

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) CIVIL ACTION 2023-CP-10-01166

NEKEYA JONES, as Special
Administrator of the Estate of D'ANGELO
D. BROWN,

Plaintiff,

v.

CHARLESTON COUNTY,
CHARLESTON COUNTY SHERIFF'S
OFFICE, and WELLPATH LLC,

Defendants.

AMENDED SUMMONS
(Jury Trial Requested)

TO THE DEFENDANTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Amended Complaint in this action, of which a copy is herewith served upon you, and to serve a copy of your Answer to said Amended Complaint in the subscribed to James B. Moore III, EVANS MOORE, LLC, 121 SCREVEN STREET, GEORGETOWN, SOUTH CAROLINA, 29440 within THIRTY (30) DAYS after the service hereof, exclusive of the date of such service; and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

Respectfully Submitted,

s/ James B. Moore III

James B. Moore III, SC Bar #74268

Scott C. Evans, SC Bar #77684

Evans Moore, LLC

121 Screven Street

Georgetown, SC 29440

Telephone: (843) 995-5000

Counsel for the Plaintiff

May 24, 2023
Georgetown, SC 29440

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF CHARLESTON)	CIVIL ACTION 2023-CP-10-01166
NEKEYA JONES, as Special)	
Administrator of the Estate of D'ANGELO)	
D. BROWN,)	
)	
Plaintiff,)	
)	
v.)	AMENDED COMPLAINT
)	(Jury Trial Requested)
CHARLESTON COUNTY,)	
CHARLESTON COUNTY SHERIFF'S)	
OFFICE, and WELLPATH LLC,)	
)	
Defendants.)	
)	

The Plaintiff, Nekeya Jones, as Special Administrator of the Estate of D'Angelo D. Brown, deceased, complaining of the Defendants, Charleston County, Charleston County Sheriff's Office, and Wellpath LLC would respectfully show unto this Honorable Court:

PARTIES, JURISDICTION, AND VENUE

1. The Plaintiff, Nekeya Jones, is a citizen and resident of the County of Berkeley, State of South Carolina. Additionally, Nekeya Jones is the duly appointed Special Administrator of the Estate of D'Angelo D. Brown, having been so appointed by the Berkeley County Probate Court on the 8th day of March, 2023, under case number 2023-ES-08-117.

2. The Defendant, Charleston County, is a political subdivision of the State of South Carolina as defined in Section 15-78-10 et seq. of the Code of Laws of South Carolina (1985), as amended. At all times hereinafter mentioned in this Complaint, this Defendant owned and/or operated the Charleston County Detention Center and it acted or carried on its business by and through its agents, servants, and/or employees. Additionally, during the time period set out in the Complaint, these employees were operating within the scope of their officially assigned

and/or compensated duties.

3. The Defendant, Charleston County Sheriff's Office, is a governmental agency and/or political subdivision of the State of South Carolina, existing under the laws of the State of South Carolina (as defined by Section 15-78-10 of the Code of Laws of South Carolina (1985), as amended) and has facilities located in the County of Charleston, South Carolina. At all times hereinafter mentioned in this Complaint, the Defendant, Charleston County Sheriff's Office, owned and/or operated the Charleston County Detention Center and acted and carried on its business by and through its agents, servants, and/or employees, to include the officers working within the Charleston County Detention Center. Additionally, during the time period set out in the Complaint, these employees were operating within the scope of their officially assigned and/or compensated duties.

4. The Defendant, Wellpath LLC, is a for-profit corporation existing under the laws of the State of Delaware with employees and agents stationed throughout South Carolina, including Charleston County, South Carolina, providing healthcare services within county detention facilities. At all times hereinafter mentioned in this Complaint, Defendant Wellpath LLC acted and carried on its business by and through its agents, servants, and/or employees at its various locations including the Charleston County Detention Center. Additionally, these agents, servants, and/or employees were operating within the scope of their officially assigned and/or compensation duties.

5. The claims against Charleston County and Charleston County Sheriff's Office are filed pursuant to the South Carolina Tort Claims Act, S.C. Code Ann. 15-78-10.

6. With respect to the negligence and medical malpractice claims asserted against Wellpath, LLC, Plaintiff has complied with the pre-lawsuit procedural requirements provided for by the South Carolina Medical Malpractice Act, including those provided for in sections 15-79-120,

15-70-100, and 15-36-100 of the South Carolina Code of Laws. Additionally, in order to comply with all statutory requirements, Plaintiff is attaching and incorporating by reference the affidavit of medical expert Edward C. O'Bryan III, MD, identified as Exhibit 1.

7. This Court has jurisdiction over this matter because the most substantial acts and omissions giving rise to liability occurred within Charleston County, South Carolina.

FACTS

8. The acts and occurrences which give rise to this action occurred while the Decedent was in the care and custody of the Defendants within the Charleston County Detention Center.

9. The Plaintiff's decedent, D'Angelo Brown, a 28-year-old, was born and raised in Charleston, South Carolina. Although physically healthy, Mr. Brown had a long and well documented history of mental illness, including diagnoses of schizophrenia and bipolar disorder, and had received associated treatment with antipsychotic medications (e.g., Risperdal, Haldol, and Zyprexa), a mood-stabilizer (e.g., Depakote), an antidepressant (e.g., Mirtazapine), and medication to treat side-effects (e.g., Benztropine).

10. The Plaintiff is informed and believes that prior to the events in question, Charleston County Detention Center had a history of failing to provide access to adequate medical services to pre-trial detainees housed within its facility. In fact, Mr. Brown has been identified as one of six pre-trial detainees who died at the Charleston County Detention Center in 2022 alone.

11. Individuals who have been charged with a crime but are presumed innocent, like Mr. Brown, possess a federal constitutional due process right to reasonable medical care and to be free of cruel, inhumane, and unusual punishment pursuant to the 14th Amendment of the United States Constitution.

12. Pursuant to the Minimum Standards for Local Detention Facilities in South Carolina every detention center in South Carolina must have a written agreement with a licensed

physician or medical authority to ensure that its detainees receive access to reasonable and adequate medical care. During the time period of Mr. Brown's brief detainment, Defendants had contracted with Defendant Wellpath LLC to provide medical care to the approximately 1,000 detainees located within its facility.

13. Upon information and belief, Defendant Wellpath LLC is the largest for-profit health care provider to jails and detention centers in the United States and is managed by a multibillion-dollar private equity firm based in Nashville, Tennessee. Upon information and belief, prior to the events in question Wellpath LLC had a well-known and well-documented history of providing allegedly unconstitutional and substandard medical services resulting in thousands of lawsuits throughout the country based on wrongful death, neglect, medical malpractice, and violations of constitutional rights.

14. Upon information and belief, Wellpath LLC has a history of cutting costs at the expense of detainees' health and lives. A CNN investigative report entitled "PLEASE HELP ME before it's too late," from 2019 reviews lawsuits filed between 2014 and 2018 which accuse Wellpath LLC of contributing to more than 70 deaths. Furthermore, the Plaintiff is informed and believes Wellpath LLC has been the subject of a number of Department of Justice Civil Rights investigations. This information was available to Defendants when it contracted with Wellpath LLC in 2022.

15. The Plaintiff is informed and believes that it quickly became apparent to the Defendants Charleston County and Charleston County Sheriff's Office that Wellpath LLC was not delivering adequate and reasonable medical care to the detainees housed at the Charleston County Detention Center, but Defendants neglected to take appropriate action to ensure its detainees were receiving the appropriate medical care as required by the Minimum Standards for Location Detention Centers in South Carolina and the United States Constitution. Upon information and

belief, Defendants should have terminated their agreement with Wellpath LLC well before Mr. Brown's untimely death. In fact, Charleston County Sheriff Kristin Graziano has characterized the services provided by Wellpath LLC as "woefully inadequate."¹ The Plaintiff is informed and believes that despite this notice, Defendants continued to contract with Wellpath LLC for delivery of medical services to the individuals currently housed within the Charleston County Detention Center.

16. On August 10, 2022, Mr. Brown was arrested and booked at the Charleston County Detention Center. At the time of his booking, Mr. Brown history of mental illness, which required extensive medication management for stabilization, was well-known to the Defendants.

17. Upon information and belief, from the time period of Mr. Brown's arrest through his death on December 29, 2022, Mr. Brown was subject to inhumane treatment and deplorable living conditions by the Defendants which contributed to his death.

18. On the fourth day of Mr. Brown's detainment, he specifically informed a correctional officer that he required his prescribed medication. Upon information and belief, no one complied with his request and Mr. Brown was not prescribed, nor did he receive, any of his psychiatric medications.

19. Additionally, it was reported that on August 14, 2022 Mr. Brown was "combative, paranoid, rambling, and nonsensical," and that he had been unable to eat "due to loss of balance and being unable to walk to reach his food." Additionally, Mr. Brown submitted a "request to staff" wherein he informed staff that he was hungry and had not received a meal in 88 hours. On August 25, 2022, Mr. Brown submitted another "request to staff" where he reported that he was "really scared for [his] life."

¹ Ema Rose Schumer, *Charleston County jail documented schizophrenic man's decline. Was his death preventable?*, The Post and Courier (Feb. 18, 2023), https://www.postandcourier.com/news/charleston-county-jail-documented-schizophrenic-man-s-decline-was-his-death-preventable/article_feec0f46-926a-11ed-b8c3-4bb467abdf7.html

20. Upon information and belief, Mr. Brown's physical and mental health continued to rapidly deteriorate while detained in an isolated cell within the Behavioral Management Unit at the Charleston County Detention Center. On September 2, 2022, it was reported that he was refusing meals, was naked, and appeared agitated. By September 6, 2022, a correctional officer noted that he was "smearing feces and exhibiting off and unusual behavior." It was further reported that his cell was "filled with water, urine, and feces." On September 7, 2022, Mr. Brown was reported to be "yelling, uncooperative, paranoid" and was observed banging on the wall, yelling, and rambling "unintelligible words and phrases." On September 8, 2022, correctional staff reported that Mr. Brown was "still in the same condition naked, yelling, banging on the door, cell filled with water/feces and urine."

21. On September 9, 2022, correctional staff reported that Mr. Brown appeared to have "lost a lot weight" and "needs to be seen by mental health/medical badly."

22. On September 10, 2022, it was noted that Mr. Brown's "hygiene and appearance have been declining tremendously," that he was refusing to eat, and that he "stands in his cell naked and plays with water."

23. On September 11, 2022, Mr. Brown was observed to be "disorganized and disoriented" and lying in urine. Additionally, he was continuing to refuse to eat and was had not been provided any access to his prescribed antipsychotic medications.

24. Later that day on September 11, 2022, Mr. Brown was transported to MUSC via EMS due to "altered mental status." Records confirmed that he was observed "laying in his urine, not eating or drinking, evidencing severe agitation, and picking paint off of the walls." His skin was noted to be "covered in paint chips and dried feces." While at MUSC, his agitation was controlled with Zyprexa and Klonopin (benzodiazepine sedative), and he was transitioned to Depakote in anticipation of discharge back to the Charleston County Detention Center. He was

also noted to evidence acute encephalopathy (brain disease that alters functions) and was treated with antibiotics. Mr. Brown remained hospitalized at MUSC until September 29, 2022. At the time of discharge, it was reported that his “agitation significantly improved,” but that he still required “occasional intramuscular injections” as needed. He was discharged with intramuscular injections, Depakote, remaining doses of Klonpin, and Trazadone.

25. Although Mr. Brown was hospitalized from September 11 through September 29, 2022, correctional officers erroneously reported in his records that Mr. Brown received his “meal tray and juice,” when in fact was not present at the detention center at all.

26. Additionally, during the time of Mr. Brown’s hospitalization at MUSC, nursing staff employed by and through Defendant Wellpath LLC documented that Mr. Brown was “refusing” medical care to include wound care and vital assessments despite the fact that he was not present at the detention center, constituting a falsification of medical records by Defendant Wellpath LLC.

27. Upon information and belief, Mr. Brown never received his prescribed medications once he was discharged back to the Charleston County Detention Center. Without his medications, Mr. Brown’s psychosis became unmanageable, and he again deteriorated.

28. On September 29, 2022, Defendants placed Mr. Brown in restraint chair for roughly 130 minutes for being uncooperative. On October 3, 2022, it was reported that he had urine and feces in his cell. On October 30, October 31, and November 5, it was reported that his cell window was covered in feces. On November 6, 2022, Mr. Brown was extracted from his cell for cleaning as his cell had been “heavily soiled with feces.” On November 8, 2022, he was observed “naked, growling, disorganized with flight of ideas.” His cell was again described as being covered in urine and feces. He was unable to provide answers to basic questions. It was further noted that he was not sleeping, not eating, and had been smearing feces for several

months.

29. On November 11, 2022, it was reported that Mr. Brown had been observed “eating feces and he had it all in teeth.” On November 12, 2022, he was reported to be yelling and “jumping around the cell all night shift.”

30. On December 11, 2022, it was reported that his cell was “covered with feces and urine.” Additionally, correctional staff purportedly made a request that Mr. Brown be transferred to the “bubble” within the medical unit so he could be “housed in medical for observation.” Upon information and belief, this did not occur.

31. On December 14, 2022, Mr. Brown underwent a “competency evaluation” by Sheresa Christopher, Ph.D. and Alicia Gibson, Psy.D. on behalf of the Department of Mental Health. The competency evaluation was performed “virtually” due to Mr. Brown’s condition. During this virtual evaluation, Mr. Brown was reported to be rocking back and forth, opening his mouth and pulling on his ears, and striking the cell wall at times. It was noted that Mr. Brown was covered in feces as were the walls of his cell. The evaluation ended as the symptoms experienced by Mr. Brown “could not be fully assessed given his presentation.” It was ultimately determined that Mr. Brown lacked the mental capacity to stand trial due to his psychosis. However, it was also determined that his symptoms were consistent with a diagnosis of schizophrenia yet “treatable with psychiatric medication.” Although he was deemed incompetent, it was the opinion of the evaluators that Mr. Brown would “likely to be restored to competency with psychiatric medication in the foreseeable future.”

32. Shortly after the competency order was completed Mr. Brown was ordered to undergo treatment through the South Carolina Department of Mental Health for up to 180 days for observation and treatment to restore his competency to stand trial. This order was executed on December 15, 2022. Unfortunately, Mr. Brown never received this treatment prior to his death.

33. On December 19, 2022, it was reported that Mr. Brown had “smeared feces and urine about his cell walls, doors, floor, ceiling, and body.” It was further reported that he continued to refuse medications.

34. On December 21, 2022, at approximately 6:00 am, Sgt. Singleton and several nurses entered Mr. Brown’s cell. Mr. Brown was alive, but unresponsive, and was thereafter transferred to the emergency room at MUSC for life-saving medical intervention.

35. Upon information and belief, Mr. Brown never regained consciousness and was pronounced dead at MUSC on December 29, 2022.

36. The Defendants and its employees working during Mr. Brown’s detainment had actual and constructive knowledge of his deteriorating condition and acted in blatant disregard of his health and life by failing to intervene on his behalf and ensuring he had access to reasonable medical attention. Defendants acted with conscious and deliberate indifference to the basic, obvious, and serious medical needs of Mr. Brown, and as a result, he suffered numerous personal injuries, conscious pain and suffering, and eventually died.

37. On March 20, 2023, Charleston County Coroner, Bobbi Jo O’Neal, released the cause and manner of Mr. Brown’s death. The cause of death was determined to be E. Coli EAEC sepsis with septic shock and multiple organ system failure due to “gross medical neglect.” The manner of death was deemed to be Homicide.

FOR A FIRST CAUSE OF ACTION
AGAINST DEFENDANTS CHARLESTON COUNTY & CHARLESTON COUNTY
SHERIFF’S OFFICE

(Negligence/Gross Negligence - Survival)

38. The Plaintiff reiterates each and every relevant allegation stated above as if repeated verbatim herein.

39. The Defendants are liable to the Plaintiff as a result of its gross negligence, recklessness, willfulness, and wantonness in one or more of the following particulars:

- (a) In failing to secure proper care for the Decedent, when the Defendants and/or their personnel, agents, and/or employees knew or should have known that the Decedent was in open and obvious distress;
- (b) In failing to provide reasonable, necessary, and appropriate supervision, care, and access to medical treatment to the Decedent;
- (c) In disregarding the Decedent's complaints of distress;
- (d) In failing to monitor the Decedent while detained, and to take the proper steps to provide assistance to him when they knew or should have known that he was unable to care for himself;
- (e) In failing to take the proper steps to provide assistance to him when they knew or should have known that Wellpath LLC was not providing appropriate medical attention to him;
- (f) In failing to ensure that the Decedent had access to medical care;
- (g) In failing to seek emergency medical attention for the Decedent, when they knew he was suffering from an open, obvious, and serious medical need;
- (h) In failing to timely refer or transport the Decedent to a specialist and/or a hospital;
- (i) In failing to monitor the Decedent;
- (j) In failing to follow the mandates of the Minimum Standards for Local Detention Centers in South Carolina;

- (k) In contracting with Wellpath LLC when the Defendants knew or should have known that it was not providing reasonable and adequate medical services to its detainees, including the Decedent;
- (l) In failing to terminate its contract with Wellpath LLC when the Defendants knew or should have known that it was not providing reasonable and adequate medical services to its detainees, including the Decedent;
- (m) In failing to properly train and/or supervise its employees, agents, and/or staff, so as to ensure that detainees (including the Decedent) are provided with proper care and attention while detained;
- (n) In failing to have the proper policies and/or procedures in place regarding the administration of proper supervision;
- (o) In failing to take the appropriate steps to provide care and treatment to the Decedent when they had actual and constructive notice of the Decedent's open and obvious distress;
- (p) In failing to have the proper policies and procedures in place regarding recognition of medical needs of new detainees;
- (q) In failing to draft and/or institute proper policy and procedure necessary to ensure that detainees are provided basic and/or appropriate medical care and protection from abuse;
- (r) In failing to comply with national, state, and local standards and guidelines, including the standards set forth by the National Commission on Correctional Health Care, with regard to the provision of medical care in detention facilities;
- (s) In failing to train their employees, agents, and/or staff to recognize the medical needs of detainees;

- (t) In failing to properly treat and/or care for the Decedent, D'Angelo Brown;
- (u) In failing to provide, order, seek, and/or maintain emergency medical care;
- (v) In failing to promptly transfer the Decedent to a hospital when they knew or should have known that his physical and mental health was deteriorating;
- (w) In abandoning the Decedent when he was in desperate need of medical care; and
- (x) In failing to have proper communication by and between the detention center officers and the medical personnel contracted to provide medical assistance to the detainees.

40. The above acts of gross negligence and gross breaches of the proper standard of care (by and through the employees, agents, and/or servants of these Defendants) have caused the Decedent to suffer conscious pain and suffering, leading to his death. The Plaintiff has suffered the loss of the life of the Decedent, loss of his love and support, mental anguish, emotional distress, incurred funeral expenses, and undue grief, and Mr. Brown's heirs will likely suffer from the effects of the Defendants' actions now and in the future. As such, the Plaintiff is entitled to ACTUAL AND CONSEQUENTIAL from these Defendants.

**FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANTS CHARLESTON
COUNTY & CHARLESTON COUNTY SHERIFF'S OFFICE**
(Wrongful Death)

41. The Plaintiff reiterates each and every relevant allegation stated above as if repeated verbatim herein.

42. This action is brought for the wrongful death of D'Angelo Brown, pursuant to the provisions of § 15-51-10 *et seq.*, Code of Laws of South Carolina (1976, as amended), and is brought for any statutory heirs of D'Angelo Brown, who died on the 29th day of December, 2022.

43. The death of the Decedent was caused and occasioned by the grossly negligent and reckless acts on behalf of the Defendants as set forth above.

44. Prior to his death, D'Angelo Brown was twenty-eight (28) years of age. By reason of his untimely death, his heirs have been deprived of all the benefits of his society and companionship and have been caused great mental shock and suffering by reason of his death. They have and will forever be caused grief and sorrow by the loss of Mr. Brown's love, society, and companionship. They have been deprived of his future experiences and judgments. They have incurred expenses for his funeral and final expenses and, as a result of the foregoing, they have been damaged as follows:

- (a) mental shock and suffering;
- (b) wounded feelings;
- (c) grief and sorrow;
- (d) loss of his support;
- (e) loss of companionship; and
- (f) deprivation of the use and comfort of the Decedent's society and loss of his experience, knowledge, and judgment.

45. As a further result, and because of the Defendants' reckless, willful, and grossly negligent conduct, which ultimately caused the wrongful death of D'Angelo Brown, this Plaintiff is entitled to ACTUAL and CONSEQUENTIAL damages in an amount to be determined by a jury in accordance with the law and evidence in this case.

FOR A THIRD CAUSE OF ACTION
AGAINST DEFENDANT WELLPATH LLC
(Negligence/Medical Malpractice - Survival)

46. The Plaintiff reiterates each and every relevant allegation stated above as if repeated verbatim herein.

47. Defendant Wellpath LLC is liable to the Plaintiff as a result of its negligence, gross negligence, recklessness, willfulness, and wantonness in one or more of the following particulars:

- (a) In failing to secure proper care for the Decedent, when the Defendant and/or its personnel, agents, and/or employees knew or should have known that the Decedent was in open and obvious distress;
- (b) In failing to conduct a thorough health assessment of the Decedent;
- (c) In failing to exercise reasonable or slight care to administer the Decedent's necessary medications from September 29, 2022 until he was found unresponsive on December 21, 2022;
- (d) In failing to exercise reasonable or slight care to administer stabilizing medications to the Decedent once it was reported to the medical staff by the correctional staff that it was "not advisable to open the flap" to his cell on October 22, 2022 due to behavior which was secondary to the Decedent's continued psychiatric and medical deterioration;
- (e) In failing to recognize the Decedent's psychiatric decision making incompetence related to medication refusal;
- (f) In falsifying the medical records of the Decedent;
- (g) In failing to exercise reasonable or slight care to stabilize the Decedent's psychiatric condition when he was noted on November 8, 2022 to be actively psychotic and to have been "erratic and bizarre for several months," including the notation that he had been "smearing feces in cell" for several months;
- (h) In failing to exercise reasonable or slight care to stabilize the Decedent's acute psychiatric and medical condition and/or transfer him to a facility capable of treating him when he was charged on December 12, 2022 to be suffering from "continued deterioration" including but not limited to "significant weight loss;"

- (i) In failing to exercise reasonable or slight care to intervene when it was documented that the Decedent was refusing to eat;
- (j) In failing to monitor the Decedent's nutrition and hydration intake;
- (k) In failing to exercise reasonable or slight care to intervene to prevent the Decedent from ingesting feces;
- (l) In failing to exercise reasonable or slight care to timely transfer the Decedent to an emergency department or outside medical facility for advanced medical care in light of his obvious and well-known deteriorating physical and mental conditions;
- (m) In failing to exercise reasonable or slight care to prevent and/or treat the Decedent's extreme malnutrition with temporal wasting;
- (n) In failing to exercise reasonable or slight care to prevent and/or treat the Decedent's dehydration;
- (o) In failing to exercise reasonable or slight care to prevent and/or treat the Decedent's decubitus ulcers;
- (p) In failing to exercise reasonable or slight care to treat the Decedent's multiorgan failure;
- (q) In failing to exercise reasonable or slight care to intervene whatsoever to provide any reasonable treatment for the Decedent's declining health;
- (r) In failing to provide reasonable, necessary, and appropriate supervision, care, and access to medical treatment to the Decedent;
- (s) In disregarding the Decedent's complaints of distress;
- (t) In failing to monitor the Decedent while detained, and to take the proper steps to provide assistance to him when it knew or should have known that he was unable to care for himself;

- (u) In failing to ensure that the Decedent had access to medical care;
- (v) In failing to seek emergency medical attention for the Decedent, when it knew he was suffering from an open, obvious, and serious medical need;
- (w) In failing to timely refer or transport the Decedent to a specialist and/or a hospital;
- (x) In failing to follow the mandates of the Minimum Standards for Local Detention Centers in South Carolina;
- (y) In failing to properly train and/or supervise its employees, agents, and/or staff, so as to ensure that detainees (including the Decedent) are provided with proper care and attention while detained;
- (z) In failing to have the proper policies and/or procedures in place regarding the administration of proper medical care;
- (aa) In failing to take the appropriate steps to provide care and treatment to the Decedent when it had actual and constructive notice of the Decedent's open and obvious distress;
- (bb) In failing to have the proper policies and procedures in place regarding recognition of medical needs of new detainees;
- (cc) In failing to draft and/or institute proper policy and procedure necessary to ensure that detainees are provided basic and/or appropriate medical care and protection from abuse;
- (dd) In failing to comply with national, state, and local standards and guidelines, including the standards set forth by the National Commission on Correctional Health Care, with regard to the provision of medical care in detention facilities;
- (ee) In failing to train their employees, agents, and/or staff to recognize the medical needs of detainees;

- (ff) In failing to properly treat and/or care for the Decedent, D'Angelo Brown;
- (gg) In failing to provide, order, seek, and/or maintain emergency medical care;
- (hh) In failing to promptly transfer the Decedent to a hospital when it knew or should have known that his physical and mental health was deteriorating;
- (ii) In abandoning the Decedent when he was in desperate need of medical care; and
- (jj) In failing to have proper communication by and between the detention center officers and the medical personnel contracted to provide medical assistance to the detainees.

48. The above acts of negligence and gross negligence and breaches of the proper standard of care (by and through the employees, agents, and/or servants of Wellpath LLC) caused the Decedent to suffer conscious pain and suffering, leading to his death. The Plaintiff has suffered the loss of the life of the Decedent, loss of his love and support, mental anguish, emotional distress, incurred funeral expenses, and undue grief, and Mr. Brown's heirs will likely suffer from the effects of the Defendants' actions now and in the future. As such, the Plaintiff is entitled to ACTUAL, CONSEQUENTIAL, AND PUNITIVE DAMAGES from Defendant Wellpath LLC.

FOR A FOURTH CAUSE OF ACTION AGAINST DEFENDANT WELLPATH LLC
(Wrongful Death)

49. The Plaintiff reiterates each and every relevant allegation stated above as if repeated verbatim herein.

50. This action is brought for the wrongful death of D'Angelo Brown, pursuant to the provisions of § 15-51-10 *et seq.*, Code of Laws of South Carolina (1976, as amended), and is brought for any statutory heirs of D'Angelo Brown, who died on the 29th day of December, 2022.

51. The death of the Decedent was caused and occasioned by the negligent and grossly negligent acts on behalf of the Defendants as set forth above.

52. Prior to his death, D'Angelo Brown was twenty-eight (28) years of age. By reason of his untimely death, his heirs have been deprived of all the benefits of his society and companionship and have been caused great mental shock and suffering by reason of his death. They have and will forever be caused grief and sorrow by the loss of Mr. Brown's love, society, and companionship. They have been deprived of his future experiences and judgments. They have incurred expenses for his funeral and final expenses and, as a result of the foregoing, they have been damaged as follows:

- (a) mental shock and suffering;
- (b) wounded feelings;
- (c) grief and sorrow;
- (d) loss of his support;
- (e) loss of companionship; and
- (f) deprivation of the use and comfort of the Decedent's society and loss of his experience, knowledge, and judgment.

53. As a further result, and because of the Defendant Wellpath LLC's reckless, willful, and grossly negligent conduct, which ultimately caused the wrongful death of D'Angelo Brown, this Plaintiff is entitled to ACTUAL, CONSEQUENTIAL, AND PUNITIVE damages in an amount to be determined by a jury in accordance with the law and evidence in this case.

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DEMAND FOR JURY TRIAL

WHEREFORE, the Plaintiff hereby requests a trial by jury on all of the issues that have been or may hereafter be raised in any of the pleadings. Plaintiff further seeks judgment against

Defendants for:

- a. actual and consequential damages as to each occurrence for each cause of action against the Defendants;
- b. punitive damages as to Defendant Wellpath LLC;
- c. the costs and disbursements of this action;
- d. such other and further relief as this Court deems just and proper.

Respectfully Submitted,

s/ James B. Moore III

James B. Moore III, SC Bar #74268

Scott C. Evans, SC Bar #77684

Evans Moore, LLC

121 Screven Street

Georgetown, SC 29440

Telephone: (843) 995-5000

Counsel for the Plaintiff

May 24, 2023

Georgetown, SC 29440

Exhibit 1

NEKEYA JONES, As Special Administrator)
of the Estate of D'ANGELO D. BROWN,)
Plaintiff,)
v.)
Wellpath, LLC, et al.)
Defendants.)

AFFIDAVIT OF EXPERT WITNESS IN
MEDICAL MALPRACTICE CASE
§§ 15-36-100, 15-79-125

I, Edward C. O'Bryan III, MD, being duly sworn depose and says:


1. I am a physician, licensed by the State of South Carolina and the appropriate regulatory agency having jurisdiction over the practice of my profession in the location in which I practice.
2. I am Board Certified by the American Board of Internal Medicine, a national association which administers written and/or oral examinations for certification in the area of practice and specialty about which this opinion on the standard of care is offered.
3. I have actual professional knowledge and experience in the specialty and area of practice in which this opinion is given, as a result of my having been regularly engaged in the active practice in the area of specialty and practice for at least three (3) of the last five (5) years immediately preceding this opinion, including serving as the Executive Vice President of Clinical Operations for Wellpath, LLC.
4. This affidavit is made pursuant §15-36-100 of the 1976 SC Code of Laws, which requires that this affidavit must specify at least one negligent act or omission claimed to exist and the factual basis for each claim based on the available evidence at the time of the filing of the affidavit.
5. The evidence made available to me, for my review, prior to the making of this affidavit, include the records for D'Angelo Brown from Wellpath, LLC, the Charleston County

Coroner's Office, Charleston Dorchester Mental Health, Charleston County EMS, the Medical University of South Carolina, and the Charleston County Detention Center. Additionally, I anticipate the opportunity to review additional medical records and documents pertaining to this matter and reserve the right to supplement my opinion.

6. Through my education, training, and experience as set forth above, I am familiar with the applicable standard of care practiced by health care providers generally, including nurses, nurse practitioners, and physicians who practice medicine and evaluate adult patients in a detention center setting.
7. I have reviewed the records as submitted to me, and based upon my expertise, as set forth above, it is my opinion to a reasonable degree of medical certainty that the medical staff, including nurses and physicians, employed by and through Wellpath, LLC working within the Charleston County Detention Center committed the following negligent, grossly negligent, willful, wanton and/or reckless acts and/or omissions, which constituted a failure to comply with the appropriate standard of care:
 - a. In failing to conduct a thorough health assessment of Mr. Brown;
 - b. In failing to exercise reasonable or slight care to administer Mr. Brown's necessary Trazodone, Depakote, or Zyprexa from September 29, 2022 until he was found unresponsive on December 21, 2022;
 - c. In failing to exercise reasonable or slight care to administer stabilizing medications to Mr. Brown once it was reported to the medical staff by the correctional staff that it was "not advisable to open the flap" to his cell on October 22, 2022 due to behavior which was secondary to Mr. Brown's continued psychiatric and medical deterioration;


- d. In failing to recognize Mr. Brown's psychiatric decision making incompetence related to medication refusal;
- e. In failing to exercise reasonable or slight care to stabilize Mr. Brown's psychiatric condition when he was noted on November 8, 2022 to be actively psychotic and to have been "erratic and bizarre for several months," including the notation that he had been "smearing feces in cell" for several months;
- f. In failing to exercise reasonable or slight care to stabilize Mr. Brown's acute psychiatric and medical condition and/or transfer him to a facility capable of treating Mr. Brown when he was charged on December 12, 2022 to be suffering from "continued deterioration" including but not limited to "significant weight loss." Mr. Brown was further observed to be "laying on the floor" and continuing to engage in "smearing feces." Mr. Brown was also observed on this date to be "exhibiting bizarre behavior, confused, delusions and disorganized thinking," and to be "currently in his cell that is covered with urine and feces;"
- g. In failing to exercise reasonable or slight care to intervene when it was documented that Mr. Brown was refusing to eat;
- h. In failing to exercise reasonable or slight care to intervene to prevent Mr. Brown from ingesting feces ("DURING A SECURITY CHECK INMATE WAS SEEN EATING FECES AND HE HAD IT ALL IN HIS TEETH");
- i. In failing to exercise reasonable or slight care to timely transfer Mr. Brown to an emergency department or outside medical facility for advanced medical care in light of his obvious and well-known deteriorating physical and mental conditions;
- j. In failing to exercise reasonable or slight care to prevent and/or treat Mr. Brown's extreme malnutrition with temporal wasting;

- k. In failing to exercise reasonable or slight care to prevent and/or treat Mr. Brown's dehydration;
 - l. In failing to exercise reasonable or slight care to prevent and/or treat Mr. Brown's decubitus ulcer;
 - m. In failing to exercise reasonable or slight care to treat Mr. Brown's multiorgan failure;
 - n. In failing to exercise reasonable or slight care to intervene whatsoever to provide any reasonable treatment for Mr. Brown's declining health.
8. It is my opinion that D'Angelo Brown's deterioration and death were proximately caused by the Defendants' gross deviations from the standard of care.


Edward C. O'Bryan III, MD, MBA

SWORN TO before me this

3 day of MARCH, 2023

 (L.S.)

Notary Public for South Carolina

My commission expires: 2/7/2033