

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

SONDRA RAY, as the personal
representative of the estate of her son,
Steven Davis,

Plaintiff

v.

RODERICK GADSON;
STEVEN D. HARRISON;
CLIFFORD O'NEAL;
WILSON B. CLEMONS;
ROBERT WILLIAMS;
GLENN TEAGUE;
GWENDOLYN GIVENS;
SHANNON CALDWELL;
DEAUNDRA JOHNSON;
EDWARD ELLINGTON;
TERRY LOGGINS;
F.S. SIDES;
ARNALDO MERCADO; and
JEFFERSON DUNN,

Defendants.

CASE NO. 2:20-CV-499-RDP

JURY TRIAL DEMANDED

SECOND AMENDED COMPLAINT

Plaintiff complains of defendants, stating as follows:

Nature of the Action

1. This is a civil action brought by plaintiff, as the personal representative of the estate of her son, Steven Davis, against ADOC correctional officers who brutally beat Davis, killing him, and against ADOC supervisory personnel who

established and/or maintained the ADOC administrative machinery that permitted and encouraged such violence, in violation of Davis' constitutional right, guaranteed by the Eighth Amendment, not to be subjected to excessive force.

Jurisdiction and Venue

2. This action arises under the Fourth and Fourteenth Amendment to the United States Constitution, 42 U.S.C. § 1983. The Court has jurisdiction of this matter pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3).

3. This judicial district is an appropriate venue under 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to the suit happened in this judicial district.

Parties

4. Sondra Ray is of legal age and a citizen and resident of the state of Alabama. She is the duly appointed representative of the estate of her son, Steven Davis.

5. Defendant Roderick Gadson was a correctional officer at Donaldson Correctional Facility in Bessemer, Alabama at all relevant times.

6. Defendant Steven D. Harrison was a correctional officer at Donaldson Correctional Facility in Bessemer, Alabama at all relevant times.

7. Defendant Clifford O'Neal was a correctional officer at Donaldson

Correctional Facility in Bessemer, Alabama at all relevant times.

8. Defendant Wilson B. Clemons was a correctional officer at Donaldson Correctional Facility in Bessemer, Alabama at all relevant times.

9. Defendant Robert Williams was a correctional officer at Donaldson Correctional Facility in Bessemer, Alabama at all relevant times.

10. Defendant Glenn Teague was a correctional officer at Donaldson Correctional Facility in Bessemer, Alabama at all relevant times.

11. Defendant Gwendolyn Givens was the head warden for Donaldson Correctional Facility in Bessemer, Alabama at the time of Davis' death. Previously, she served as an assistant warden at the facility.

12. Defendant Shannon Caldwell was a captain at Donaldson Correctional Facility in Bessemer, Alabama at all relevant times.

13. Defendant Deandra Johnson was a captain at Donaldson Correctional Facility in Bessemer, Alabama at all relevant times.

14. Defendant Edward Ellington was the regional coordinator (or equivalent title) with supervisory authority over correctional facilities in the northern region, which includes Donaldson, Bibb, and St. Clair, at all relevant times.

15. Defendant Terry Loggins was the Investigations and Intelligence

Division (I&I)¹ supervisor over investigations in the northern region, which included Donaldson, at all relevant times.

16. Defendant F.S. Sides was the assistant director of I&I at all relevant times.

17. Defendant Arnaldo Mercado was the director of I&I at all relevant times.

18. Jefferson Dunn is the Commissioner of ADOC.

19. All defendants are sued in their individual capacities only.

Facts

Donaldson Officers Beat Davis in the Head with a Baton, Killing Him

20. On or about October 4, 2019, Davis was an inmate at Donaldson Correctional Facility in Bessemer, Alabama.

21. Davis had recently been transferred to Donaldson.

22. Davis was housed in a behavioral modification dorm, apparently due to issues he had at another prison facility.

23. This dorm has long been referred to as the “Hot Bay.”

24. One of the inmates in the cell next to Davis taunted Davis regarding sexual matters.

25. The taunting escalated over the course of a couple of days.

¹ Since this incident occurred the I&I Division has been renamed the Law Enforcement Services Division.

26. Davis obtained plastic shanks to deal with the inmate who was taunting him.

27. On October 4, 2019, when inmates in Davis' unit were being taken out for exercise, Davis went after the inmate who had been taunting him.

28. Davis never attempted to assault an officer.

29. The officers present, including defendants Gadson, Harrison, O'Neal, Clemons, Williams, and Teague, intervened.

30. Davis immediately dropped the shanks and submitted to the officers.

31. The officers nevertheless assaulted Davis.

32. The officers stomped Davis' head.

33. At least one of the officers used a baton on Davis' head.

34. Each of the officers used excessive force on Davis by striking Davis in his head while he was on the ground submitting to them.

35. Each of the officers failed to intervene, despite an opportunity to do so, to prevent other officers from using excessive force.

36. Davis died as a result of blows to his head.

37. The blows to Davis' head are considered deadly force and would have been excessive even if Davis was resisting the officers.

38. The medical records state that Davis arrived at UAB "as a level I trauma

[patient] via air following an assault in jail in which he was struck mainly in the face/head.”

39. Head and maxiofacial CT scans showed multiple fractures and related bruising and bleeding.

I&I Covered Up the Killing of Davis

40. Because Davis was killed, I&I, the ADOC division responsible for investigating serious allegations of misconduct by ADOC officers, was contacted.

41. The supervisor for the I&I region that included Donaldson, defendant Loggins, and defendants Sides and Mercado, as a matter of routine, were informed of the death.

42. These defendants, with the knowledge and cooperation of supervisory personnel at Donaldson, including Givens, Caldwell, and Johnson, took steps to cover up the murder and exonerate the involved officers.

43. Rather than ensuring that the murder was properly investigated so that the officers involved could be held accountable, supervisory personnel at Donaldson, including Givens, Caldwell, and Johnson, working with the I&I investigator assigned to the case, took steps to ensure that the incident was documented in a manner that exonerated the officers.

44. These steps included, but were not limited to, assisting the involved

officers in coordinating their stories, forcing inmates to provide statements supporting the coordinated story, and refusing to obtain statements from inmates that were incriminating.

45. That the incident was being covered up and not investigated with even minimal effort was obvious from reviewing the report.

46. That report was reviewed and approved by defendants Loggins, Sides, and Mercado.

47. Defendant Dunn also received the report.

48. After reviewing the report, defendants Loggins, Sides, Mercado, and Dunn recognized that the murder was being covered up.

49. Nevertheless, not one of these defendants took any action.

50. This is because Loggins, Sides, Mercado, and Dunn understood that the primary purpose of I&I was to protect ADOC.

51. As a result of the coverup, no officer was disciplined, let alone criminally charged.

**The I&I Coverup of the Murder of Davis
Is the Modus Operandi of the Department**

52. The coverup of the murder of Davis is not an isolated incident.

53. Loggins, Sides, and Mercado, longtime I&I supervisors, and Dunn, from their routine review of I&I investigations of serious use of force incidents in the years

prior to Davis' murder and from their communications with each other and I&I investigators over the years, understood that I&I routinely functioned as a coverup department rather than as an accountability department.

54. The pattern and practice of inmate abuse described below was enabled and encouraged by the conduct of Loggins, Sides, and Mercado in failing and refusing to take steps to ensure that serious excessive force incidents at ADOC facilities were investigated honestly and fairly so that abusive officers could be corrected or weeded out of the system.

55. Another civil rights case, *Koty Williams v. Akeem Edmonds, et al.*, No. 7:20-cv-497-LSC, shows how I&I works as a coverup department.

56. In *Williams*, a former correctional officer testified to how Sgt. Edmonds (and other officers), while his lieutenant watched, brutally assaulted Williams, an inmate at Bibb, causing Williams to suffer a broken hip, and further to Edmonds' regular use of excessive force and reputation for brutality.

57. Edmonds continues to be a supervisor today.

58. The beating of Williams, which occurred on November 27, 2018, roughly ten months before Davis was killed, was covered up by I&I personnel.

59. Bibb is another facility in the northern region under the direct supervision of Loggins.

60. Clark Hopper was assigned to cover up the Williams beating.

61. Even though Williams' version of events was verifiable by video and by other inmates, Hopper did not preserve the video or interview inmates.

62. Hopper reviewed the Williams' video, saw that it confirmed Williams' story, and made sure he did not obtain it for the file.

63. Instead, Hopper wrote up the incident as if Williams had fabricated it.

64. Hopper was a recent ADOC hire after retiring from the Gadsden police department.

65. Upon being hired, Hopper was informed by defendants Loggins, Sides, and Mercado what his role would be, what the role of any I&I investigator was, to help ADOC cover up serious incidents of inmate abuse by correctional officers.

66. Thus, in just his first few months on the job, Hopper covered up the brutal beating of Williams.

67. Due to the systematic efforts of I&I investigators, officers that should have been terminated for abusing inmates remained employed and rose through the ranks.

68. Officers like Edmonds and the defendants in this case are valued and encouraged.

69. Defendant Gadson is a prime example. Despite a long history of inmate

abuse at Donaldson, since the murder of Davis Gadson has been promoted again and is now a lieutenant at St. Clair.

70. Another example is Mohammad Jenkins, also a long-time Donaldson officer. He rose to the rank of lieutenant despite repeated incidents of inmate abuse.

71. While Gadson and many other officers have escaped criminal charges, the law may have eventually caught up to Jenkins, who was indicted on federal civil rights violations in connection with his use of excessive force on two inmates in November 2021.

72. Loggins, Sides, and Mercado, despite knowledge that inadequate, biased, and fraudulent I&I investigations were causing serious incidents of inmate abuse to go undisciplined by ADOC and unsanctioned by the criminal justice system, refused to take any action.

73. To the contrary, these defendants encouraged the investigators who worked for them to continue covering up inmate abuse.

74. Over the course of many years, Loggins, Sides, and Mercado directly (through verbal compliments and instruction) and indirectly (through positive performance evaluations) made sure I&I investigators knew their job was to protect ADOC, not to help hold inmate abusers accountable.

75. DOJ's review of ADOC records in connection with its review of the use

of force by correctional officers showed that excessive force incidents were not being investigated and disciplined. DOJ found that the problem was not only with the institution-level investigations, as discussed below, but also with I&I investigations. [July 23, 2020 U.S. Department of Justice Excessive Force Investigative Report (DOJ Report) at 19 (footnote omitted)]

76. The DOJ report details how the division responsible for investigating serious incidents of officer misconduct routinely conducts inadequate investigations. [DOJ Report at 20-21]

77. DOJ explained that “[t]he failure to rigorously and properly investigate uses of force fosters an environment where the use of excessive force is not addressed.” [DOJ Report at 19]

78. Loggins, Sides, and Mercado were responsible for ensuring that use of force incidents were properly investigated.

79. These defendants did the opposite: they maintained a department that made sure ADOC and its officers, to the extent possible, were protected. They made the department’s priority covering up incidents, not holding officers accountable, and are, therefore, responsible for the culture and environment that tolerated excessive force at Donaldson and elsewhere.

80. Defendant Dunn has had supervisory responsibility over ADOC since

2015.

81. Defendant Dunn, through communications with Loggins, Sides, Mercado, and others, has been aware of these systemic deficiencies, and has failed and refused to act to correct them.

82. This is because defendant Dunn's priority is protecting ADOC funds, not protecting ADOC inmates.

83. By permitting I&I to function as a coverup department, Dunn believes costs (in terms of liability payouts and lawyer fees) are reduced.

**There Is a Pattern of Excessive Force, for Which
Officers Are Not Held Accountable, at Donaldson and Throughout ADOC**

84. The beating death of Steven Davis is not an isolated incident. It is part of a pattern of excessive force without accountability, as the U.S. Department of Justice concluded following an investigation of Alabama's prisons for men:

There is reasonable cause to believe that the correctional officers within the Alabama Department of Corrections ("ADOC") frequently use excessive force on prisoners housed throughout Alabama's prisons for men. Such violations are pursuant to a pattern or practice of resistance to the full enjoyment of rights secured by the Eighth Amendment. We identified frequent uses of excessive force in 12 of the 13 Alabama prisons that we reviewed. Given the identified pervasiveness of the uses of excessive force and the statewide application of ADOC's use of force policies and procedures, we have reasonable cause to believe that the uses of excessive force occurring within Alabama's prisons give rise to systemic unconstitutional conditions.

[DOJ Report at 1 (footnote omitted)] One of the 12 is Donaldson. *Id.* at nn.1&2.

85. The report explains that “inadequate supervision and the failure to hold officers accountable for their behavior contribute to an increase in the incidence of excessive force.” [DOJ Report at 2]

86. As with Steven Davis, “[t]hese uses of excessive force—which include the use of batons, chemical spray, and physical altercations such as kicking—often result in serious injuries and, sometimes, death,” [DOJ Report at 2]

87. A number of incidents have resulted in ADOC officers pleading guilty and going to prison, including one in which “at least four officers beat a prisoner to death.” [DOJ Report at 6]

88. The DOJ explained that excessive force at ADOC prisons is common:

In 2017, ADOC’s incident reporting system documented 1,800 uses of force. A reported use of force incident does not equate to a use of excessive force. Indeed, many uses of force in a prison setting may be justified. However, the Department’s review of a statistically significant set of ADOC’s use of force incident reports and accompanying documentation from a six-month period demonstrated that a large number of reported uses of force were unjustified under the legal standard.

[DOJ Report at 6]

89. The pattern of excessive force at ADOC prisons includes clearly unconstitutional force on inmates who were restrained or compliant, [DOJ Report at 10], and force used as punishment, [DOJ Report at 14].

90. These excessive uses of force are initially reviewed by personnel at the

institution.

91. According to the DOJ, however, incidents that result in serious injuries often go entirely uninvestigated by the institution. [DOJ Report at 9]

92. The Williams and Davis beatings were the exception in being investigated by I&I.

93. The Davis incident was investigated by I&I because it involved a death.

94. The Williams incident was investigated due to a complaint by a family member.

95. The terrible conditions for inmates at Donaldson, including excessive force by correctional officers, was previously the subject of a class action that was settled in April 2011.

96. The terms of the settlement included requirements for the investigation of force incidents and for the referral of incidents to I&I.

97. The settlement terms were intended to lead to less excessive force, greater officer accountability, and more frequent I&I investigations.

98. While the settlement may have initially had a positive impact, by 2016 Donaldson personnel had returned to their old ways.

99. By roughly 2016, if not sooner, serious incidents of excessive force were no longer being referred to I&I, and incidents of excessive force were routinely being

approved by Donaldson supervisors, including Givens, Caldwell, and Johnson.

100. Officers at Donaldson, including defendant Gadson and Mohammad Jenkins, were routinely allowed to administer beatings to inmates without cause.

101. While Gadson and other officers were active throughout Donaldson, they most regularly and savagely delivered beatings to inmates in the Hot Bay, where Davis was murdered.

102. The officers' beatings of inmates in the Hot Bay and elsewhere at Donaldson were routinely approved, without referral to I&I, as proper uses of force by supervisory personnel at Donaldson, including Givens, Caldwell, and Johnson, even when the incidents, according to ADOC policy and the terms of the settlement, should have been referred to I&I.

103. All supervisory personnel at Donaldson, including Givens, Caldwell, and Johnson, knew of the routine beatings and approved of the uses of force.

104. Because the inmate population at Donaldson in general and the Hot Bay in particular more frequently had behavioral issues, supervisors, including wardens, captains, and lieutenants, including Givens, Caldwell, and Johnson, justified tolerance of the regular abuse of inmates as necessary to maintain control.

105. Supervisory personnel at Donaldson, including Givens, Caldwell, and Johnson, were aware of the reputation and unlawful activities of Donaldson officers,

including Gadson (a sergeant) and Jenkins (a lieutenant).

106. During the 2016-2019 time period, Johnson and Caldwell served as captains with responsibility over the Hot Bay, including responsibility for investigating force incidents in the Hot Bay.

107. Warden Givens, in turn, reviewed the incidents. Givens, too, approved the excessive uses of force.

108. Givens, Caldwell, and Johnson routinely approved excessive uses of force in the Hot Bay and elsewhere at Donaldson and refused to take disciplinary action against officers who used excessive force.

109. Warden Givens discussed the issues with excessive force at Donaldson and the Hot Bay with defendants Ellington and Dunn.

110. Givens, Ellington, and Dunn also discussed that there were problem officers, including Gadson and Jenkins.

111. Givens, Ellington, and Dunn discussed that inmate abuse was a necessary evil due to the nature of the population at Donaldson and due to other limitations, including inadequate staffing and facility issues.

112. By 2017 at the latest, due to the number of incidents, the numerous lawsuits filed by inmates against Donaldson officers, confidential reports by officers who did not support the abuse, conversations with Givens, and from other sources,

the problem with excessive force at Donaldson in general and the Hot Bay in particular became known to Ellington and Dunn.

113. Ellington and Dunn were both informed regarding the excessive force issues at Donaldson and in the Hot Bay and with lawless correctional officers at Donaldson (and elsewhere), including Gadson and Jenkins.

114. Neither Ellington nor Dunn, however, took any action to change how things were done at Donaldson (or elsewhere).

115. Ellington and Dunn accepted the status quo and took no action to remedy the issues with excessive force at Donaldson (or elsewhere).

116. Inmates who were abused in the Hot Bay at Donaldson include:

- Javorr Fletcher (June 2016) - kicked, pepper sprayed, and hit without justification and while cuffed
- Cortney Lamar Rolley (June 2016) - pepper sprayed by Jenkins
- Jeffrey Paul Eugen Stout (March 2017) - officers struck inmate in the head with a baton, kicked and stomped him in the head, and choked him to the point of losing consciousness while Gadson watched
- Anthony Keith Hinton (July 2017) - officers beat in the head, kicked in the eye and genitals without justification
- multiple unidentified inmates (December 2017) - officers assaulted

inmates and used pepper spray on them without justification per inmate witness Bobby Hatcher

- Darnell McMillian (January 2018) - while inmate was restrained by one officer, another officer beat him in his head, causing a laceration that required staples
- Thadous Dinkins (June 2018) - pepper sprayed and beaten by Gadson and other officers while cuffed
- Adrian Dunning (July 2018) - officers, including Gadson, sprayed and beat the inmate without justification
- Jacob Deon Fonville (March 2019) - officers pepper sprayed and beat inmate without justification
- Demarcus Coleman (April 2019) - officers repeatedly struck inmate with a baton and pepper sprayed, slapped, punched, kicked, and stomped him
- unidentified inmate (June 2019) - officers assaulted inmate without justification
- Anthony Keith Hinton (April 2019) - inmate beaten without justification
- Scotty Gaddy (May 2019) - assaulted by multiple officers, including Gadson, without justification
- Troy Connell (May 2019) - assaulted by multiple officers, including

Gadson, without justification

- Gregory Hill (August 2019) - Gadson and other officers pepper sprayed and beat inmate
- Ronald King (August 2019) - inmate beaten by multiple officers without justification
- Steven Davis (October 2019)

117. These incidents were reviewed by Givens, Caldwell, and Johnson and approved as within ADOC policy.

118. The above list of incidents is the tip of the iceberg for officers at Donaldson.

119. Gadson, Jenkins, and other Donaldson officers were involved in numerous incidents of excessive force, including incidents that did not occur in the Hot Bay.

120. Other inmates assaulted by Gadson (usually with assistance from other officers) without justification include: Terry Lee Moore (struck inmate in his head and elsewhere with a baton - inmate required reconstructive surgery on his ear), Zackery Wilson (pepper sprayed and beat inmate), William Henry Harris, Jr. (pepper sprayed and beat inmate until he lost consciousness), Antwain Vontell Maye (choked inmate, punched him in the eye, and slammed him to the floor), Danny Foster (beat

inmate in the face and elsewhere, causing broken nose and facial lacerations requiring stitches), Antoine Denmark (punched inmate while restrained and kicked and stomped inmate until he lost teeth), Onyonksi Perryman (beat inmate while handcuffed), Michael Darnell Oliver (struck inmate in the head with a baton and generally beat and stomped him), Reggie Dunning (pepper sprayed and struck with baton), Eric Lydell Stokes (beat inmate in retaliation for being called a name), and Terry Killingsworth (kicked and struck inmate with baton).

121. Due to the numerous beatings they administered to inmates, Gadson and Jenkins had reputations well beyond the prison walls for abusing inmates.

122. Physical abuse of inmates at Donaldson, both in the Hot Bay and elsewhere, was a daily or near-daily occurrence.

123. Accountability for inmate abuse at Donaldson, however, was virtually non-existent.

124. Givens, Caldwell, Johnson, Ellington, and Dunn were responsible for maintaining a culture of violence without accountability at Donaldson.

125. On April 2, 2019, the DOJ reported its findings to Dunn, who in turn reported to other ADOC managers, including Ellington, Loggins, Sides, and Mercado.

126. Thus, six months before the murder of Davis, Ellington, Loggins, Sides, Mercado, and Dunn, had formal notice of the systemic issues at its prisons.

127. Of course, ADOC management, including Ellington, Loggins, Sides, Mercado, and Dunn, as explained above, were already aware of the systemic issues identified by the DOJ.

128. ADOC management apparently considered them a feature and not a bug.

129. In any event, one might think that the threat of DOJ action might lead defendants to take action to remedy the systemic issues.

130. The DOJ findings had no impact.

131. And Steven Davis was murdered.

132. And the DOJ was forced to file suit to make ADOC comply with constitutional requirements.

133. According to the DOJ, the pattern of excessive force throughout the prison system existed since at least 2016, and ADOC managers “have repeatedly failed to take reasonable measures to prevent security staff from inflicting serious harm on prisoners at Alabama’s Prisons for Men, even in the face of the obvious and substantial risk that staff will inflict such harm and the multiple occasions on which staff have in fact inflicted such harm.” No. 2:20-cv-0971-RDP, Doc. 37, ¶¶ 148, 157; *see generally, id.* at ¶¶ 147-172, which plaintiff hereby incorporates by reference.

134. Defendant Dunn has had supervisory responsibility over ADOC since 2015, has been aware of these systemic deficiencies, has been aware of the excessive

force issues at Donaldson, has been aware that I&I was a broken cover up department, and has failed and refused to act.

135. The individual defendants acted with malice and/or with reckless indifference to Davis' constitutional rights.

Count I - 42 U.S.C. § 1983 - Excessive Force - Officer Defendants

136. As described above, on or about October 4, 2019, the individual correctional officer defendants, acting under color of law within the meaning of 42 U.S.C. § 1983, assaulted and battered Davis without justification, ultimately causing his death. These individual defendants did thereby deprive Davis of his rights under the Eighth Amendment to the Constitution of the United States in violation of 42 U.S.C. § 1983. Specifically, they violated Davis' right to be free from excessive force.

137. As a result of the conduct of defendants, Davis died.

Count II - 42 U.S.C. § 1983 - Excessive Force - Givens, Caldwell, and Johnson

138. As described above, acting with deliberate indifference, Givens, Caldwell, and Johnson encouraged excessive force by approving incidents of excessive force as within ADOC policy and by otherwise failing to hold accountable correctional officers under their supervision engaging in excessive force.

139. As a result of the conduct of defendants, Davis died.

Count III - 42 U.S.C. § 1983 - Excessive Force - Loggins, Sides, and Mercado

140. As described above, acting with deliberate indifference, Loggins, Sides, and Mercado encouraged excessive force by directly and indirectly encouraging I&I investigators to cover up excessive force incidents and by otherwise failing and refusing, despite knowledge that I&I investigators were preventing officers from being held accountable, to correct systemic issues related to the investigation of serious excessive force incidents.

141. As a result of the conduct of defendants, Davis died.

Count IV - 42 U.S.C. § 1983 - Excessive Force - Ellington

142. As described above, acting with deliberate indifference, defendant Ellington encouraged excessive force by failing to act, despite knowledge of a pattern of excessive force at Donaldson and in the Donaldson Hot Bay, and more generally in the northern region, to make sure officers engaging in excessive force were held accountable.

143. As a result of the conduct of defendant, Davis died.

Count V - 42 U.S.C. § 1983 - Excessive Force - Dunn

144. As described above, acting with deliberate indifference, defendant Dunn encouraged excessive force by failing to act, despite knowledge of a pattern of excessive force at Donaldson, in the Donaldson Hot Bay, in the northern region, and

more generally in the prison system.

145. As described above, acting with deliberate indifference, defendant Dunn encouraged excessive force by directly and indirectly encouraging I&I investigators to cover up excessive force incidents and by otherwise failing and refusing, despite knowledge that I&I investigators were preventing officers from being held accountable, to correct systemic issues related to the investigation of serious excessive force incidents.

146. As a result of the conduct of defendant, Davis died.

Other Matters

147. All conditions precedent to the bringing of this suit have occurred.

Relief Sought

148. As relief, plaintiff seeks the following:

- a. That plaintiff be awarded such compensatory damages as a jury shall determine from the evidence plaintiff is entitled to recover;
- b. That plaintiff be awarded against the individual defendants such punitive damages as a jury shall determine from the evidence plaintiff is entitled to recover;
- c. That plaintiff be awarded prejudgment and postjudgment interest at the highest rates allowed by law;
- d. That plaintiff be awarded the costs of this action, reasonable attorney's fees, and reasonable expert witness fees;
- e. That plaintiff be awarded appropriate declaratory and injunctive

relief; and

- f. That plaintiff be awarded such other and further relief to which plaintiff is justly entitled.

Dated: March 29, 2023.

Respectfully submitted,

s/ Henry F. (Hank) Sherrod III

Henry F. (Hank) Sherrod III

No. ASB-1200-D63H

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CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record.

s/ Henry F. (Hank) Sherrod III