

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JULIA RAMSAY-NOBLES, individually and as
Administratrix of the Estate of Karl Taylor,
Deceased,

Plaintiff,

-against-

WILLIAM KEYSER, Superintendent of the Sullivan
Correctional Facility, in his individual capacity;
EDWARD BURNETT, Deputy Superintendent of
the Sullivan Correctional Facility, in his individual
capacity; JOHN FRUNZI and TIMOTHY BUNCH,
Sergeants at the Sullivan Correctional Facility, in
their individual capacities; BRUCE TUCKER,
STEVEN WITTE, SHANE TOPEL, DANIEL
WALTER, JOSEPH DADDEZIO, KEVIN
DARLING, JAMES STEINBERG JR., FELIX
SANTOS, and MICHAEL WEIR, Correction
Officers at the Sullivan Correctional Facility, in their
individual capacities; SENIOR SULLIVAN
OFFICERS 1-18, in their individual capacities; and
SULLIVAN CORRECTION OFFICERS 1-14, in
their individual capacities, and DR. SEUNG HO
LEE, in his individual capacity,

Defendants

SECOND AMENDED COMPLAINT

JURY TRIAL DEMANDED

Civil Action No. 16-CV-05778

Plaintiff Julia Ramsay-Nobles, individually and as Administratrix of the Estate of Karl Taylor, for her second amended complaint in this case, alleges the following:

INTRODUCTION

1. This is a civil rights action brought by Plaintiff Julia Ramsay-Nobles, individually and as Administratrix of the Estate of Karl Taylor, seeking redress for the death of her brother, Karl Taylor, who was incarcerated at the Sullivan Correctional Facility (“Sullivan”) in Fallsburg, New York.

2. While incarcerated in New York State prisons, Karl Taylor was repeatedly

diagnosed with severe mental illness. Nonetheless, he spent many years in solitary confinement before being transferred to Sullivan in November 2014. At Sullivan, Mr. Taylor was housed in a mental health unit as he was unable to function in general population. In this unit, he was in the Assisted Daily Living program for inmates who required assistance with basic life functions. Nonetheless, Mr. Taylor was denied adequate medical treatment, and, in particular, intervention from staff psychiatrists, as his mental health deteriorated.

3. Mr. Taylor was also repeatedly provoked and harassed by Correction Officers (“COs”) assigned to his cell block, including CO Bruce Tucker, who had a history of abusing inmates suffering from mental illness. Upon information and belief, as Mr. Taylor’s mental health deteriorated, he became less able to cope with the abuse endured from CO Tucker and other officers.

4. On the morning of April 13, 2015, CO Tucker was verbally abusive to Mr. Taylor regarding cleanliness, escalating a routine confrontation to the point where Mr. Taylor feared for his safety. Mr. Taylor called for help and requested to be taken to a protective mental health area where he would be safe. CO Tucker then took out his baton and hit Mr. Taylor. Mr. Taylor took the baton, and struck CO Tucker on the forearm.

5. Shortly thereafter, Mr. Taylor was restrained by multiple officers, including Defendants COs Tucker, Witte, Topel, Walter, Steinberg, Santos, and Weir, and handcuffed. These officers and Defendants beat and choked him on the cell block. Mr. Taylor was then restrained and taken to the hallway, which was not visible to inmates in the cell block. In the hallway, officers, including Defendants Sgts. Frunzi, and Bunch, and COs Walter, Daddezio, Darling, Santos, Steinberg, and Weir beat and choked Mr. Taylor further.

6. Mr. Taylor’s Autopsy Report observed that he suffered “blunt impact injuries of

the head, torso, and extremities as well as compression of neck injuries.” These included contusions on the bridge of the nose, right forehead, upper and lower lips, a laceration above the left eye, a “subarachnoid hemorrhage . . . of the left temporal lobe of the brain,” as well as fractures of his thyroid cartilage and petechiae present in his conjunctivae.

7. Mr. Taylor died as a result of the beating and choking at the hands of Defendants Tucker, Witte, Topel, Frunzi, Bunch, Daddezio, Walter, Darling Steinberg, Santos, Weir, and, upon information and belief, other unknown officer and supervisor Defendants at Sullivan.

8. The Department of Corrections and Community Supervision (“DOCCS”) Defendants’¹ actions violated Mr. Taylor’s rights under the Eighth and Fourteenth Amendments of the United States Constitution, 42 U.S.C. §§ 1983 and 1985, and New York State common law. Dr. Lee’s actions violated Mr. Taylor’s rights under the Eighth and Fourteenth Amendments of the United States Constitution, 42 U.S.C. § 1983, and New York State law. Plaintiff seeks redress for Defendants’ acts and omissions that were contrary to the norms of a civilized society, deprived Karl Taylor of civil rights protected by law, and caused his death.

¹ The DOCCS Defendants are Superintendent William Keyser, Deputy Superintendent Edward Burnett, Sergeant (“Sgt.”) John Frunzi, Sgt. Timothy Bunch, the Senior Sullivan Officers 1-18, Correction Officer (“CO”) Bruce Tucker, CO Steven Witte, CO Shane Topel, CO Daniel Walter, CO Joseph Daddezio, CO Kevin Darling, CO James Steinberg Jr., CO Felix Santos, CO Michael Weir, and Sullivan Correction Officers 1-14.

JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction in this case pursuant to 28 U.S.C. §§ 1331, 1343(a)(3), and 1343(a)(4) because this is an action for redress for the violation of Karl Taylor's constitutional and civil rights. Defendants work or worked at Sullivan, where the events giving rise to Plaintiff's claims took place, and are subject to personal jurisdiction.

10. This Court has supplemental jurisdiction, pursuant to 28 U.S. § 1367(a) over state law claims that are so related to the federal claims that they form part of the same case or controversy.

11. Venue is proper in the U.S. District Court for the Southern District of New York pursuant to 28 U.S.C. § 1391(b)(2) because the events giving rise to Plaintiff's claims took place therein.

JURY DEMAND

12. Plaintiff demands a trial by jury in this action on all claims for which jury trial is legally available.

PARTIES

13. Karl Taylor was an African-American man who was incarcerated at Sullivan, a maximum security prison located in Fallsburg, New York. He was 52 years old when he died at Sullivan on April 13, 2015.

14. Julia Ramsay-Nobles is Mr. Taylor's older sister. On February 3, 2016, the Surrogate's Court, Sullivan County issued Ms. Ramsay-Nobles Letters of Limited Administration, subsequently amended on April 28, 2016, appointing her the Administratrix of the Estate of Karl Taylor. Said Letters remain in full force and effect, and have not been revoked.

15. At all relevant times herein, William Keyser was Superintendent of Sullivan. As Superintendent, Mr. Keyser was the highest-ranking official at Sullivan, and was responsible for the supervision, oversight, and discipline of the uniformed security staff at Sullivan. He was also responsible for the care, custody, and control of all individuals incarcerated at Sullivan. While carrying out the acts and omissions alleged herein, Superintendent Keyser was acting under the color of state law and in the scope of his capacity as an agent, servant, or employee of DOCCS. Plaintiff sues Defendant Keyser in his individual capacity.

16. At all relevant times herein, Defendant Edward Burnett was Deputy Superintendent of Sullivan. As Deputy Superintendent, Mr. Burnett was the second-highest ranking official at Sullivan, and with Superintendent Keyser, was responsible for the supervision, oversight, and discipline of the uniformed security staff at Sullivan. He, with Superintendent Keyser, was also responsible for the care, custody, and control of all individuals incarcerated at Sullivan. While carrying out the acts and omissions alleged herein, Deputy Superintendent Burnett was acting under the color of state law and in the scope of his capacity as an agent, servant, or employee of the Department of Corrections and Community Supervision (“DOCCS”). Plaintiff sues Defendant Burnett in his individual capacity.

17. At all relevant times herein, Defendants Senior Officers 1-18 at Sullivan, (collectively, “Senior Sullivan Officers”), whose names are presently unknown, were high-ranking officers at Sullivan, including Sergeants and Captains, who participated in, had knowledge of, or failed to intervene in, the beating that resulted in Mr. Taylor’s death. They also participated in, had knowledge of, or failed to intervene in the attempted cover up of the circumstances surrounding Mr. Taylor’s death. At all relevant times herein, Senior Sullivan Officers were acting under the color of state law and within the scope of their capacities as

agents, servants, or employees of DOCCS. Plaintiff sues Defendants Senior Sullivan Officers in their individual capacities.

18. At all relevant times herein, Defendants Bruce Tucker, Steven Witte, Shane Topel, Daniel Walter, Joseph Daddezio, Kevin Darling James Steinberg Jr., Felix Santos, and Michael Weir were COs at Sullivan, and Defendants John Frunzi and Timothy Bunch were Sergeants (“Sgt.”) at Sullivan. They were involved in, present during, or on duty during the beating of Mr. Taylor on April 13, 2015.

19. At all relevant times herein, COs Tucker, Witte, Topel, Walter, Daddezio, Darling, Steinberg, Santos, and Weir, and Sgts. Frunzi and Bunch were acting under color of state law and within the scope of their capacities as agents, servants, or employees of DOCCS. Plaintiff sues Defendants Tucker, Witte, Topel, Walter, Daddezio, Darling, Steinberg, Santos, Weir, Frunzi, and Bunch in their individual capacities.

20. At all relevant times herein, Defendants Sullivan Correction Officers 1-14 (collectively, “Sullivan COs”), whose names are presently unknown, were COs at Sullivan who unlawfully abused, harassed, or discriminated against Mr. Taylor; physically assaulted Mr. Taylor without lawful justification; had knowledge of or failed to intervene in this assault on Mr. Taylor; or attempted to cover up the circumstances of Mr. Taylor’s death. At all relevant times herein, Sullivan COs were acting under color of state law and within the scope of their capacities as agents, servants, or employees of DOCCS. Plaintiff sues Defendants Sullivan COs in their individual capacities.

21. At all relevant times herein, Dr. Seung Ho Lee was a psychiatrist at Sullivan Correctional Facility Mental Health Unit and was immediately responsible for Mr. Taylor’s mental health needs and treatment. Dr. Lee was employed by the New York State Office of

Mental Health (“OMH”), which is a department of the State of New York with its central office in Albany, New York. OMH is responsible for providing psychiatric services at correctional facilities across the state. Dr. Lee participated in, had knowledge of, supervised, and/or failed to intervene in the denial of adequate medical care to Mr. Taylor. His duties were required to be carried out in a manner consistent with New York State and federal statutes and regulations and all applicable DOCCS and OMH policies, procedures, directives and protocols. At all relevant times herein, Defendant Lee was acting under color of state law and in the scope of his capacity as an agent, servant, and/or employee of OMH. Plaintiff sues Defendant Lee in his individual capacity.

STATEMENT OF FACTS

A. Karl Taylor’s History Before He Was Transferred to Sullivan

22. In 1995, Mr. Taylor began serving consecutive New York State prison sentences of 27 to 55 years.

23. During his incarceration, DOCCS or OMH officials recognized that Mr. Taylor suffered from acute mental illness. They responded by housing him in mental health units, prescribing medication, twice transferring him to a mental health hospital for a period of time – the Central New York Psychiatric Center (“CNYPC”) – and seeking court-ordered medication of Risperdal, an anti-psychotic medication. CNYPC is “a comprehensive mental health service delivery system providing a full range of care and treatment to persons incarcerated in the New York State and County Correctional System.”²

24. Upon information and belief, Mr. Taylor’s mental health condition had improved during his time at CNYPC and while he was receiving court-ordered medication.

²Office of Mental Health, *Central New York Psychiatric Center*, OMH <https://www.omh.ny.gov/omhweb/facilities/cnpc/> (last visited Apr. 6, 2017)

25. Throughout the course of his incarceration, Mr. Taylor was diagnosed as suffering from Schizoaffective Disorder, Delusional Disorder, Antisocial Personality Disorder, and Polysubstance Dependence.

26. Nevertheless, Mr. Taylor was regularly punished with long stays in isolation or segregation. Upon information and belief, he spent approximately 12 years in the Special Housing Unit, also known as “solitary confinement,” and approximately four years in “keeplock,” another form of segregation. In all, he spent approximately 16 years, or approximately 80% of his time in prison in isolation or segregation.

27. Upon information and belief, Mr. Taylor’s mental health deteriorated during long stays in isolation or segregation, and he was unable to comply with prison regulations due to his mental illness.

28. Defendants knew or should have known of Mr. Taylor’s serious mental illness.

B. Mr. Taylor’s Mental Health Treatment at Sullivan

29. Mr. Taylor was transferred to Sullivan on or about November 25, 2014. He was housed in the Intermediate Care Program (“ICP”), located in the E North cell block on the East Wing.

30. Applicable regulations define the ICP as a “therapeutic community” for those with “serious mental illness”:

[The ICP is] a program that includes a separate housing location within a correctional facility designed to address the corrections-based therapeutic treatment of inmates currently diagnosed with what is, generally, a serious mental illness. The ICP is a therapeutic community which provides rehabilitative services to inmates who are unable to function in general population because of their mental illness. The goal of the program is to improve the inmates’ ability to function through programming and treatment so

that they may return to general population. . . . An ICP is not operated as a disciplinary housing unit.³

31. Sullivan is designated by statute as an ICP Level 1 facility, meaning:

[Office of Mental Health] staff is assigned on a full-time basis and able to provide treatment to inmate-patients with a major mental disorder. The array of available specialized services includes residential crisis treatment, residential/day treatment, case management, medication monitoring by psychiatric nursing staff, and potential commitment to the central New York Psychiatric Center.⁴

32. While Mr. Taylor was incarcerated at Sullivan, he was arbitrarily singled out for abuse by CO Tucker, and upon information and belief, other officers, on the basis of Mr. Taylor's race, mental health, or other immutable characteristics. Officers would routinely isolate, harass, provoke, and inflict arbitrary punishments on Mr. Taylor in the form of physical acts and verbal abuse, which included the use of slurs related to Mr. Taylor's race or mental illness. CO Tucker and other officers that regularly abused Mr. Taylor were white.

33. Upon information and belief, these individuals attempted to provoke Mr. Taylor so that his reaction would supposedly justify their violent, punitive response.

34. The DOCCS Defendants knew or should have known that CO Tucker and others targeted Mr. Taylor for abuse and discrimination. These Defendants failed to take any action to protect Mr. Taylor or stop the violations of Mr. Taylor's rights.

35. Upon information and belief, Mr. Taylor feared for his safety and sought to remain in his cell. He refused to participate in group treatment programs or leave his cell for medical treatment. Mr. Taylor's mental health further deteriorated. He suffered auditory and/or visual hallucinations.

³ See Residential Mental Health Treatment Units, N.Y. COMP. CODES R. & REGS. tit. 7, § 320.4 (2011).

⁴ N.Y. CORR. LAW § 137 (2008).

36. In January 2015, DOCCS or OMH officials transferred Mr. Taylor to an observation cell in the Residential Crisis Treatment Program (“RCTP”), a mental health crisis area at Sullivan, so he could be monitored more closely.

37. Mr. Taylor had a mental health treatment team in the RCTP consisting of social workers, Nurse Practitioners, Psychology Assistants and mental health care professionals. Dr. Lee was a psychiatrist on Mr. Taylor’s treatment team who provided mental health services to him, and supervised or instructed the other team members.

38. In February 2015, the social workers, Nurse Practitioners, Psychology Assistants and mental health care professionals who supposedly provided Mr. Taylor’s mental health care reached a consensus that Mr. Taylor needed to be transferred to CNYPC for inpatient treatment because Mr. Taylor’s mental health condition was deteriorating at the Sullivan ICP or not improving, and because Mr. Taylor was not complying with the treatment program therein.

39. CNYPC is the only psychiatric facility serving inmates in the custody of DOCCS. The hospital offers a range of inpatient services, including individual and group therapy, treatment planning, medication management, and psychological and forensic assessment.

40. Upon information and belief, as Mr. Taylor’s treating physician, Dr. Lee had authority to approve Mr. Taylor’s transfer to CNYPC. Despite the medical team’s consensus that Mr. Taylor should be sent to CNYPC, Dr. Lee neither approved nor denied the transfer.

41. Instead, Dr. Lee discharged Mr. Taylor from the RCTP, and sent him back to E North.

42. Dr. Lee did not consider Mr. Taylor’s previous court-ordered medication. He also did not adequately consider Mr. Taylor’s mental health condition or threats he faced from certain

COs, namely, CO Tucker. In fact, Mr. Taylor had repeatedly complained to OMH staff that he was being harassed by an officer. Upon information and belief, this officer was CO Tucker.

43. After Mr. Taylor's death, Dr. Lee admitted that had he considered Mr. Taylor's court-ordered medication he probably would have determined that Mr. Taylor should have been transferred to CNYPC.

44. Dr. Lee failed to provide Mr. Taylor with the level of mental health treatment and supervision required for an inmate with a serious mental health illness.

45. Mr. Taylor returned to his cell in E North towards the end of February 2015.

46. On April 13, 2015, he died as a result of being beaten and choked by Defendants Tucker, Witte, Topel, Frunzi, Bunch, Daddezio, Walter, Darling, Steinberg, Santos, and Weir.

C. Karl Taylor's Beating and Death

47. Some weeks or days prior to April 13, 2015, the day that Mr. Taylor died, CO Tucker, and upon information and belief, other officers, entered Mr. Taylor's cell in his absence. They threw his possession on the floor and squirted shampoo and other liquids onto his belongings. COs were later heard boasting about having "trashed" Mr. Taylor's cell.

48. Mr. Taylor thereafter refused to clean his cell. He stated repeatedly that the COs who trashed his cell should clean it. COs, including Tucker, repeatedly directed Mr. Taylor to clean his cell. CO Tucker would arbitrarily turn Mr. Taylor's water off, spray germicide through Mr. Taylor's cell bars, and throw soap into Mr. Taylor's cell.

49. On the morning of April 13, 2015, CO Tucker began harassing Mr. Taylor, including with regard to cleanliness.

50. CO Tucker demanded that Mr. Taylor clean his cell and Mr. Taylor refused. Without provocation, CO Tucker then attacked and beat Mr. Taylor, hitting him with a baton.

Mr. Taylor called for help, and requested to be taken to “OBS,” a safe, solitary space where inmates with mental health issues can be observed. No help arrived.

51. At this time, there were at least three COs on duty in the area proximate to Mr. Taylor’s cell block: Tucker, Witte, and Topel.

52. After enduring unprovoked blows from CO Tucker, Mr. Taylor took CO Tucker’s baton, and hit CO Tucker with it on his forearm.

53. COs Witte and Topel then tackled Mr. Taylor. One of them grabbed Mr. Taylor’s legs and another grabbed him around his neck. Together, the COs restrained Mr. Taylor, forcing him to the ground, facedown.

54. After Mr. Taylor had been restrained facedown, a group of additional officers, including COs Walter, Steinberg, Santos, and Weir arrived upon the scene, and handcuffed him. These officers and, upon information and belief, Defendants Tucker, Witte, Topel, further beat, punched, kicked, and otherwise struck Mr. Taylor, even though he was handcuffed and fully restrained.

55. One or more of the officers shouted racial epithets at Mr. Taylor, including the word “nigger,” as they beat him.

56. Mr. Taylor told these officers and Defendants that he could not breathe. Other inmates who could see and hear what was happening from their cells started yelling words to the effect of “he can’t breathe” and “he’s not resisting” as they watched Mr. Taylor being beaten after restrained.

57. Officers shouted at the inmates in E North to “get off [their] rails,” meaning move further into their cells, so the inmates could not see Mr. Taylor’s beating.

58. After the beating, Mr. Taylor was escorted off the cell block in handcuffs, into the hallway that connects E North to other areas of Sullivan.

59. Inmates in E North could not see into the hallway from their cells.

60. Upon information and belief, Defendants Tucker, Witte, Topel, Frunzi, Bunch, Walter, Daddezio, Darling, Steinberg, Santos, Weir, and other officers continued to beat and choke Mr. Taylor in the hallway while he was fully restrained. At times, Sgt. Frunzi held Mr. Taylor while other officers struck him. One or more of these officers and Defendants continued to shout racial epithets at Mr. Taylor as they beat him, calling him a “monkey” and “nigger.”

61. Upon information and belief, other officers at Sullivan became aware that Mr. Taylor was being beaten after he had been handcuffed, but made no effort to intervene or summon assistance.

62. Mr. Taylor was then dragged to the Sullivan infirmary, leaving a blood trail through parts of the hallway, and thrown onto a bed. Superintendent Keyser and Deputy Superintendent Burnett entered or were present in the Infirmary around this time.

63. Mr. Taylor was pronounced dead at 9:25 am on April 13, 2015.

64. Mr. Taylor’s death was caused by injuries inflicted upon him by Defendants Tucker, Witte, Topel, Frunzi, Bunch, Walter, Daddezio, Darling, Steinberg, Santos, and Weir.

65. An Autopsy Report conducted on April 13, 2015 noted “blunt impact injuries of the head, torso, and extremities as well as compression of neck injuries.” Injuries to the head included contusions on the bridge of the nose, right forehead, upper and lower lips, and a laceration above the left eye. The Medical Examiner noted a “subarachnoid hemorrhage . . . of the left temporal lobe of the brain.” Neck injuries included hemorrhages in the “subcutaneous soft tissue of the midline of the neck,” the “strap muscles of the neck,” and the “midline of the

muscles of the posterior aspect of the neck.” Mr. Taylor had fractures of his thyroid cartilage and petechiae present in his conjunctivae.

66. Mr. Taylor’s “manner of death” was listed in the Autopsy Report as “homicide.”

67. After Mr. Taylor was taken to the infirmary, several officers or inmates assigned to “blood spill” cleaned up Mr. Taylor’s blood and other evidence of the beating. Officers or inmates, at officers’ instruction, bleached or painted over Mr. Taylor’s cell, and disposed of Mr. Taylor’s personal effects.

68. In the immediate aftermath of Mr. Taylor’s death, Sullivan COs told certain inmates that they would be “thrown in the hole” if they spoke to investigators about what had happened. Upon information and belief, inmates were sent to solitary confinement after witnessing what happened to Mr. Taylor or speaking out.

69. Shortly after Mr. Taylor’s death, New York State investigators arrived at Sullivan and interviewed inmates about Mr. Taylor’s beating and death. Some inmates declined to speak with investigators or tell investigators what they had seen, for fear of retaliation.

70. Investigators told at least one inmate that part of the events leading to Mr. Taylor’s death had been captured on video, which at least one of the investigators had watched.

71. The DOCCS Defendants conspired to beat Mr. Taylor and cover up their role in the events that led to Mr. Taylor’s death. Their actions included:

- a. Continuing to beat and choke Mr. Taylor in the hallway, away from inmates in the cell block;
- b. Ordering inmate witnesses in E North off their gates and inmate witnesses in the hallway to turn and face the wall;

- c. Hiding evidence of Mr. Taylor's beating by cleaning up Mr. Taylor's blood before New York State investigators arrived, cleaning, bleaching, and painting over Mr. Taylor's cell, as well as the areas where he was beaten, and disposing of Mr. Taylor's clothes or personal effects;
- d. Threatening potential witnesses and retaliating against witnesses who spoke out about how Mr. Taylor was killed;
- e. Jointly devising a false, exculpatory version of the events of April 13, 2015, which would be told to investigating authorities;
- f. Lying to New York State investigators about the events of April 13, 2015;
- g. Using the New York State Correction Officers and Police Benevolent Association ("NYSCOPBA") to propagate a false narrative of the events surrounding Mr. Taylor's death, including falsely claiming that Mr. Taylor had started the fight with CO Tucker by "punching [CO Tucker] in the head"⁵;
- h. Coordinating false testimony that was presented to a grand jury assembled by the Sullivan County District Attorney;
- i. Otherwise suppressing incriminating information.

72. Mr. Taylor's autopsy was performed on April 13, 2015, the day he was killed, and the autopsy report was dated June 7, 2015. However, in or about August 2015, officials from the Sullivan County Coroner's Office falsely represented to the media and Mr. Taylor's next-of-kin that the autopsy had not been completed.⁶

⁵ NYSCOPBA News from the Field, <http://www.nyscopba.org/news-field> (last visited Feb. 5, 2016).

⁶ See, e.g., Crimesider Staff, Group wants federal probe of NY prisons expanded, CBS NEWS, (August 21, 2015, 8:03 am), <http://www.cbsnews.com/news/group-wants-federal-probe-of-ny-prisons-expanded/>.

73. After Mr. Taylor died, a person at Sullivan whose identity is unknown called Ms. Ramsay-Nobles and told her that Mr. Taylor was “code blue.” She was provided with no further information.

74. After Mr. Taylor died, Sullivan officials did not release any of Mr. Taylor’s personal property to Ms. Ramsay-Nobles, even after she identified herself as his next of kin. DOCCS did send Ms. Ramsay-Nobles a check dated April 15, 2015 for two dollars.

75. The DOCCS Defendants contributed to or permitted a culture at Sullivan whereby Sullivan COs abused or discriminated against incarcerated people at Sullivan, and this abuse and discrimination was concealed or otherwise covered up. The DOCCS Defendants failed to establish and implement policies that would protect inmates’ civil rights, and failed to supervise, train or monitor COs at Sullivan under their charge.

76. Superintendent Keyser, Deputy Superintendent Burnett, and Senior Sullivan Officers were aware of or deliberately indifferent to a pattern and practice of COs’ abuse of inmates, including Mr. Taylor. These Defendants knew or should have known that CO Tucker had a history of abuse and violence towards inmates with mental illness, including Mr. Taylor. Superintendent Keyser, Deputy Superintendent Burnett, and Senior Sullivan Officers knew or should have known that CO Tucker, in particular, would target inmates suffering from mental illness because they were less likely to complain or report misconduct.

77. Inmates had on numerous occasions reported CO Tucker’s abusive and racist treatment to higher-ranking Sullivan or DOCCS officials. Additionally, Superintendent Keyser or Deputy Superintendent Burnett knew or should have known that Sullivan COs would sometimes deliberately fail to process inmate grievances alleging COs’ abusive conduct.

FIRST CAUSE OF ACTION
Against Defendants Keyser, Burnett, Frunzi, Tucker, Witte, and Topel, Bunch,
Walter, Daddezio, Darling, Steinberg, Santos, and Weir under 42 U.S.C. § 1983

78. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1-77 above with the same force and effect as if fully set forth herein.

79. The acts of the DOCCS Defendants constituted conduct under color of state law that deprived Mr. Taylor of rights, privileges, and immunities secured by the Constitution and laws of the United States, including the Eighth and Fourteenth Amendments.

80. The Supreme Court has emphasized that “the Eighth Amendment places restraints on prison officials, who may not . . . use excessive physical force against prisoners.”⁷ “Being violently assaulted in prison is simply not part of the penalty that criminal offenders pay for their offenses against society,” and COs who engage in such assaults under color of law are violating the Eighth Amendment.⁸

81. Senior Sullivan Officers; Sullivan COs; COs Tucker, Witte, Topel; Walter, Daddezio, Darling, Steinberg, Santos, and Weir, and Sgts. Frunzi and Bunch, used excessive and unlawful force against Mr. Taylor, maliciously and with the intent and purpose of causing harm. This force constituted cruel and unusual punishment, and ultimately, caused Mr. Taylor’s death.

82. Mr. Taylor was intentionally treated differently from similarly-situated individuals without rational basis, or was discriminated against based on race. Evidence of this disparate treatment can be found in the previous paragraphs, and includes CO Tucker, Senior Sullivan Officers, and Sullivan COs singling out Mr. Taylor for abuse, harassment, and arbitrary punishment; repeated physical and verbal abuse including racial slurs; and use of racial slurs

⁷ *Farmer v. Brown*, 511 U.S. 825, 832 (1994) (citations omitted).

⁸ *Id.* at 834 (internal quotations and citations omitted).

while beating Mr. Taylor after he had been restrained on April 13, 2015, the date of his death. These officers were motivated by discriminatory animus.

83. Defendants Superintendent Keyser, Deputy Superintendent Burnett, and Senior Sullivan Officers permitted, tolerated, caused, knew about, should have known about, or were deliberately indifferent or grossly negligent to a pattern and practice of severe abuse and neglect, constituting torture, against inmates at Sullivan prior to and during the time of Mr. Taylor's death; the practice of racially discriminatory treatment of incarcerated individuals, including Mr. Taylor; and the arbitrary targeting of Mr. Taylor for abuse and punishment. Despite this knowledge, these Defendants consciously permitted the custom or practice of severe physical abuse, emotional abuse, neglect, and discrimination to continue. Their failure to take measures to curb this pattern of abuse and discrimination constituted acquiescence of the known unlawful behavior of their subordinates, and deliberate indifference to the rights and safety of the incarcerated individuals in their care and custody, and specifically, Mr. Taylor. These Defendants were grossly negligent or failed to supervise, train, and oversee COs at Sullivan. Their conduct deprived Mr. Taylor of his rights, and was a substantial factor in the continuation of such abuse, a proximate cause of Constitutional violations alleged in this complaint, and ultimately, the cause of Mr. Taylor's death.

84. The DOCCS Defendants had an affirmative duty and reasonable opportunity to intervene, on behalf of Mr. Taylor, to prevent his beating, discrimination, the use of force that resulted in Mr. Taylor's death, and the attempted cover-up of the violation of Mr. Taylor's Constitutional rights, but due to their intentional conduct or deliberate indifference, failed to do so.

85. The DOCCS Defendants committed the acts alleged herein intentionally, willfully, wantonly, maliciously, sadistically, or with such reckless disregard of the consequences as to reveal a conscious indifference to the clear risk of death or serious injury to Mr. Taylor that shocks the conscience. The DOCCS Defendants are liable for punitive damages.

SECOND CAUSE OF ACTION
Against Defendants Keyser, Burnett, Frunzi, Tucker, Witte, Topel, Bunch, Walter, Daddezio, Darling, Steinberg, Santos, and Weir under 42 U.S.C. § 1983 for Conspiring to Violate the Eighth and Fourteenth Amendments

86. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1-85 above with the same force and effect as if fully set forth herein.

87. Acting under the color of state law, the DOCCS Defendants conspired and acted in concert to deprive Mr. Taylor of his Constitutional rights, including the rights to be free from cruel and unusual punishment, arbitrary targeting, or racial discrimination. As a direct and proximate result of the conduct alleged herein, the DOCCS Defendants contributed to, knew of, or failed to intervene in the fatal beating of Mr. Taylor at the hands of COs at Sullivan. In committing the acts and omissions complained of herein, the DOCCS Defendants also breached their affirmative duty to intervene to protect Mr. Taylor's Constitutional rights from infringement by other law enforcement officers in their presence.

88. In furtherance of the conspiracy to contribute to and cover up the acts of brutality against Mr. Taylor on April 13, 2015, the DOCCS Defendants' actions included:

- a. Hiding evidence of Mr. Taylor's beating by cleaning up Mr. Taylor's blood before New York State investigators arrived, cleaning, bleaching, and painting over Mr. Taylor's cell, as well as the areas where he was beaten, and disposing of Mr. Taylor's clothes or personal effects;

- b. Threatening potential witnesses and retaliating against witnesses who spoke out about how Mr. Taylor was killed;
- c. Jointly devising a false, exculpatory version of the events of April 13, 2015, which would be told to investigating authorities;
- d. Lying to New York State investigators about the events of April 13, 2015;
- e. Using the NYSCOPBA, to propagate a false narrative of the events surrounding Mr. Taylor's death, including falsely claiming that Mr. Taylor had started the fight with CO Tucker by "punching [CO Tucker] in the head"⁹;
- f. Coordinating false testimony that was presented to a grand jury assembled by the Sullivan County District Attorney;
- g. Otherwise suppressing incriminating information.

89. The DOCCS Defendants committed the foregoing acts intentionally, willfully, wantonly, maliciously, or with such reckless disregard of the consequences as to reveal a conscious indifference to the clear risk of death or serious injury to Mr. Taylor that shocks the conscience. The DOCCS Defendants are liable for punitive damages.

⁹ NYSCOPBA News from the Field, <http://www.nyscopba.org/news-field> (last visited Feb. 5, 2016).

THIRD CAUSE OF ACTION

Against Defendants Keyser, Burnett, Frunzi, Tucker, Witte, Topel, Bunch, Walter, Daddezio, Darling, Steinberg, Santos, and Weir under 42 U.S.C. § 1985(2) for Conspiring to Impede the Due Course of Justice

90. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1-89 above with the same force and effect as if fully set forth herein.

91. The DOCCS Defendants conspired together to impede the due course of justice, interfering with the federal and state judicial processes, with the intent of denying Mr. Taylor and his Estate the equal protection of the laws.

92. The DOCCS Defendants intimidated witnesses, destroyed evidence, and otherwise covered up their violations of Mr. Taylor's rights, as enumerated in the previous paragraphs.

93. As a direct and proximate result of the DOCCS Defendants' conduct, Plaintiff claims as damages pecuniary loss including medical expenses, funeral expenses and lost earnings, as well as non-economic damages, including conscious pain, mental anguish, and physical injury suffered by Mr. Taylor prior to his death and the consequential loss of enjoyment of life.

94. The DOCCS Defendants committed the foregoing acts intentionally, willfully, wantonly, maliciously, or with such reckless disregard of the consequences as to reveal a conscious indifference to the clear risk of death or serious injury to Mr. Taylor that shocks the conscience. The DOCCS Defendants are liable for punitive damages.

FOURTH CAUSE OF ACTION
Against Defendants Keyser, Burnett, Frunzi, Tucker, Witte, Topel, Bunch, Walter,
Daddezio, Darling, Steinberg, Santos, and Weir under 42 U.S.C. § 1985(3) for
Conspiring to Interfere with Civil Rights

95. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1-94 above with the same force and effect as if fully set forth herein.

96. The DOCCS Defendants participated in and knew of the conspiracy to deprive Mr. Taylor of the equal protection of the law on the basis of his race. They had the power and ability to prevent the conspiracy, but refused or neglected to do so.

97. CO Tucker, Senior Sullivan Officers, and Sullivan COs regularly called Mr. Taylor racial slurs and epithets from around the time that he arrived at Sullivan, and in particular, on the day that they beat him to death. This racial abuse was primarily or exclusively initiated by white officers.

98. CO Tucker, Senior Sullivan Officers, and Sullivan COs notoriously and frequently abused Mr. Taylor, both physically and verbally, and subjected him to arbitrary punishment. Upon information and belief, they attempted to provoke Mr. Taylor so that his reaction would justify their violence response.

99. In furtherance of their conspiracy, the DOCCS Defendants subjected Mr. Taylor to unlawful acts, thereby depriving him of his rights to the equal protection of the laws and equal privileges and immunities under the laws in contravention of the Fourteenth Amendment of the United States Constitution. The DOCCS Defendants also took overt acts to participate in or cover up their violations of Mr. Taylor's rights, as enumerated in the previous paragraphs, interfering with state and federal judicial processes.

100. As a direct and proximate result of the DOCCS Defendants' conduct, Plaintiff claims as damages pecuniary loss, including medical expenses, funeral expenses and lost

earnings, as well as non-economic damages, including conscious pain, mental anguish, and physical injury suffered by Mr. Taylor prior to his death, and the consequential loss of enjoyment of life.

101. The DOCCS Defendants committed the foregoing acts intentionally, willfully, wantonly, maliciously, or with such reckless disregard of the consequences as to reveal a conscious indifference to the clear risk of death or serious injury to Mr. Taylor that shocks the conscience.

102. The DOCCS Defendants are liable for punitive damages.

FIFTH CAUSE OF ACTION
Against Defendant Dr. Seung Ho Lee in his individual capacity under 42 U.S.C. §
1983 for Deliberate Indifference to Serious Medical Needs

103. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1-102 above with the same force and effect as if fully set forth herein.

104. The acts of Defendant Lee constituted conduct under color of state law that deprived Mr. Taylor of rights, privileges, and immunities secured by the Constitution and laws of the United States, including the Eighth Amendment.

105. Upon information and belief, Mr. Taylor suffered from a serious mental illness, which could be substantially improved through treatment.

106. Defendant Lee was deliberately indifferent to Mr. Taylor's serious medical needs prior to his death by:

- a. Recklessly and negligently failing to properly treat Mr. Taylor's serious mental illness;
- b. Failing to transfer Mr. Taylor to a facility better equipped to diagnose and treat Mr. Taylor's illness;

- c. Failing to seek a secure, rehabilitative environment for Mr. Taylor, a patient with serious mental illness under his charge;
- d. Failing to recognize that Mr. Taylor's deteriorated mental health condition rendered him less able to cope with COs' abuse or threatening conduct, in particular, the altercation with CO Tucker that precipitated Mr. Taylor's death on April 13, 2015.

107. These actions, and failures to act, created an excessive risk of harm, such as the harm caused by the altercation with CO Tucker that precipitated Mr. Taylor's death on April 13, 2015. Dr. Lee's conduct deprived Mr. Taylor of his rights, and was a substantial factor in the continuation of such abuse, a proximate cause of Constitutional violations alleged in this complaint, and ultimately, the cause of Mr. Taylor's death. These actions also caused Mr. Taylor mental anguish and pain and suffering.

108. Defendant Lee committed the acts alleged herein intentionally, willfully, wantonly, maliciously, sadistically, or with such reckless disregard of the consequences as to reveal a conscious indifference to the clear risk of death or serious injury to Mr. Taylor that shocks the conscience. Defendant Lee is liable for punitive damages.

SIXTH CAUSE OF ACTION
Against Defendant Dr. Seung Ho Lee in his individual capacity under New York Law For
Medical Malpractice

109. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1-108 above with the same force and effect as if fully set forth herein.

110. Defendant Lee owed Mr. Taylor a duty to provide him with adequate care and to exercise reasonable care not to act in a manner that created an unreasonable risk of harm to Mr. Taylor's mental health and physical safety. This duty included, but was not limited to, properly

treating Mr. Taylor's mental illness. Defendant Lee breached his duty of care and was grossly negligent by:

- a. Recklessly and negligently failing to properly treat Mr. Taylor's serious mental illness;
- b. Failing to transfer Mr. Taylor to a facility better equipped to diagnose and treat Mr. Taylor's illness;
- c. Failing to seek a secure, rehabilitative environment for Mr. Taylor, a patient with serious mental illness under his charge;
- d. Failing to recognize that Mr. Taylor's deteriorated mental health condition rendered him less able to cope with COs' abuse or threatening conduct, in particular, the altercation with CO Tucker that precipitated Mr. Taylor's death on April 13, 2015.

111. Defendant Lee's actions, and failures to act, were intentional, malicious, and reckless, or negligent, and deviated from accepted medical practice and norms.

112. Defendant Lee's acts and failure to act caused Mr. Taylor to receive grievous bodily injury that ultimately resulted in his death and resulted in mental anguish and pain and suffering.

113. Defendant Lee committed the foregoing acts intentionally, willfully, maliciously, and/or with such reckless disregard as to demonstrate a deliberate indifference to the clear risk of death or serious injury that shocks the conscience. He is therefore also liable for punitive damages.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff demands the following relief against Defendants, jointly and severally:

- (a) Compensatory damages in an amount just and reasonable and in conformity with evidence at trial;
- (b) Punitive damages to the extent allowable by law;
- (c) Attorneys' fees;
- (d) The costs and disbursements of this action;
- (e) Interest;
- (f) Such other and further relief as the Court deems just and proper.

Dated: New York, NY
March 22, 2018

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