in a (Sick Call Slip),and then he told me to lock in and I refused, because of how sick I was going through the withdraws, and then he gave me a direct order to lock in or be put on lock up. I ask him his name, and it is OFFICER: NYARKO C/O #2.

(69). Prior to this matter being being created I was seen for sick call to get my blood pressure medication ajusted. Prior to that sick call and one for my hand, I was never call from when the Pharmacy Tech Ms. Lisa stop giving me my medication the first week of May 2022. I was not seen by a provider into (June 18. 2022, a over a month later. I was seen by (RNP)- Lum Maximuangu where as I told her that I had been had my medication being (TRYMADOL) since May up to seeing her on June 18. 2022. I told her that no one has seen or called me from all the sick call slips I had submitted. It was strang that I was seen about my blood pressure medication from the sick call slip I submitted before hand.

THE SUPERVISOR MS. FAITH)

The very first (ARP) complaint I filed I had a meeting with her about that (ARP) JCI-0845-22, filed May 29. 2022. Ms. Faith look at the computer that was right there and seen that I was seen for sick call I submitted prior to what MS. Lisa did to me and she/ We seen together that I was never seen by no one from May into June 18. 2022.

Than when I received a response from that (ARP)- JCI-0845-22, she or and the medical department tried to use those date to manipulate my complaint to the institution who investigated the complaint to say that I was seen, in which did not make sense because all one has to do is pull the dates when I was seen and What I was seen for, and by who. They did not address none of the seriousness of the complaint about the (WITHDRAWS) I went through.

(70). (PLEASE ALLOW ME TO EXPLAIN SOMETHING TO THIS HONORABLE COURT). I DO NOT WANT THESE DEFENDANTS TO TRY TO LIE, OR MANIPULATE THE DATES, TIMES OR FACTS IN THIS CASE TO THIS COURT). WHEN PRISONERS SUBMIT SICK CALL SLIPS TO BE SEEN. WE ARE ONLY SEEN IN REGARDS TO THE ISSUE BEING WROTE ON THE SICK CALL SLIP⁴. THEY WILL NOT SEE US FOR NOTHING ELSE. NOR WILL THEY ADDRESS ANYTHING ELISE).

The Supervisor Ms. Faith manipulated the investigating officers in that complaint but I will not let her nor allow her to do it in this Honorable Court. All (ARP), Complaints are being submitted with this complaint. I am addressing them in this complaint.

(71). Prior to the Pharmacy Technician MS. LISA cutting me off from the medication Tramadol in which is a schedule IV #4 Controlled Substance. I was getting 200mg in the morning, and another 200MG at night time. I never seen a doctor before hand when and no one told me nothing, and when the Pharmacy Tech MS. LISA STOP MY MEDICATION SHE STATED AND I Quote, YOU SUPPOSED TO HAD BEEN WEENED OFF UNQuote. I responded by telling her no one told me nothing e,t,c.

From that first week of May I submitted sick call request slips I gave sick call slips to Ms. Glora, Mr. Tony, and I put sick call slips in the institutional sick call medical Box. I was never call telling them I was going through withdraws. I even seen Ms. Hargrove and Ms. Faith telling them what was happening to me in the first week of May in fact the second day, I seen Ms. Hargrove.

(72). I at one point contacted the housing unit Lieutenant: OBEN, and he call the medical department on my behalf telling them that I was down here going through withdraws, and in server pain. At one point a nurse who had nothing to do with what they was doing to me, told LT: OBEN to send me to medical because these was an active order for (TRAMADOL) for me. He then told me to go get my medication.

When I went to medical the Pharmacy Tech Ms. Christina seen me coming, and than call back down to my housing unit and the next thing I knew the Officer MS. Heinz, told me to come to the phone, and it was LT: OBEN. He told me to report back to the housing unit, and when I returned he said and I Quote, its nothing else I can do, put in a sick call slip Unquote. My response was, and I QUOTE" I already submitted sick call slips u UNQUOTE.

(73). At one time while in the SUPERVISOR MS. FAITH office the same with her. I told her that someone was intentionally preventing me from seeing a doctor, and she her self told me to fill out another sick call slip and make a copy of it give her a copy, and submit the other to medical. I still was not seen, nor call for that sick call slip either.

(MEDICAL RECORDS)

(74). I then went to medical records to review my medical files, and to get copies of all my sick call slips. Nothing was their of all the sick call slips I submitted from May up into June and July.

The last medical staff who handles the sick call slips are MS. FRITA and MS. ARIAL who schedule the appointments. I was never seen and there was no sick call slips in my medical files of me submitting to the medical department that I was going through with draws.

(75). (ARP)(ADMINISTRATIVE REMEDY PROCESS)

I file (ARP) Case: JCI-0845-22, on May 29. 2022. They dodge and danced around the complaint causing me to go through withdraws. Never answer none of the sick call slips , and blocked me from seeing a doctor. Their response to this (ARP), was that I was seen between 05/10 through 6-18-22.

ASK THEM TO PRODUCE WHAT I WAS SEEN FOR AND TO PRODUCE THE RESPONSE OF THE MEDICAL STAFF WHO SEEN ME. IT will not be for nothing I complain about, and Ms. Faith the supervider and I had already talk about what it was prior to my medication being stop. Once again, in this (ARP) they manipulated the officers who supposedly had done the investigation.

I then filed (ARP)- JCI-)0883-22 on JUNE 7. 2022 in regard to all my sick call slips disappearing and not being process, and the result of that being denied and blocked from seeing a doctor.

This (ARP) JCI-0883-22, they never answer it at all. All these

medical provider, and staff told me to submit sick call slips, and none of them was addressed and they was looking right at me go through withdraws, and talking to me at the same time and showed me concern or remorse, and continually lied to me. (LIEUTENANT: OBEN OF THE HOUSING UNIT I AM IN SIGN THIS (ARP) COMPLAINT. THE SAME LT: WHO TRIED TO GET ME SEEN WHILE GOING THROUGH WITHDRAWS.

(76). I than filed (ARP) JCI-1003-22 on July 3. 2022, on the (MEDICAL RECORDS DEPARTMENT, AND ON THE (PHARMACY TECHNICIAN MS. LISA, BECAUSE SHE TOLD ME THAT IT WAS AN ORDER IN THEIR COMPUTER TO WEEN ME OFF THE MEDICATION AND THE DOCTORS NAME WHO STOP MY MEDICATION, WHEN, HOW, AND WHERE TO WEEN ME OFF. WHEN I WENT TO REVIEW MY MEDICAL FILE THE MEDICAL RECORDS STAFF SUPERVISOR MS. MADISON AND MS. ADAMS TOLD ME THAT IT WAS NOTHING THEIR, ALONG WITH NO SICK CALL SLIPS OF ME SUBMITTING GOING THROUGH WITHDRAWS, NEVER SEEING A DOCTOR E,T,C. (THEY NEVER RESPONDED TO THIS (ARP) EITHER.

(77). I then filed (ARP)- JCI-1074-22, on JULY 15. 2022, on MS. ARIAL , AND MS. FRITA, when I found out that after the sick call slips are (Triage) they goes to Ms. FRITA, AND MS. ARIAL, AND THEY SCHEDULE US FOR THE APPOINTMENTS WITH THE PROVIDERS. I EVEN SEEN AND TALK WITH THEM ALSO, AND MS. ARIAL TOLD ME AND

CONTINUALLY TOLD ME AND I quote , it was Pharm-D who was responsible for causing me to go through withdraws unquote'. THESE DEFENDANTS NEVER ANSWER THIS COMPLAINT EITHER IN WHICH I FILED AGAINST THEM.

They lied and was protecting (RNP) LUM Maximuangu, DR, ROBERT P. WILLIAMS, AND DR. TEMESGEN. There was conflicting orders active orders in their computer system stating that I was supposed to be getting my medication. Thats why on that day when LT: OBEN CALL THE MEDICAL DEPARTMENT AND ANOTHER NURSE TOLD LT: OBEN TO SEND ME TO MEDICAL BECAUSE I STILL HAD AN ACTIVE ORDER AND IT WAS STILL MEDICATION THEIR BELONGING TO ME, BUT WHEN I GOT THEIR THE PHARMACY TECH MS. CHRISTINA SEEN ME AND GOT ME SENT BACK TO THE HOUSING UNIT. THEREFORE, WHAT THEY WAS DOING TO ME, ONE IT WAS NOT PROPERLY ORDER, AND WAS NOT PROPERLY APPROVED, AND NOR AGREED ON IN SIMILAR OPINION, AND THE EVIDENCE WILL AND DOES SHOW THAT ALL THESE DEFENDANTS HAD THE SAME MIND SAT, AND DID CONFIDE IN ONE ANOTHER TO CONTINUAL THE VIOLATION TO THIS PLAINTIFF IN THIS CASE.

(78). When I seen (RNP) Lum Maximuangu on JUNE 18.2022, she order the medication (CYMBALTA), and (BACLOFEN), because I still had the shakes form going through withdraws, and unable to sleep, and dealing with pain. I told her that I was with out my medication since May, and that one of those medication are used for mental people, and that I was on the other one years ago, and it did not work. She than expressed that she would put a consult in, and it would be best that I at least try something therefore, when I go before pain management I would have tried something.

When I went before pain management on JULY 21. 2022 in was..... seen by them it was DR. KIABAYAN HAMID, DR. WILLIAMS, DR. TEMESGEN, AND LUM MAXIMUANGU, OR AND MEDICAL SUPERVISOR MS. HARGROVE. THEY DISCONTINUAL THE NEURONTIN I WAS ON. THEY DISCONTINUAL THE BACLOFEN, AND CUT THE DOSE DOWN THE CYMBALTA, AND THEY STARTED ME BACK ON ONE DOSE OF THE ULTRAMS. I pleaed with them as to the high level of my pain, and not to mention that (I WAS ON 200 MG OF ULTRAM IN THE MORNING AND ANOTHER 200 MG at night, along with a 800 MG NEURONTIN ONE IN THE MORNING AND ONE AT NIGHT FOR OVER FIVE YEARS....., THAN THERE WAS TWO THIN TO CONSIDER, AND ONE IS WHAT KIND OF PAIN I am having to had been on that medication, and what is the extened progress if any of my pain, and medical condition.

AND LAST, WHAT WOULD BE THE MANAGEMENT OF MR. CLARK PAIN THAT
IF WE DISCONTINUAL ALL THOSE MEDICATION HE WAS ON ALL THOSE
YEARS ???

They took all the mention medication the doctor named DR.
TEMESGEN WHO HAS NEVER EXAMINED ME AT ALL. When I tried to talk
up for my self, DR. KIABAYAN HAMID SHUT ME DOWN WOO ME OUT THE
OFFICE. The last thing I expressed was that I need a seated
walker because of my hips are failing me. On June 18. 2022 when
I seen (RNP) LUM MAXIMUANGU I TOLD HER THAT MY HIPS ARE FAILING
ME AND GOES OUT. SHE DENIED ME A SEATED WALKER, AND THAN ON
JULY 3. 2022 my hip gave out and I fell obtaining a very large
gast on my left wrist witnessed by correctional offices LT:
WILLIAM BUNN, AND SGT: FOLORMES. LT: BUNN TOOK A PICTURE OF
MY WRIST.

(79). I am in so much pain right now and I have sort the help
of THE OFFICE OF INMATE HEALTH ON AUGUST 8. 2022.

I am attaching a copy of the MENTION (ARP,s) I HAVE FILED ON
THESE DEFENDANT AND I WILL LET THE COURT WONDER WHY THEY DID
NOT ANSWER THE REMAINING THREE, AND ANSWER THE ONE (JCI)-0845-
22 IN AWAY THAT DUG THEMSELVES IN A MUCH MORE LARGER HOLE.

I AM ATTACHING A COPY OF 1# (ARP)-0845-22

2# (ARP)-0883-22

3# (ARP)-1003-22

AND (ARP)-1074-22. Also attached is a copy of the letter I have reached out to the (OFFICE OF INMATE HEALTH ABOUT THE PAIN I AM IN, AND THE LACK OF MEDICAL CARE I BEEN GIVEN OVER THE YEARS.

(80). THIS PRIVATE MEDICAL COMPANY HAS CHANGED ITS NAME FROM (CMS), CORRECTIONAL MEDICAL SERVICE TO (WEXFORD HEALTH SOURCES INCORPORATED INC, AND THAN TO CORIZON HEALTH CARE, AND LAST TO (YES CARE). THEY HAVE CHANGED THEIR NAME FOUR DIFFERENT TIMES TO DUCK THE AMOUNTING LAW SUITE FILE ON THEM BECAUSE OF THEIR WRONG DOING. THEY CHANGE THEIR NAMES BUT IT IS THE SAME PEOPLE. THIS IS A CONTROVERSIAL FOR PROFIT COMPANY, AND DR. TEMESGEN IS THE MEDICAL DIRECTOR OVER SEEING THE ACTION OF THIS COMPLAINT, AND HE IS RESPONSIBLE FOR MY PAIN, AND DENYING ME THE PROPER MEDICATION FOR THE PAIN I AM IN AND THE MEDICAL TREATMENT I NEED TO TREAT THE SOUL CAUSES OF WHERE MY MEDICAL THE ROOT CAUSES ARE COMING FROM. ALL EVIDENCE WILL BE SUBMITTED WITH IN MY RESPONSE TO THEIR RESPONSE.

(81). I SWEAR UNDER THE PENALTY OF PERJURY THAT EVERYTHING I I STATED IN THIS COMPLAINT IS THE TRUTH, AND IS TRUE TO THE BEST OF MY KNOWLEDGE AND UNDERSTANDING. I SWEAR THAT I CAN PROVE AND SUPPORT EVERY CLAIM I HAVE MADE ACTIONABLE AGAINST THESE DEFENDANTS.

IN CLOSING

I seek damages because these medical staff violated my Eighth Amendment right to medical and caused me to suffer from withdrawals. They then disregarded each ~~one~~ of my sick call slips repeatedly kept telling me to submit them. I was not seen until a month later by a provider. I spoke with the supervisors and medical staff and over a period of a month, there was nothing done. I seek nominal damaged, compensatory damaged and asking that my medical issues be treated by outside specialists. My hips (The left more profoundly). My spine and tailbone which the medical name is coccydynia Bone. I seek damages in the amount of 1.5 million dollars for pain and suffering. All evidence will be submitted.

Samuel Clark #318-351

IV. Relief

(State briefly what you want the Court to do for you.)

I SEEK DAMAGES BECAUSE THEY VIOLATED MY EIGHT AMENDMENT RIGHT
OPPOSED ON ME A DISPOSITION THAT WAS CRUEL AND UNUSUAL THAT
COULD HAVE RESULTED IN MY DEATH. I SEEK DAMAGES BEING
COMPENSATORY, AND PUNITIVE DAMAGES FOR THEIR EVIL MOTIVE AND
INTENT. I SEEK 1.5 Million. I also ask the court to order them
SIGNED THIS 1st day of September, 2022
to treat the soul cause of my medical issues, and my pain.

Signature of Plaintiff

Hammer J Clark

Printed Name

Hammer J Clark

Address

Jessup Correctional Institution

Telephone Number

P.O. Box 534, Jessup MD 20794

Email Address

Page # 29

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of September, 2022, a copy
[month] [year]
of the foregoing Complaint plus ARP's Attachments
[name of document]

was served by (check one)

- ☒ 1. hand;
☒ 2. first-class mail, postage prepaid;
☒ 3. certified mail; or
☐ 4. other _____
[specify]

on the following: [give name(s) and complete addresses of all parties in the case, or their attorneys if represented by counsel, upon whom the document was served]

Sent to Clerk Ms. Felicia C. Cannon
United States District Court
101 W. Lombard St
Baltimore MD 21201

[Signature]
[your signature]

Jessup Correctional Institution
[your address]

P.O. Box 534

Jessup MD 20792