

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

ROBERT STEED,
MAFAYETTE FIELDS,
LAWRENCE NORTHERN,
JAMES PITTMAAN, and
ELPIDIO JUAREZ

Plaintiffs,

VS.

Case No. 14-CV-747-jdp

JOHN DOE, A-Unit 3rd Shift Officer,
C/O BURKE,
C/O HOLSCLAW,
C/O LIEBL
Unknown 3rd Shift segregation Officer,
C/O THILL,
KOREEN FRISK, registered nurse,
TONI JOHNSON, registered nurse,
RN JULIE, registered nurse
CANDANCE WARNER, Health Services Manager
ANTHONY HEITZ, registered nurse,
CARROL WALTER, registered nurse,
JEAN FELBER, registered nurse, and
JOHN OR JANE DOE, of the Restrictive Status Housing Unit,

Defendants,

AMENDED COMPLAINT

I. NATURE OF PROCEEDINGS

101. This is a civil action commenced under Title 42 of the United States Code, §1983 and other applicable provisions of laws of the United States and the State of Wisconsin brought to redress the violation of plaintiff's rights guaranteed to them by the Constitution of United States, which proximately cause extreme emotional stress, physical pain, suffering. The actions of each defendant (who are employees of the Wisconsin State Department of Corrections) displayed deliberate indifference to plaintiff's constitutionally protected right to be free from conditions of

confinement that constituted cruel and unusual punishment in violation of the Eight Amendment of the United States Constitution and to adequate reasonable medical care for their serious medical conditions.

II. JURISDICTION AND VENUE

201. Jurisdiction over subject matter of this action is conferred by 28 U.S.C.S. §1331 (Federal Question Jurisdiction), 1343(A) (3) (42 U.S.C.S. §1983 Jurisdiction), and 28 U.S.C.S. §1367(a) (Supplemental Jurisdiction for state law claim).

202. Venue is properly laid in the Western District of Wisconsin because the wrongful acts complained of herein took place in Juneau County, within Western District of Wisconsin within the meaning of 28 U.S.C.S. §1392(B).

III. EXHAUSTION OF LEGAL REMEDIES

301. Plaintiffs STEED, FIELDS, NORTHERN, PITTMAN, and JUAREZ filed their Offender Complaints (ICE), and properly followed the Department of Corrections grievance procedure outlined in DOC 310.

302. For those instances where a notice of injury and claim are necessary, for State law claims, the Attorney General was served pursuant to 893.82 Wis. Stat.

IV. PARTIES

A. Plaintiffs

401. The Plaintiff, ROBERT STEED #342217 is an adult male resident of Columbia Correctional Institution, P.O. Box 900 Portage, Wis. 53901

402. The Plaintiff, MAFAYETTE FIELDS #371377 is an adult male resident of Columbia Correctional Institution, P.O. Box 900 Portage, Wis. 53901

403. The Plaintiff, LAWRENCE NORTHERN #427813 is an adult male resident of New Lisbon Correction Institution, P.O. Box 4000 New Lisbon, Wis. 53950

404. The Plaintiff, JAMES PITTMAN #440676 is an adult male resident of New Lisbon Correctional Institution, P.O. Box 4000 New Lisbon, Wis. 53950

405. The Plaintiff, ELPIDIO JUAREZ #120590 is an adult male resident of New Lisbon Correctional Institution, P.O. Box 4000 New Lisbon, Wis. 53950

B Defendants

406. The Defendant, JOHN DOE A-Unit 3rd Shift Officer is an adult male citizen of the United States, currently a resident of Wisconsin and at all times, material hereto, was employed as a guard at the New Lisbon Correction Institution in Juneau County Wisconsin.

407. The Defendant, C/O BURK is an adult male citizen of the United States, currently a resident of Wisconsin and at all times, material hereto, was employed as a guard at the New Lisbon Correction Institution in Juneau County Wisconsin.

408. The Defendant, C/O HOLSCLAW is an adult female citizen of the United States, currently a resident of Wisconsin and at all times, material hereto, was employed as a guard at the New Lisbon Correction Institution in Juneau County Wisconsin.

409. The Defendant, C/O LIEBL is an adult female citizen of the United States, currently a resident of Wisconsin and at all times, material hereto, was employed as a guard at the New Lisbon Correction Institution in Juneau County Wisconsin.

410. The Defendant, C/O THILL is an adult female citizen of the United States, currently a resident of Wisconsin and at all times, material hereto, was employed as a guard at the New Lisbon Correction Institution in Juneau County Wisconsin.

411. The Defendant is KOREEN FRISK an adult female citizen of the United States, currently a resident of Wisconsin and at all times, material hereto, was employed as a nurse for the New Lisbon Correction Institution in Juneau County Wisconsin.

412. The Defendant, RN JULIE is an adult female citizen of the United States, currently a resident of Wisconsin and at all times, material hereto, was employed as a nurse for the New Lisbon Correction Institution in Juneau County Wisconsin.

413. The Defendant, TONI JOHNSON is an adult female citizen of the United States, currently a resident of Wisconsin and at all times, material hereto, was employed as a nurse for the New Lisbon Correction Institution in Juneau County Wisconsin.

414. The Defendant, CANDANCE WARNER is an adult female citizen of the United States, currently a resident of Wisconsin and at all times, material hereto, was employed as a nurse for the New Lisbon Correction Institution in Juneau County Wisconsin.

415. The Defendant, ANTHONY HENTZ is an adult male citizen of the United States, currently a resident of Wisconsin and at all times, material hereto, was employed as a nurse for the New Lisbon Correction Institution in Juneau County Wisconsin.

416. The Defendant, CARROL WALTER is an adult female citizen of the United States, currently a resident of Wisconsin and at all times, material hereto, was employed as a nurse for the New Lisbon Correction Institution in Juneau County Wisconsin.

417. The Defendant, JEAN FELBER is an adult female citizen of the United States, currently a resident of Wisconsin and at all times, material hereto, was employed as a nurse for the New Lisbon Correction Institution in Juneau County Wisconsin.

418. The Defendants, JOHN, or JANE DOE, staff in the Restrictive Status Housing Unit are adults citizens of the United States, currently a resident of Wisconsin and at all times, material hereto, was employed as guard (s) at the New Lisbon Correction Institution in Juneau County Wisconsin.

419. At all times material hereto, all named defendants were acting under color of State Law within the meaning of 42 U.S.C. §1983.

420. At all times material hereto, all named defendants were acting within the scope of his/her authority within the meaning of §895.46 Wis. Stats.

V. STATEMENT OF CLAIM AS TO ALL CAUSES OF ACTION AND VIOLATION OF LAW

COUNT 1: RETALIATION AND DELIBERATE INDIFFERENCE

501. AS for NORTHERN'S constitutionally protected activity, he alleges that he filed inmate complaint #NLCI-2013-7834, involving defendant JOHNSON, in which he complained about medical care. Prisoners' grievances concerning the conditions in which they are being confined are deemed petitions for redress of grievances and thus are protected by the First Amendment

502. On May 9, 2013, NORTHERN received a 5-inch incision on his ankle (posterior) as a result of surgery. Upon return to the facility after surgery, NORTHERN was prescribed daily changes of the dressing beginning May 12, 2013 until his surgical wound healed. Nurse FRISK completed a DOC-3332B Medical Restriction/Special Needs Form for NORTHERN to have daily HSU appointments at 10:00am to change his dressing.

503. However, in the week following the surgery defendant JOHNSON refused to change NORTHERN'S dressing on several occasions. When NORTHERN asked Defendant JOHNSON if he could have his dressing changes, Defendant JOHNSON stated "put in a blue slip," despite NORTHERN being in possession of the DOC-3332B Medical Restriction/Special Needs Form that required he be given daily dressing changes.

504. NORTHERN did not receive fresh dressing changes on May 16, 18, 19, and 24, 2013, despite being in possession of the DOC-3332B Medical Restriction/Special Needs Form that required he be given daily dressing changes. At the time of the requests, NORTHERN'S ankle was saturated with blood. He was recovering from a recent surgery performed May 9, 2013, and retaliation against the prisoner for exercising a constitutional right is liable to the prisoner for damages.

505. Additionally, due to Defendant JOHNSON'S remiss in her duties as a nurse to follow prescribed dressing changes, NORTHERN suffered additional discomfort, pain, and eventual disfigurement in violation of the Eighth Amendment's prohibition against cruel and unusual punishment

COUNT TWO: UNNECESSARY AND WANTON INFLICTION OF PAIN

506. Dr. Thomas Grossman performed surgery on NORTHERN'S Achilles tendon at Waupun Memorial Hospital on May 9, 2013. Following the surgery Dr. Grossman indicated that NORTHERN should take Two Vicodin tablets every four (4) hours as needed for pain. After NORTHERN was stabilized he was returned to New Lisbon Correctional Institution.

507. Pain medication was withheld on numerous occasions, including multiple days in the weeks following Saturday. Defendant's JOHN DOE, A-Unit 3rd Shift Officer, HOLSCLAW, and LIEBL failed to administer the medication prescribed, despite NORTHERN'S complaints of extreme pain. Prison staff ignored the "as needed" prescription written by the surgeon. This caused NORTHERN to experience severe pain, in violation of the eighth Amendment's prohibition against cruel and unusual punishment.

COUNT THREE: OVER-PRESCRIPTION OF PSYCHOTROPIC MEDICATION

508. PITTMAN has a diagnosis of Dysthymic disorder. On May 1, 2014, Dr. Reynolds, a psychiatrist, wrote a Prescriber's Order for PITTMAN to have Mirtazapine 60 mgs (two 30 mgs tablets) at bedtime, and was good for 6 months, or through November 1, 2014. Such dosage is an important component of delivering adequate mental health care to PITTMAN who suffers from a serious mental illness.

509. On nine occasions in May 2014, Defendants BURKE, LIEBL, and THILL gave PITTMAN 105 mgs or (two 30 mgs tablets and one 45 mgs tablet) Mirtazapine, causing light headedness, impaired vision, headaches and dizziness. The psychiatrist did not order 105 mgs to be provided to PITTMAN at bedtime. Thus, creating a grave risk or unnecessary pain and suffering in violation of the Eight Amendment.

COUNT FOUR: REFUSAL TO ADMINISTER PRESCRIBED MEDICATION

510. FIELDS has a diagnosis of Muscle twitches disorder. On March 24, 2014, Lewendowski wrote a Prescriber's Order for FIELDS to have Baclofen 10 mgs three times daily (morning, in the PM, and at bedtime), and was good for 12 months, or through March 24, 2015. Such dosage is an important component of delivering adequate health care to FIELDS who suffers from spasticity associated with multiple sclerosis disease severe pain. This drug is designed to medicate individuals with Hutchinson's disease systems. These involuntary "twitches" which consist of eyes, head, face, neck, chest, stomach, arms, and legs, regularly happen.

511. The physician also wrote a Prescriber's Order for FIELDS to have Pramipexole 0.125 mgs three times daily (morning, in the PM, and at bedtime). The prescription was good through May 4, 2015. Such dosage is an important component of delivering adequate health care to FIELDS who suffers from a neurological condition, commonly referred to as "restless legs syndrome," a condition that causes extreme discomfort in the legs and a strong urge to move the legs, especially at night and when sitting or lying down.

512. On June 11, 2014, FIELDS was denied his medication (Baclofen and Pramipexole) in the segregation unit by segregation staff. At 3:00pm, after inquiring about his medication, Officer HOLSCLAW informed FIELDS that she contacted RN FRISK, to ask about his medication but the medication did not arrive yet.

513. Over the next several hours of unheeded pleading, at 9:30pm FIELDS pressed the emergency button and the Segregation Sergeant informed FIELDS that his medication (Baclofen and Pramipexole) had still not arrived and again, at 10:30pm FIELDS pressed the emergency button and Officer BURK came to his cell and informed FIELDS the nurse (RN FRISK) had left and he could take his medication tomorrow.

COUNT FIVE: UNREASONABLE DELAY IN DEVIVERY OF MEDICATION

514. Between July 15 and July 23 STEED did not receive his prescribed medication (namely Hydrochloriazide (25 mgs) and Metoprolol (20 mgs)), causing swelling of the ankles, headaches, and dangerously high blood pressure. STEED was in need of the prescribed medication to control hypertension. Therefore, defendant JULIE was deliberately indifferent to STEED's need for treatment for high blood pressure.

515. Additionally, while being held in the Restrictive Status Housing Unit (RSHU), JOHN, or JANE DOE, staff in the RSHU caused STEED not to receive his prescribed medications on numerous occasions between January 7, 2015 ~~and~~ ^{til} January 15, 2015:

Hydrochloriazide (25mg)

~~Hydrochloriazide~~- This medication was withheld on 1/7/15, 1/8/15, 1/9/15, 1/10/15, 1/12/15, 1/13/15, and 1/14/15;

Tylenol- was not issued on 1/7/15, 1/8/15, and 1/9/15;

Vitamin D- withheld on 1/7/15, 1/8/15, 1/9/15, 1/10/15, 1/11/15, 1/12/15, 1/13/15, and 1/14/15 and 1/15/15

causing swelling of the ankles, headaches, and dangerously high blood pressure. STEED was in need of the prescribed medication to control hypertension. Therefore, staff in the RSHU was deliberately indifferent to STEED's need in treatment for high blood pressure as staff in the RSHU is responsible for checking the medication carts on Thursdays and informing staff in HSU of medications that are running low so they can be filed in a timely fashion. Staff in the RSHU also informs HSU if a medication is going to run out prior to Thursday if noticed when handing out medication. Staff in RSHU routinely delay or deny prisoners their prescribed medication for an inordinate amount of time, in violation of the Eighth Amendment.

COUNT SIX: NEGLIGENCE (STATE LAW)/ DELIBERATE INDIFFERENCE

516. On February 13, 2015, upon returning from an offsite appointment, JUAREZ was escorted to the HSU Department by one of the transport Officers.

517. Upon arriving to the HSU Department, Defendant WALTER informed JUAREZ that his medication (Gabapentin) had arrived, and that he was to take this medication three times a day (Morning, Noon, and at Bedtime).

518. Defendant WALTER further informed JUAREZ that he could start that night, when bedtime meds are called. WALTER should have explained to JUAREZ the side effects of the new medication in accordance with DAI Policy 500.80.11(1) (1) (a-e). DAI Policy 500.80.11(1) (1) (a-e) reads in relevant part:

HSU staff responsibility when Correctional Officers deliver medications:

1. Educate inmate patients regarding the following:

- a. Name of medication
- b. Dose of medication
- c. Time of medication
- d. Reason for taking medication
- e. Possible side effects of the medication

519. However, Defendant WALTER failed to adhere to the mandates of DAI policy 500.80.11 (1) (1) (a-e), which deprived him of the opportunity to give informed consent to the administration of the medication.

520. Later that evening JUAREZ reported to the HSU department for his bedtime meds, as instructed by Defendant WALTER. Neither dosage was accompanied by a list of warnings. The medication was not accompanied by the manufacturer's packaging or package instead, but was dispensed by prison correctional officers in a "Dixie Cup."

521. On February 14, 2015, JUAREZ went to the HSU medication line for his prescribed medication. Later that day, at approximately 6:05-6:10pm, JUAREZ approached the top of the steps, became dizzy and he blackout and tumbled all the way to the bottom of the stairs, causing chronic back pain (radiating down the leg) following his fall. The side effects of the drug Gabapentin include the following: dizziness, drowsiness, weakness, tired feeling; nausea, diarrhea, constipation, blurred vision, headaches, breast swelling, dry mouth, and loss of balance or coordination. As a registered nurse, defendant WALTER ought to have known of and disclosed the potential side effects of Gabapentin.

522. Defendant WALTER owned duty to explain to JUAREZ the side effects of the new medication, which deprived him of the opportunity to give informed consent to the administration of the medication and thereby creating a substantial risk of serious harm. A prison official acts with deliberate indifference when "the official knows of and disregards an excessive risk to inmate health or safety."

523. Defendant WALTER breached that duty by failing to educate and inform JUAREZ regarding the prescribed medication.

524. The breach of that duty resulted in serious physical injury.

525. The breach of that duty proximately caused those damages.

COUNT SEVEN: DELIBERATE INDIFFERENCE

526. JUAREZ asked the Officer on duty if he could see the on call nurse because he was feeling extremely ill (light headiness). JUAREZ informed Defendant FELBER that he was feeling dizzy, but he was told that it was a normal side effect and that he should drink more liquids, but took no action to access and/or determine JUAREZ's symptoms. FELBER also decline to schedule an appointment with a doctor. Instead, JUAREZ was told to go back to his Housing Unit.

527. Later that evening, JUAREZ approached the top of the steps, where JUAREZ blackout and tumbled all the way to the bottom of the stairs and was transported to the hospital for a cat-scan and x-rays.

528. The failure to examine JUAREZ when he complained about dizziness constitutes deliberate indifference because it lead to JUAREZ's injuries.

529. FELBER owed JUAREZ a duty of reasonable care to protect JUAREZ from a substantial risk of serious harm. A prison official acts with deliberate indifference when "the official knows of and disregards an excessive risk to inmate health or safety."

530. FELBER breached that duty by failing to arrange a doctor's appointment or take action to access and/or determine JUAREZ's symptoms, which caused JUAREZ to suffer chronic back pain following his fall.

531. The breach of that duty resulted in serious physical injury.

532. The breach of that duty proximately caused those damages.

533. FELBER was deliberately indifferent to JUAREZ'S medical needs on February 14, 2015, in violation of the Eight Amendment to the United States Constitution.

COUNT EIGHT: DELIBERATE INDIFFERENCE

534. On April 10, 2015, JUAREZ was told to report to the HSU. Upon arrival at the HSU, JUAREZ was seen by Defendant HENTZ who informed JUAREZ that he would be starting a new medication (Tamiramate).

535. Defendant HENTZ further informed JUAREZ that he could start the next morning, when meds are called. HENTZ should have given JUAREZ comprehensive instructions on medication in accordance with DAI Policy 500.80.11(1) (1) (a-e). DAI Policy 500.80.11(1) (1) (a-e) reads in relevant part:

HSU staff responsibility when Correctional Officers deliver medications:

1. Educate inmate patients regarding the following:

- a. Name of medication
- b. Dose of medication
- c. Time of medication
- d. Reason for taking medication
- e. Possible side effects of the medication

536. However, Defendant HENTZ failed to adhere to the mandates of DAI policy 500.80.11 (1) (1) (a-e), which deprived him of the opportunity to give informed consent to the administration of the medication.

537. The next morning JUAREZ reported to the HSU department for his Morning meds, as instructed by Defendant HENTZ. Neither dosage was accompanied by a list of warnings. The medication was not accompanied by the manufacturer's packaging or package instead, but was dispensed by prison correctional officers in a "Dixie Cup."

538. Defendant HENTZ owed duty to educate and inform JUAREZ regarding the prescribed medication and thereby creating a substantial risk of serious harm. A prison official acts with deliberate indifference when "the official knows of and disregards an excessive risk to inmate health or safety."

539. Defendant HENTZ breached that duty by failing to educate and inform JUAREZ regarding the prescribed medication.

540. The breach of that duty resulted in serious physical injury.

541. The breach of that duty proximately caused those damages.

COUNT NINE: "SYSTEM" EIGHTH AMENDMENT CLAIM

542. Plaintiffs STEED, FIELDS, NORTHERN, PITTMAN, and JUAREZ repeats and make a part here all of the allegations contained in paragraphs 501-541.

543. Deficiencies in the medication system jeopardize the health and safety of patients taking medications to treat pain and psychiatric disorders. Systemic errors in the medication system

result in patients receiving dangerously high or low or no doses of medications. Systemic errors in the medication system also result in inadequate medication procedure between housing units. The medication administration “system” at New Lisbon Correctional Institution is unable to reliably provide medication to treat patients with serious medical conditions.

544. The actions of defendant WARNER, in approving and ratifying a “system” in which correctional officers bear sole responsibility for simultaneously maintaining order, determining which medications to give to which prisoners, managing several carts full of blister-packed pills and paper work pose a “substantial risk of serious harm,” in violation of the rights guaranteed plaintiffs by the Eighth Amendment of the United States Constitution.

545. Paragraphs 501-542 is repeated examples of negligent acts which disclose a pattern of conduct by prison staff evincing an excessive risk of serious harm. Systemic and long standing inadequacies create a high risk of future injury that deliberate indifference can be inferred.

546. Defendant WARNER is employed by the DOC as the manager of the Health Services Unit (HSU) at New Lisbon Correctional Institution. Her duties include management and supervision of the health care services provided, developing procedures, monitoring care plans; it is the health services manager who provides the overall administration support and directions of the HSU.

547. It is quite likely, therefore, defendant WARNER created a policy or custom under which unconstitutional practices occurred, or allowed such policy or custom to continue; and it is a possibility that the action or failure can be attributed to defendant WARNER and that she is being sued in her individual capacity for actions performed in her official capacity; in that she failed to promulgate procedures whereby licensed practical nurses (LPN’s) would administer medications to prisoners rather than correctional officers who lack sufficient training and knowledge to have an authoritative role in medication distribution.

VI. APPROPRIATE AUTHORTIES

601. A court is obliged to give a pro se’s allegations, however, in artfully pleaded, a liberal construction. **Haines v. Keiner**, 404 U.S. 519, 520-21(1972).

602. The Seventh Circuit has made clear that “when the substance of a pro se civil right complaint indicates the existence of claim against individual official not specifically named in the caption of the complaint, the district court must provide the plaintiff with an opportunity to amend the complaint.” **Donald v. Cook County Sherriff’s Dep’t**, 95 F.3d 548, 555 (7th Cir. 1996). The Court explained in **Donald** the various means a district court should consider to ensure that the claims of a pro se litigant are given a fair and meaningful consideration:

Depending on the particular circumstances of the case, the court may assist the plaintiff by providing counsel for the limiting purpose of amending the complaint, by ordering the named defendants to disclose the identities of unnamed defendants involved; by allowing the case to proceed to discovery against high-level administrators with the expectation that they will identify the officials personally responsible; by dismissing the complaint without prejudice and providing a list of defects in the complaint; by ordering service on all officers who were on duty during the incident in question; or by some other means. A plaintiff's failure to explicitly name a John or Jane Doe defendant in the caption of the complaint does not relieve the district court of its responsibility to assist the pro se plaintiff who confronts barriers to identifying the appropriate defendants.

Id. At 556; see also **Billman v. Indiana Dep't of Corrections**, 556 F.3d 785, 788-90 (7th Cir. 1995)(duty of district court to assist prisoner plaintiff in making the investigation necessary to identify proper defendants); **Chavis v. Rowe**, 643 F.2d 1281, 1290 n.9 (7th Cir. 1981)(pro se plaintiff's failure to name a particular defendant in connection with one of his claims no bar; current defendant could readily determine who bear responsibility); **Duncan v. Duckworth**, 644 F.2d 653, 656 (7th Cir 1981)(“understandable that a pro se litigant would name only the administrative officer, whose identity he knows, as a defendant in his civil rights lawsuit;” “district court should proceed on the claim and allow the named defendant to assert his own non-involvement, if that is the case, and designate those who would likely have been responsible for whatever deprivation may have occurred”).

603. Deliberate indifference evidenced by “repeated examples of negligent acts which disclose a pattern of conduct by prison medical staff” or it can be demonstrated by “proving there are such systemic and gross deficiencies staffing, facilities, equipment, or procedures that the inmate population is effectively denied access to adequate medical care.” **Ramos v. Lamm**, 639 F. 2d 559, 575 (10th Cir. 1980); see also **Flynn v. Doyle**, 672 F. Supp. 2d 858 (E.D. Wis. Nov. 24, 2009).

604. **Walker v. Johnson**, 293 F. 3d 1030, 1040 (7th Cir. 2002)(well-established that refusal to provide inmate with prescribed medication gives rise to claim of Eighth Amendment deliberate indifference to serious medical needs).

605. A psychiatric or psychological disorder is a serious medical condition. **Antonelli v. Sheahan**, 81 F. 2d 1422, 1432 (7th Cir. 1996).

606. A prison official who takes action in retaliation for a prisoner's exercise of a constitutional right may be liable to the prisoner for damages. **Babcock v. White**, 102 F.2d 267, 275 (7th Cir. 1996).

607. If prison officials consciously choose to disregard a doctor's direction in the face of medical risks, then she may well have exhibited the necessary deliberate indifference. **Boretti v.**

Wiscomb, 930 F. 2d 1150, 1154-55 (6th Cir. 1981)(Refusal to treat wound for five days or provide fresh dressings or pain medication as prescribed stated Eighth Amendment claim).

608. Allegations of refusal to provide an inmate with prescribed medication can support an Eighth Amendment claim. **Wynn v. Southland**, 251 F.3d 588, 594 (7th Cir. 2001).

609. An objectively serious medical condition either is one that is diagnosed by a physician and mandates treatment, or is one that is so obvious that a layperson would understand a doctor is needed. **King v. Kramer**, 680 F.3d at 1018.

610. In a medical negligence action that raises a lack of informed consent, the elements of the informed consent action parallel those of an ordinary malpractice claim. A plaintiff must establish that the nurse had a duty to disclose material risks, that the nurse failed to disclose such risks, that as a direct and proximate result of the nurse's failure to disclose, the patient consented to treatment he otherwise would not have consented to, and that the plaintiff was injured by the treatment. The purpose behind the doctrine of informed consent is to afford the patient the ability to make an informed, intelligent decision regarding medical treatment he is to receive. **Ford-Sholebo v. United States**, 980 F. Supp. 2d 917 (N.D. ILL 2013). Every individual owes a duty of reasonable care to every other individual. See **Alvarado v. Sersch**, 2003 WI 55, ¶13, 262 Wis.2d 74, 662 N.W.2d 310.

611. Some circuits recognize that even absent a medical injury, as a matter of the substantive component of due process “[p]risoners have a right to such information as is reasonably necessary to make an informed decision to accept or reject proposed treatment,” **White v. Napoleon**, 897 F.2d 103,113(3 Cir. 1990); See also **Sama v. Hannigan**, 669 F3d 585, 591 (5th Cir. 2012); **Pabon v. Wright**, 459 F3d 241,294-50(2d Cir. 2006); **Benson v. Terhune**, 304 F3d 874, 884(9th Cir. 2002)

VII DAMAGES

701. As a result of the named defendants' deliberate indifference in their response to adequate medical treatment and/or care, Plaintiffs STEED, FIELDS, NORTHERN, PITTMAN, and JUAREZ suffered unnecessary pain and suffering and emotional distress for all of which plaintiffs seek compensatory damages in the amount of \$750,000.00

702. Because the acts and omissions of the defendants alleged herein were carried out maliciously or with reckless disregard for plaintiffs' fundamental rights, they seek an award of punitive damages against the defendants to deter them, and other similarly situated, from similar wrongful acts and omissions in the future.

VIII. DEMAND FOR JURY TRIAL

801. Plaintiffs STEED, FIELDS, NORTHERN, PITTMAN, and JUAREZ hereby demands a trial by Jury of all issues triable of right to a Jury.

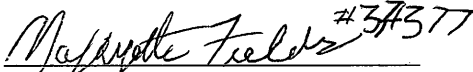
IX. PRAYER FOR RELIEF

901. Wherefore, Plaintiffs STEED, FIELDS, NORTHERN, PITTMAN, and JUAREZ pray that the court grant Judgment against the defendants awarding him:


902. Monetary damages in an amount that will fairly compensate the Plaintiff for his pain and suffering; as well as any further relief this court deems just.

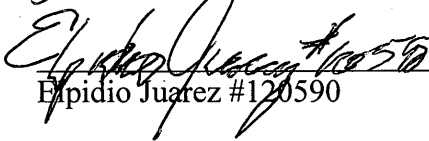
Dated this 19 day of May, 2015


Robert Steed #342217


Mafayette Fields #371377


Lawrence Northern #427813


James Pittman #440676


Epidio Juarez #120590

Plaintiffs declare that signatures are signed under penalty of perjury.