

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**VLADIMIR STOJCEVSKI, Individually, and as  
Personal Representative of the Estate of DAVID  
STOJCEVSKI, deceased,**

**Plaintiff,**

**Case No.: 15-cv-11019  
Hon. Linda V. Parker  
Mag. David R. Grand**

**v**

**COUNTY OF MACOMB; SHERIFF ANTHONY  
M. WICKERSHAM, MICHELLE M. SANBORN,  
BARB CASKEY, LISA BINGHAM, DEPUTY  
LICAVOLI, DEPUTY M. MURPHY, DEPUTY  
JOHNSON, DEPUTY KEITH PETHKE,  
DEPUTY PAUL HARRISON, DEPUTY JOHN  
TALOS, DEPUTY WILLIAM MISANY,  
DEPUTY STEVEN MARSCHKE, DEPUTY  
MATTHEW SALAS, DEPUTY KELLY  
KULLMAN, DEPUTY WILLIAM HORAN,  
DEPUTY J. DEHATE, DEPUTY CAMPAU,  
DEPUTY KRUGER, DEPUTY PISZCZEK, SGT.  
PATRICK JOHNSON, various DEPUTY  
JOHN/JANE DOE's, CORRECT CARE  
SOLUTIONS, LLC, a foreign limited liability  
company; MONICA CUENY, TIFFANY  
DELUCA, KELLY MANN, CHANTALLE  
BROCK, DEEANN PAVEY, DANYELLE  
NELSON, MICAL BEY-SHELLEY, VICKY  
BERTRAM, HEATHER ERHLICH, MONICA  
FRANKS, JACLYN CUBANSKI, AMANDA  
BISHOP, LPN, CYNTHIA DEVIEW, RN,  
SARAH BREEN, KELLY MARIE HEDTKE,  
Psychologist, TEMITOPE OLADOKUN  
OLAGBAIYE, RN/NURSE PRACTITIONER,  
PRISCILLA PICKETT LPN, SUZANNE  
RYCHWALSKI LPN, DIXIE DEBENE, DINAL  
GOOD, GERMAIN FERRER, LPN THRESSA  
WILLIAMS, LINDA PARTON, AMBER  
BARBER, DR. LAWRENCE SHERMAN, and  
various JOHN/JANE DOE providers, Jointly and  
Severally,**

**Defendants.**

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**PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL**

NOW COMES Plaintiff, VLADIMIR STOJCEVSKI, Individually and as Personal Representative of the ESTATE OF DAVID STOJCEVSKI, Deceased, by and through his attorneys, IHRIE O'BRIEN by ROBERT D. IHRIE and HAROLD A. PERAKIS, and for their Complaint, states unto this Honorable Court as follows:

**GENERAL ALLEGATIONS**

1. Plaintiff, VLADIMIR STOJCEVSKI (hereinafter VLADIMIR), is the duly appointed Personal Representative of the ESTATE OF DAVID STOJCEVSKI, (hereinafter referred to as Estate) in Macomb County Probate Court, and is and was a resident of Macomb County in the State of Michigan, and brings this action on his own behalf and as Personal Representative of the ESTATE OF DAVID STOJCEVSKI.

2. At all times relevant to this lawsuit, Defendant, COUNTY OF MACOMB, (hereinafter MACOMB), is a political subdivision of the State of Michigan duly organized and carrying out governmental functions pursuant to the laws of Michigan, one of the functions being to organize, operate, staff and supervise its detention center commonly known as Macomb County Jail/Macomb County Correctional Facility.

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3. At all times relevant to this lawsuit, Defendant, SHERIFF ANTHONY M. WICKERSHAM (hereinafter WICKERSHAM), was the Sheriff of Macomb County and the policy maker for the Macomb County Jail/Macomb County Correctional Facility (hereinafter Macomb County Jail) and represented the ultimate repository of law enforcement power in the Macomb County Jail. Defendant Wickersham was acting within the scope of his employment and under color of state law in his official capacity and is being sued in his official capacity as policymaker and Sheriff, as well as in his individual capacity.

4. At all times relevant to this lawsuit, including but not limited to the dates of June 11, 2014 through June 27, 2014, Defendant WICKERSHAM had the charge and custody of the Macomb County Jail and formulated and oversaw policies, practices, regulations, protocols, and customs therein and had the authority for hiring, screening, training, supervising, and disciplining of deputies, corrections officers and medical staff.

5. At all times relevant to this lawsuit, including but not limited to the dates of June 11, 2014 through June 27, 2014, Defendant WICKERSHAM, Defendant COUNTY OF MACOMB, Defendant Michelle M. Sanborn (SANBORN), Defendant Barb Caskey (CASKEY) as Director of Macomb County Community Corrections , and Defendant Lisa Bingham (BINGHAM), as Supervisor of Community Service-MARCH within the Macomb County Community Corrections among other employees, representatives, and executives of Macomb County, were aware that : (a) there were over-crowding conditions in the Macomb County Jail requiring policy and practice changes that would reduce such over-crowding; (b) the Macomb County Jail had become the new asylum for mental health and substance abuse patients; and ( c) that many of Macomb County judges use the Macomb County Jail as a sobering institution for the inmates, such as Plaintiffs herein.

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6. At all times relevant to this lawsuit, including but not limited to the dates of June 11, 2014 through June 27, 2014, Defendant WICKERSHAM, Defendant COUNTY OF MACOMB, Defendant Michelle M. Sanborn (SANBORN), Defendant Barb Caskey (CASKEY) as Director of Macomb County Community Corrections , and Defendant Lisa Bingham (BINGHAM), as Supervisor of Community Service-MARCH within the Macomb County Community Corrections were acting within the scope of their employment and under color of state law in their official capacity and are being sued in their official capacity as Sheriff, Director, and Supervisor, as well as in their respective individual capacity.

7. At all times relevant to this lawsuit, including but not limited to June 11, 2014, through June 27, 2014, Defendant, Michelle M. Sanborn (SANBORN), was believed to be a resident of Macomb County in the State of Michigan and was the jail administrator and an employee of Macomb County.

8. At all times relevant to this lawsuit, Defendant Barb Caskey (CASKEY) was believed to be a resident of Macomb County in the State of Michigan and was Director of Macomb County Community Corrections and was an employee of Macomb County.

9. At all times relevant to this lawsuit, Defendant Lisa Bingham (BINGHAM) , was believed to be a resident of Macomb County in the State of Michigan and at all times pertinent hereto was the supervisor of Community Service-MARCH within the Macomb County Community Corrections and was an employee of Macomb County.

10. At all times relevant to this lawsuit, Defendants, Sheriff Deputies (first name unknown) LICAVOLI, M. MURPHY, (first name unknown) JOHNSON, KEITH PETHKE, PAUL HARRISON, JOHN TALOS, WILLIAM MISANY, STEVEN MARSCHKE, MATTHEW SALAS, KELLY KULLMAN, WILLIAM HORAN, J. DEHATE, (first name

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unknown) CAMPAU, (first name unknown) KRUGER, (first name unknown) PISZCZEK, SGT. PATRICK JOHNSON, and various DEPUTY JOHN/JANE DOE's to be specifically identified during litigation processes, are believed to be residents of Macomb County in the State of Michigan were deputies and employees of Macomb County.

11. At all times relevant to this lawsuit, Defendant, CORRECT CARE SOLUTIONS, LLC, (hereinafter CCS) is a foreign limited liability company licensed to do business in Michigan, with its principal place of business located in the State of Tennessee. At all times pertinent hereto, CCS was and is obligated by contract to provide managed healthcare, medical care, and/or mental health care to Macomb County Jail inmates generally, and to David Stocjevski, (hereinafter David) an inmate in said facility from June 11, 2014 through June 27, 2014, and Vladimir Stojcevski (hereinafter Vladimir), an inmate in said facility from June 11, 2014 to June 23, 2014. Upon information and belief, CCS helped to formulate the policies, procedures and staff training related to medical care and/or mental health care at the Macomb County Jail and to implement those protocols, and further, Defendant CCS's management, supervisors and/or executives were aware that : (a) there were over-crowding conditions in the Macomb County Jail requiring policy and practice changes that would reduce such over-crowding; (b) the Macomb County Jail had become the new asylum for mental health and substance abuse patients; and ( c) that many of Macomb County judges use the Macomb County Jail as a sobering institution for the inmates, such as Plaintiffs herein.

12. At all times relevant to this lawsuit, Defendants' medical and/or mental health clinicians and health care providers, MONICA CUENY, TIFFANY DELUCA, KELLY MANN, CHANTALLE BROCK, DEEANN PAVEY, DANYELLE NELSON, MICAL BEY-SHELLEY, VICKY BERTRAM, HEATHER ERHLICH, MONICA FRANKS, JACLYN LUBANSKI,

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AMANDA BISHOP, CYNTHIA DEVIEW, R.N., SARAH BREEN, KELLY MARIE HEDTKE, Psychologist, TEMITOPE OLADOKUN OLAGBAIYE, RN/NURSE PRACTITIONER, PRISCILLA PICKETT LPN, SUZANNE RYCHWALSKI LPN, DIXIE DEBENE, DINAL GOOD, GERMAINFERRER, THRESSA WILLIAMS, LINDA PARTON, AMBER BARBER and DR. LAWRENCE SHERMAN, and various JOHN/JANE DOE medical and/or mental health clinicians and health care providers to be specifically identified during litigation processes, are believed to be residents of Macomb County in the State of Michigan and were agents and/or employees of CCS and/or Macomb County, and provided nursing and/or medical and/or mental health services at the Macomb County Jail including, but not limited to, inmates such as the Plaintiffs, David and Vladimir Stojcevski.

13. At all times relevant to this lawsuit the individually named Defendants and/or JANE or JOHN DOES were employees of Macomb County, and/or CCS, acting within the scope of their employment.

14. This action arises under the United States Constitution and under the laws of the United States Constitution, particularly under the provisions of the Fourth, Eighth and Fourteenth Amendments of the United States Constitution and under the laws of the United States, particularly the Civil Rights Act, Title 42 of the United States Code, Sections 1983 and other rights afforded under State of Michigan and federal statutes and state and federal common law.

15. This cause of action arose in the City of Mount Clemens, County of Macomb, State of Michigan.

16. This Court has jurisdiction over this cause of action under the provisions of Title 28 of the United States Code, sections 1331, 1332 and 1342 and pendant jurisdiction over state claims that arise out of the nucleus of operative facts common to Plaintiff's federal claims.

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17. All of the acts of Defendants, through its employees and agents, as set forth, were done under the color and pretense of the statutes, ordinances, regulations, laws, customs, and usage of the State of Michigan, and were done by virtue of and under the authority of the Defendants as employees and agents.

18. Defendants Macomb County and CCS are responsible for, and do in fact, hire, train, supervise, instruct and assess daily performances of corrections officers, detention officers and nurses/medical/ and mental health staff of all grades in the performance of their duties.

19. At all times relevant hereto, Defendants MACOMB COUNTY, CCS, and Defendant WICKERSHAM, as well as Defendants MACOMB COUNTY and CCS management, directors and supervisors were aware of the ongoing deliberate indifference to the serious medical needs of Plaintiffs, and other inmates like Plaintiffs, by their employees, yet did nothing to stop such indifference to those needs inflicted upon Plaintiffs by their respective supervisors and employees.

20. The amount in controversy exceeds \$75,000.00, exclusive of Plaintiff's claims for costs, attorney fees, interest and punitive damages.

**SPECIFIC ALLEGATIONS REGARDING  
PLAINTIFF DAVID STOJCEVSKI, DECEASED**

21. Plaintiff restates and re-alleges the allegations contained in paragraphs 1 through 20 as though fully set forth herein.

22. On or about June 11, 2014, David Stojcevski, Deceased, was brought to the Macomb County Jail from the 39<sup>th</sup> District Court to serve a thirty (30) day jail sentence or pay \$772.00 for failing to appear on the civil infraction charge of Careless Driving.

23. Upon his arrival at the Macomb County Jail, David Stojcevski was pat-searched and stripped of their belongings by various Macomb County Sheriff deputies identified above individually or as John/Jane Doe deputies. Upon information and belief, videotapes of such actions

exist but Defendants WICKERSHAM and COUNTY OF MACOMB have failed to fully and completely satisfy a prior Freedom of Information Act (FOIA) request for such videos.

24. After David Stojcevski was booked, he underwent the intake/screening process, which consists of a question and answer interview session between the inmate and correction officer(s) and/or medical and/or mental health care clinicians, whereby certain documents were prepared by various named Defendant Deputies and/or John/Jane Doe deputies, as well as various named Defendant medical and/or mental health care clinicians or providers and/or JOHN/JANE DOE medical and/or mental health clinicians and health care providers, which include, but may not be limited to, the following:

- a. a Defendant CCS Authority to Act form dated June 11, 2014, assigning David Alan Arft to file a Medicaid Application on behalf of David Stojcevski;
- b. a CCS Receiving Screening form;
- c. a CCS Intake Nursing Interventions-COWS for Opiate Withdrawal (or for Poly-substance Withdrawal as directed by HCP);
- d. CCS Progress Note(s) all prepared by medical and/or mental health care clinicians; and
- e. a Scoring Sheet-COWS for Opiate Withdrawal (or for Poly-Substance Withdrawal as directed by HCP)

prepared and signed by above named Defendant CCS employees, and potentially other unidentified medical and/or mental health clinicians or providers identified here as Defendants John/Jane Doe.

25. Upon information and belief, the above-named documents include questions that are designed and intended to aid in the decisions of assigning temporary cell assignments,



appropriate supervisor levels within the facility, and to provide adequate medical and/or mental health care for the inmates.

26. Upon information and belief, completion of these documents requires: (a) direct interview between the inmates Vladimir and David Stojcevski and intake Deputies, other jail personnel, and medical and/or mental health care clinicians or providers; and (b) specific observation of the inmate, at the time of intake by the intake Deputies, other unidentified jail personnel, and medical and/or mental health care clinicians or providers.

27. All sections of the form are to be completed by asking the inmate specific listed questions, and gathering any other information that may be helpful in completing those forms.

28. During the initial processing of David by the various jail personnel, as well as CCS employees or agents, certain facts and determinations were reached by the jail personnel and CCS employees or agents, by way of conversations with David, including but not limited to:

- a. David's blood pressure was determined to be 120/84, his pulse rate was 97, respiratory rate was measured at 12, his temperature was 98.30, his weight was 195 pounds, and David had a Body Mass Index (BMI) of 28;
- b. David had been prescribed Methadone, 20 mg t.i.d. prior to incarceration, a fact that, upon information and belief was not verified or confirmed by jail personnel or CCS employees or agents through the MAPS system, or through communication with the pharmacies that prescribed such medication;
- c. David did have Medicaid Health Insurance;
- d. David had a potential for withdrawal, thereby resulting in a Clinical Opiate Withdrawal Scale (COWS) being initiated; assessments to be performed T.I.D. during a 24 hour period; with each assessment educational information

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was to be provided about opiate withdrawal; assessments (COWS) to be done prior to administration of any medication;

- e. By visual observation, David's body had an abrasion on the left elbow;
- f. As part of the COWS nursing interventions- contacting HCP (Health Care Provider) on-call immediately for any of the following: seizures; delirium; Patient appears dehydrated or otherwise clinically unstable;
- g. Suicide Potential Screening required no referral to MH (Mental Health) for suicide watch;
- h. Psychiatric Screening confirmed that there was no current psychotropic medications, no history of psychiatric hospitalization, and no history of outpatient mental health treatment;
- i. David's Current Mental Status included: Alert orientation, Affect appropriate, Logical thought processes, Speech Appropriate, Mood Appropriate, Activity Appropriate;\
- j. David currently smoked ½ package of cigarettes per day as he had done for past nine years.

29. On or about June 11, 2014 at 4:23 p.m., David was escorted to the medical office in booking to be screened by the nursing staff. Defendant TIFFANY DELUCA received information that David was taking the medication Methadone prescribed by a physician, which Defendant DELUCA failed to verify. Defendant DELUCA also recognized that David "showed obvious physical signs of drug abuse." At the conclusion of the medical receiving screening form Defendant DELUCA recommended placement of David in a Medical Detox Unit, and placed David on a detoxification setting/protocol.

30. Defendant DELUCA failed to perform an initial health assessment on David. The National Commission on Correctional Health Care (NCCHC) 2008 regulations, of which Defendants MACOMB COUNTY and CCS, and their supervisors and employees must abide for accreditation, specifically NCCHC J-E-04, requires that "all inmates receive an initial health assessment as soon as possible, but no later than 14 calendar days after admission to the facility, the individual health assessments include at a minimum: (a) a review of receiving screening results; (b) a qualified health care professional collecting additional data to complete the medical, dental and mental health histories taken at receiving screening and subsequent encounters; (c) a qualified health care professional recording of vital signs (including height and weight); (d) a physical examination performed by a physician, physician assistant, nurse practitioner or other practitioner as permitted by law; with the responsible physician documenting his or her review of other clinician's significant findings; (e) laboratory and/or diagnostic tests for communicable diseases, such as tuberculin skin test, unless there is documentation from the health department that the prevalence rate does not warrant it; (f) laboratory and/or diagnostic tests for disease, such as peak flow for asthmatics; and (g) immunizations when appropriate."

31. Defendant DELUCA failed to provide basic mental health services as required by NCCHC standard MH-G-01, which states: "Regardless of the facility's type or size, basic on-site outpatient services include at a minimum: (a) identification and referral on inmates with mental health needs; (b) crisis intervention services; (c) psychotropic medication management, when indicated; (d) individual counseling, group counseling, psychosocial/psychoeducational programs; and (e) treatment documentation and follow-up."

32. The COWS assessments were to be completed three times daily in a 24-hour time frame, and were initiated on or about June 11, 2014 at around 4:00 p.m., however, Defendant

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DELUCA failed to complete and/or document the initial assessment. The first documented assessment was on or about June 11, 2014, at around 8:00 p.m. by Defendant ERHLICH. Notwithstanding David's complaints of body/joint aches and stomach cramps, Defendant EHRlich failed to provide the ordered medications at that time.

33. On or about June 11, 2014, at around 10:22 p.m., Defendant EHRlich administered medications as part of COWS protocol, however Defendant EHRlich failed to complete a COWS assessment prior to administration of the medication, Acetaminophen for muscle cramps and Meclizine, for vomiting. Since the medications were given for complaints made 2 and ½ hours earlier, it is likely that the symptoms had worsened by then. Scoring prior to administration of the medications may have revealed that, at that point in time, David was in withdrawal.

34. On or about June 12, 2014, at around 5 a.m., Defendant EHRlich performed a COWS assessment. Nearly two hours later, Defendant EHRlich administered medications Acetaminophen, for muscle cramps, Loperamide, for diarrhea, and Meclizine, for vomiting without reassessing David according to protocol. Since the medications were given for complaints made 2 hours earlier, it is likely that the symptoms had worsened by then. Scoring prior to administration of the medications may have revealed that, at that point in time, David was in withdrawal.

35. Defendant DOE assessed David on 6/12/14 at around 1:00 p.m., but in spite of David's complaints, medication was not administered.

36. Defendant WILLIAMS assessed David on 6/12/14 at around 8:00 p.m., but in spite of David's complaints of discomfort, medication was not administered.

37. Defendant WILLIAMS assessed David on 6/12/14 at around 10:42 p.m., administered Acetaminophen for muscle cramps and Loperamide for diarrhea without first assessing David using the COWS scale. Also, the Loperamide given at this time (4mg) exceeded the ordered

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dose. The 4mg dose had been given earlier on this date and was a one-time order for this amount of medication. but in spite of David's complaints of discomfort, medication was not administered. Since the medications were given for complaints made 3 hours earlier, it is likely that the symptoms had worsened by then. Scoring prior to administration of the medications may have revealed that, at that point in time, David was in withdrawal.

38. On or about June 13, 2014, at around 5:00 a.m., Defendant WILLIAMS failed to complete the required assessment. The document is scribbled out and illegible.

39. On or about June 13, 2014, at around 11:23 a.m., Defendant BARBER administered Acetamenophen for muscle cramps and did not perform a COWS assessment prior to administration of the medication.

40. On June 14, 2014, Defendant PARTON failed to assess Daid at 5:00 a.m. Defendant PARTON did administer Acetaminophen for muscle cramps and Meclizine for nausea/vomiting at 5:28 a.m.

41. On June 14, 2014, at around 8:00 p.m. Defendant BARBER failed to perform a COWS assessment and mental health screen. Defendant BARBER documented "refused to come". Blood pressure and heart rate were not obtained.

42. Following a June 15, 2014 assessment at 1:00 p.m., Defendant PAVEY noted that David's detox was "complete", and the COWS assessments were discontinued.

43. On June 17, 2014 at 7:15 a.m., David was seen by medical staff, Defendant BEY-SHELLEY, Plaintiff David was "lying on bed twitching his eyes." Vital signs were obtained, but not recorded. Defendant Corrections Deputy LICAVOLI assisted patient to wheelchair where he was taken from the Detox Unit to ME05 for medical examination at 7:50 a.m.

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44. Sometime in the afternoon of June 17, 2014, Defendant Corrections Deputy CAMPAU filed a referral to mental health noting that David was "hallucinating talking to people that are not there and also stated that he died earlier today." David was then placed in MH01 on or about 3:48 p.m. on June 17, 2014.

45. On or about June 17, 2014, Defendant BERTRAM was called to David's housing unit with observations that David was "vaguely responsive". David was found sitting on the floor of MH01 and David was commenting that: "all his organs, but 10 percent of his heart was removed and his arms shredded a couple days ago, while David was in the jail." During that same interaction and conversation between Defendant BERTRAM and David, Defendant BERTRAM learned and became aware that before incarceration in the Macomb County Jail, David "was taking 4mg of Xanax daily for pain and oxycodones for pain."

46. Defendant BERTRAM did not notify the on-call HCP regarding the new finding of hallucinations and alteration in David's level of consciousness. Defendant BERTRAM also did not notify the physician regarding the new information obtained regarding the regular, daily use of Xanax and Oxycodone prior to incarceration.

47. Vital signs of David were obtained on June 17, 2014 around 8:00 p.m, and those included a blood pressure of 150/98, extremely high for David based on previously documented baseline, pulse rate of 77, respirations of 18 and a pulse ox of 99%

48. David was also observed by Defendant HARRISON "twitching on the floor " of MH01, and in response to the observations noted above, Defendant BREEN took David's vitals, which did not include his weight measurement, and "cleared" David.

49. On June 18, 2014 Defendant Nurse Supervisor CUENY performed a medical assessment on David, learned from David that "he took Klonopin 2-3 tabs at home for anxiety, that

it was prescribed, but he could not recall the name or location of the pharmacy." David also informed CUENY that he had previously been hospitalized for anxiety, but could not tell Defendant CUENY what hospital he had been in. Defendant CUENY discussed that assessment with Defendant DR. SHERMAN, but "no new orders were received at this time". Defendant CUENY recommended that David remain housed in "MH-high observation, continue with COW protocol as ordered".

50. Notwithstanding the above-cited information received directly from David on June 17, 2014 and June 18, 2014 by Defendant CUENY, Defendant BERTRAM, and Defendant DR. SHERMAN, and notwithstanding the observations by Defendants LICAVOLI, CAMPAU, and HARRISON, and potentially other unidentified jail personnel and Defendant CCS employees and agents, COW protocols were not commenced, medication was not ordered, and jail personnel noted above ignored David's pleas for necessary medical care and treatment.

51. On or before June 18, 2014, Defendant BROCK performed the Self Harm Watch/Mental Health Observation Initial Assessment, even though upon information and belief, Defendant BROCK's Master's Ltd. Psychologist License was "null and void".

52. Within Defendant BROCK's Assessment, Defendants' records required frequency of Self harm watch to be every fifteen minutes. Defendant BROCK's assessment also confirms that David was placed on HI observation watch "per officer" due to hallucinating and bizarre behavior, and that David was lying on lower bunk with rapid eye movement. Defendant BROCK did not complete the mental health assessment because David refused to engage with the staff.

53. On June 21, 2014, David specifically asked Defendant BROCK if he would be receiving the medication within the jail, Defendant BROCK informed David that the "medication has not been ordered at this time".

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54. Notwithstanding the clear knowledge cited above and confirmed in Defendants' records, regarding David's medications prescribed to him prior to incarceration, all of the named Defendants herein were so deliberately indifferent to David's mental health and medical needs, that the Defendants, named and unnamed in this litigation, monitored, watched and observed David spend the final ten days of his life suffering excruciating benzodiazepine withdrawal symptoms.

55. Notwithstanding the clear knowledge, cited above and confirmed in Defendants' own records, regarding David's medications prescribed to him prior to incarceration, all of the named Defendants herein were so deliberately indifferent to David's serious mental health and medical needs that not a single named or unnamed Defendant made one phone call or internet inquiry the State of Michigan MAPS data system, that would have readily informed all of the Defendants that David was indeed telling the truth about his need for the four medications prescribed for him in the months leading up to his incarceration—Methadone (opioid), Xanax (benzodiazepine), Klonopin (benzodiazepine), and Oxycodone (opioid).

56. Notwithstanding the afore-referenced knowledge, all Defendants who had treated Plaintiff did not re-institute a COWS protocol to include poly-substance withdrawal.

57. Instead of taking any of the actions cited above, the Defendants herein, whether identified at this time or not, chose individually and/or jointly, to intentionally, and with deliberate indifference to David's legitimate and serious medical and mental health needs, ignore those needs.

58. As Defendants' own records reflect, all of the Defendants, named or as yet unidentified, jointly and with deliberate indifference failed to act in any meaningful way to save David's life, until it was far too late for David to survive the ravages of benzodiazepine withdrawal, the cause of David's death.

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59. As Defendants' own records and videos demonstrate, Defendants watched David as his mental and medical health deteriorated so dramatically during the final ten days of his life in Defendants' jail, that David lost between 45 and 50 pounds of his 195 pound weight during the sixteen (16) days of his incarceration, a weight loss that Defendants knew or should have known was compromising David's ability to survive during Defendants' self-ordered 24 hour video monitoring of David from June 17, 2014 through June 27, 2014.

60. NCCHC (2008) Regulation MH-D-02 requires as essential medication services that "Inmates entering the facility on verifiable prescription medication, including methadone, continue to receive the medication in a timely fashion as prescribed, or acceptable alternate medications as clinically indicated".

61. Defendants' actions, as cited and identified above, and inactions demonstrated a clear violation of the afore-referenced Regulation MH-D-02, and establish said Defendants' deliberate indifference to David's serious mental and physical well being as David suffered numerous days of excruciating pain and misery caused by the visibly apparent symptoms of benzodiazapene withdrawal, that ultimately took his life.

62. NCCHC (2008) Regulation MH-G-04, under "Suicide Prevention Program" lists as a Compliance Indicator that "1. A suicide prevention program includes the following outcomes:...

d. potentially suicidal inmates, except when placed in isolated housing, are monitored on an irregular schedule with a frequency of no more than 15 minutes before checks. If, however, the potentially suicidal inmate is placed in isolation, constant observation is required."

63. Notwithstanding the above regulation, and notwithstanding Defendants' Macomb County and CCS's jointly prepared documents that specifically require a 15 minute frequency of observation, both Defendants' MACOMB COUNTY and CCS failed to provide any documentation

regarding the fifteen minute observations required by their own document and NCCHC regulations, such inactions establishing the individual Defendants cited above acted with intentional and deliberate indifference to the serious medical needs of Plaintiff, David Stojcevski.

64. Defendants' videos demonstrate David's excruciating pain and suffering, inflicted with deliberate indifference by Defendants during the many days prior to his June 27, 2014 death. Those videos will be placed in evidence as **Plaintiff's Exhibit 1**, to be attached hereto and made a part hereof by reference after instruction from this Court as to the proper and appropriate sealing of the video due to its graphic and private nature.

65. Defendants' knew or should have known of David's need for immediate and emergency medical care to tend to his serious medical needs from the date of his incarceration, June 11, 2014 until David died on June 27, 2014.

66. Defendants' deliberate indifference to David's constitutionally protected rights is further demonstrated by Defendants' **MACOMB COUNTY, WICKERSHAM, CASKEY** and Defendant **BINGHAM's** failure to meet their legal obligations to honor and implement a June 19, 2014 Amended Disposition Order from the 39<sup>th</sup> District Court whereby David was to be released upon his enrollment in the Community Corrections March Program, a program that allows for release of inmates such as David to perform community services in place of further jail incarceration.

67. By failing to meet their obligation to fully implement the afore-cited court order, Defendants cited above caused David to stay in the Macomb County Jail, contrary to the 39<sup>th</sup> District Court Amended Disposition Order allowing for David's release.

68. Despite clear and unequivocal knowledge of David's need for medication, his delicate medical condition and deteriorating mental state, the Defendants, named and unnamed,

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with deliberate indifference did not initiate or take proper precautions to protect David or to properly and adequately monitor David's physical health.

69. Defendants, and/or their employees and agents ignored David's symptoms and left him in the holding cell without further monitoring and/or assistance.

70. Defendants and/or their employees and agents were obligated to perform routine security checks on David as it relates to his prescription drug withdrawals.

71. On or about June 27, 2014, at approximately 5:20 p.m., Defendants found David struggling to breathe, and despite Defendants all-too-late and ineffective efforts to revive David, he was rushed by ambulance from Macomb County Jail to McLaren Regional Hospital in Mt. Clemens, Michigan. David's weight was measured at 145 pounds by the emergency medical technicians in the ambulance. David's confirmed weight loss during the 16 days of incarceration was between forty-five and fifty (50) pounds, a total weight loss of approximately twenty-five (25%) of his total body weight.

72. Merely one hour and thirty-five minutes after several Defendants responded to David's desperate condition, Defendant was pronounced dead at McLaren Regional Hospital at 6:55 p.m.

73. David's death certificate dated July 3, 2014, and amended on September 10, 2014 found that David's cause of death was "Acute Withdrawal from Chronic Benzodiazepine, Methadone and Opiate Medications", and that the approximate interval between onset of the cause of death and the death itself was "Weeks".

74. David's autopsy report reflects a final diagnosis and cause of death as: "Acute Withdrawal from Chronic Benzodiazepine, Methadone and Opiate Medications, Dehydration with hypernatremia, and Seizure/seizure-like activity".

**COUNT I:  
ESTATE OF DAVID STOJCEVSKI, DECEASED,  
VIOLATION OF 42 U.S.C. § 1983 AND THE  
8<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENTS OF THE UNITED STATES CONSTITUTION**

75. Plaintiffs restate and re-allege the allegations contained in paragraphs 1 through 74 as though fully set forth herein.

76. Plaintiffs restate and re-allege the allegations contained in paragraphs 1 through 83 as though fully set forth herein.

77. As a citizen of the United States and a resident of Macomb County Jail located in the State of Michigan, David was entitled to all rights, privileges and immunities accorded to all incarcerated citizens of the State of Michigan and of the United States.

78. At all times relevant hereto, all Defendants identified herein were acting within the course and scope of their employment with the County of Macomb and/or CCS and were acting under color of state law with the authority granted to them as corrections officers or correctional healthcare providers and/or managers and/or shift supervisors.

79. At all times relevant hereto, pursuant to the Eighth and Fourteenth Amendments of the United States Constitution, Plaintiff had a right to be free of cruel and unusual punishment and to receive proper and adequate medical care while incarcerated and under the custody and control of MACOMB COUNTY at the Macomb County Jail and under the supervision and control of the Defendants.

80. At all times relevant hereto, David had a right to adequate and sufficient medical care and treatment such that his medical and mental conditions would be protected, and that David's life would be preserved, and that David at all times would be free from needless unjustified and preventable pain, suffering and deterioration of their health and well-being.

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81. At all times relevant hereto, Defendants actions cited above evinced malice, recklessness, and a callous and deliberate indifference to David's federally protected rights to be free of cruel and unusual punishment and to medical care that adequately treated David's serious medical needs, knowingly allowed David to suffer through withdrawal symptoms, which ultimately resulted in his death, without adequate nourishment, fluids, without necessary medication, and without appropriate medical/mental health care, all of which combined in whole or in part to cause pain, suffering, deterioration of health and ultimately the death of David, that took place over the time frame noted above.

82. The Defendants cited above specifically and with deliberate indifference refused to provide the very basics of life to David during the time frame noted above, notwithstanding the Defendants knowledge of the obvious and excruciating pain being suffered by David during the throws of his benzodiazepine withdrawal that lasted throughout the time he was incarcerated.

83. The actions cited above violated a clearly established constitutional rights of which Defendants were aware or should have been aware, namely, inter alia, the long-established right to be free of cruel and unusual punishment and the right to medical care that adequately treated David's serious medical needs, previously identified by a physician who had prescribed medication for drug withdrawal symptoms.

84. The Defendants restricted David's access to a basic necessity to maintain his life, that being medication that had been specifically prescribed by his physician prior to incarceration.

85. The Defendants who had contact, whether by video surveillance or by personal contact with Plaintiff David, failed to communicate information to supervisors and others in charge of the care and custody of David concerning his medical and living conditions in his cell.

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86. The Defendants, who had contact, whether by video surveillance or by personal contact with Plaintiff David ignored facts that David was exhibiting obvious signs of withdrawal, starvation, and dehydration and kept David locked in his cell immediately prior to his death.

87. The actions of the Defendants cited above violated a clearly established constitutional right of which Defendants were aware or should have been aware, namely, inter alia, Plaintiffs right to adequate medical care and treatment for Plaintiff's serious medical needs.

88. The actions of the Defendants, created a substantial risk of harm to the health and safety of David.

89. The Defendants, on numerous occasions failed to obtain, summon or follow through with requests for medical care and treatment after observing obvious signs and symptoms of withdrawal, dehydration, and starvation/anorexia suffered by David.

90. David's health and well-being began to deteriorate as a result of withdrawal from medications as well as not receiving fluids and nourishment. The Plaintiff exhibited numerous symptoms of withdrawal, all of which were readily observable and visible to all Defendants during a minimum of ten days prior to David's death.

91. Many days prior, and shortly before David's death on June 27, 2014, David was experiencing a medical emergency, brought upon by the conditions identified above. The medical emergency manifested itself in the form, among other things, of anxiety, profound agitation and restlessness, suicide ideation, feelings of unreality, dysphoria, hot and cold spells, hallucinations, increased urinary frequency, loss of appetite and weight loss, anorexia, muscle spasms, cramps or fasciculations, perspiration, photophobia, rapid eye movement, delirium tremens, convulsions, unusual and incoherent behavior, and apathy.

92. During the time that David's health continued to deteriorate, the various Defendants, pursuant to the Eighth Amendment, were required to provide and/or obtain adequate medical care for David, including, but not limited to electrolyte replacement, increased fluid intake, increased salt intake, intravenous re-hydration, cardiac monitoring and/or hospitalization. To the contrary, however, the various Defendants with malice, recklessness and callous and deliberate indifference failed to provide or obtain care and treatment necessary to save David's life.

93. The actions and/or omissions of the various Defendants noted above constituted a deliberate indifference to the serious medical needs of David and demonstrate a reckless, willful and wanton disregard for the health and safety of David thereby denying Plaintiff the constitutional right to be free from cruel and unusual punishment as provided by the Eighth Amendment to the United States Constitution.

94. As the direct and proximate result of the actions and/or omissions of the Defendants, David suffered great physical pain, discomfort, loss of mental capacity, humiliation, degradation and suffering.

95. As the direct and proximate result of the actions and/or omissions of the Defendants, David suffered an excruciatingly painful and slow tortuous death on June 27, 2014.

96. As the direct and proximate result of the acts and/or omissions of the various Defendants, Plaintiff Estate has sustained and are entitled to compensation for the following damages, including, but not limited to:

- a. Reasonable medical, hospital, funeral, and burial expenses;
- b. Economic costs and/or damages (past, present and future);
- c. Loss of love;

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- d. Reasonable compensation for the conscious pain and suffering experienced by David while he was conscious during incarceration;
- e. Loss of financial support;
- f. Loss of service;
- g. Loss of gifts or other valuable gratitude's;
- h. Loss of sibling companionship and guidance;
- i. Loss of expected inheritance;
- j. Loss of society and companionship; and
- k. Any and all other damages identified through the course of discovery otherwise available under Michigan Wrongful Death Act, *MCLA* § 600.2922.

97. By the aforementioned actions and/or omissions, Defendants have deprived David of the rights secured by the Eighth and Fourteenth Amendment to the United States Constitution and of 42 U.S.C. § 1983.

WHEREFORE, Vladimir Stojcevski, as Personal Representative of the Estate of David Stojcevski, Deceased, respectfully requests that this Honorable Court enter judgment in Plaintiffs favor and against Defendants who had personal contact with Plaintiff, or who had visual contact with David through video observation, as follows:

- A. Compensatory non-economic and economic damages in excess of \$75,000.00, including but not limited to all damages recoverable under the United States Constitution and/or 42 U.S.C. § 1983 and/or the laws of the State of Michigan including but not limited to the Michigan Wrongful Death Act;
- B. Punitive damages;
- C. Reasonable attorney fees, costs and interest; and



D. Such other and further relief as appears reasonable and just under the circumstances.

**COUNT II:  
ESTATE OF DAVID STOJCEVSKI, DECEASED  
DENIAL OF MEDICAL TREATMENT  
FOR SERIOUS MEDICAL NEEDS**

98. Plaintiffs restate and re-allege the allegations contained in paragraphs 1 through 97 as though fully set forth herein.

99. At all times relevant hereto, Defendants, who had personal contact with Plaintiff, or who had visual contact with David through video observation, and Defendants WICKERSHAM, Defendant COUNTY OF MACOMB, Defendant Michelle M. Sanborn (SANBORN), Defendant Barb Caskey (CASKEY) as Director of Macomb County Community Corrections , and Defendant Lisa Bingham (BINGHAM), as Supervisor of Community Service-MARCH within the Macomb County Community Corrections among other employees, representatives, and executives of Macomb County, as alleged above were acting under color of statute, ordinances, regulations and/or customs of the State of Michigan, subjected David to a deprivation of his rights, privileges and immunities secured by the Constitution and laws of the United States and the State of Michigan.

100. Pursuant to 42 U.S.C. § 1983, as well as the Eighth and Fourteenth Amendments to the United States Constitution, Defendants WICKERSHAM, Defendant COUNTY OF MACOMB, Defendant Michelle M. Sanborn (SANBORN), Defendant Barb Caskey (CASKEY) as Director of Macomb County Community Corrections , and Defendant Lisa Bingham (BINGHAM), as Supervisor of Community Service-MARCH within the Macomb County Community Corrections among other as of yet unidentified employees, representatives, and executives of Macomb County, and the individually named Defendants owed David a duty to act prudently and with reasonable care, and to otherwise avoid cruel and unusual punishment.

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101. Defendant WICKERSHAM, Defendant COUNTY OF MACOMB, Defendant Michelle M. Sanborn (SANBORN), Defendant Barb Caskey (CASKEY) as Director of Macomb County Community Corrections , and Defendant Lisa Bingham (BINGHAM), as Supervisor of Community Service-MARCH within the Macomb County Community Corrections among other as of yet unidentified employees, representatives, and executives of Macomb County, and the individually named Defendants who had personal contact with Plaintiff, or who had video observance of David during his incarceration, deprived David of his clearly established rights, privileges and immunities in violation of the Fourth, Eighth and Fourteenth Amendments of the Constitution of the United States, and 42 U.S.C. § 1983.

102. Defendant WICKERSHAM, Defendant COUNTY OF MACOMB, Defendant Michelle M. Sanborn (SANBORN), Defendant Barb Caskey (CASKEY) as Director of Macomb County Community Corrections , and Defendant Lisa Bingham (BINGHAM), as Supervisor of Community Service-MARCH within the Macomb County Community Corrections among other as of yet unidentified employees, representatives, and executives of Macomb County, and Defendants, who had personal contact with Plaintiff, or who had video observance of David during his incarceration, owed duties to the County's inmates, particularly to David, to act prudently and with reasonable care in the formulation of its policies and procedures relative to providing him prompt and immediate medical treatment, as well as to train, test, evaluate, review and update their corrections officers, medical personnel, nursing staff, and mental health personnel so as to function in a reasonable manner and in conformity with the laws of the United States and of the State of Michigan relative to providing inmates and patients with necessary, life sustaining, and life saving treatment and care.

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103. Defendants CCS, MACOMB COUNTY, and Defendant WICKERSHAM, Michelle M. Sanborn (SANBORN), Defendant Barb Caskey (CASKEY) as Director of Macomb County Community Corrections, and Defendant Lisa Bingham (BINGHAM), as Supervisor of Community Service-MARCH within the Macomb County Community Corrections among other employees, representatives, and executives of Macomb County objectively knew that David was at high risk for the consequences of benzodiazepine withdrawal, including a high risk of death, by virtue of the following, including, but not limited to:

- a. Information received from David during his incarceration which confirmed that David had a highly significant risk of benzodiazepine withdrawal, and that he was dependent on medications to control his thoughts, mood and behavior;
- b. Defendants observations of David during 24-hour video monitoring of the numerous symptoms being suffered by David during the ten days prior to his death, all or most of which were easily identifiable as symptoms of benzodiazepine withdrawal, including, but not limited to, all of the symptoms identified in this Complaint;
- c. Defendants CCS, MACOMB COUNTY, WICKERSHAM, Michelle M. Sanborn (SANBORN), Defendant Barb Caskey (CASKEY) as Director of Macomb County Community Corrections, and Defendant Lisa Bingham (BINGHAM), as Supervisor of Community Service-MARCH within the Macomb County Community Corrections prior knowledge that: (1) there were over-crowding conditions in the Macomb County Jail requiring policy and practice changes that would reduce such over-crowding; (2) the Macomb

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County Jail had become the new asylum for mental health and substance abuse patients; and ( 3) that many of Macomb County judges use the Macomb County Jail as a sobering institution for the inmates, such as Plaintiffs herein.

d. Any other reasons which may become known during the course of discovery.

104. The conduct of Defendants, CCS, MACOMB COUNTY, WICKERSHAM, Michelle M. Sanborn (SANBORN), Defendant Barb Caskey (CASKEY) as Director of Macomb County Community Corrections , and Defendant Lisa Bingham (BINGHAM), as Supervisor of Community Service-MARCH within the Macomb County Community Corrections and the individually named corrections officers, medical staff, nursing staff, and mental health staff, all acting within the scope of their employment, exhibited a deliberate indifference to David's physical, mental and emotional health and serious medical needs, in violation of David's civil rights, and thereby imposed cruel and unusual punishment on David in violation of David's Eighth Amendment rights in the following ways:

- a. Failing to adequately screen and classify David;
- b. Falsifying documents;
- c. Failing to care for the basic medical and mental health needs of inmates, specifically David;
- d. Failing to confirm and procure David's prescribed medications;
- e. Failing to make a referral to the appropriate mental health services so that proper care and treatment could be administered to David;
- f. Failing to treat David's deteriorating mental/physical state by seeking immediate medical attention or to transfer him to a hospital/mental facility;

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- g. Failing to provide for appropriate and reasonable medical and/or mental treatment of inmates;
- h. Failing to provide an adequate number of deputies/correction officers/medical personnel/mental health personnel and nursing personnel for inmate supervision, due to Defendants knowledge of over-crowding issues noted above;
- i. Failing to screen deputies/correction officers/medical personnel/mental health personnel/nursing staff to confirm their competency and satisfactory performance, both before and after being engaged;
- j. Failing to monitor, train, discipline or control deputies/correction officers/medical personnel/mental health personnel/nursing staff after derelictions in their performance became known, or should have become known;
- k. Failing to refrain from intentionally denying or delaying access to appropriate medical care/mental health care/nursing care ;
- l. Acting with gross negligence, deliberate indifference or willful disregard of David's constitutional rights;
- m. Failing to readily identify David's excessive weight loss during his incarceration, and to respond accordingly; and
- n. Any and all other breaches that become known during the course of discovery.

105. As the direct and proximate result of the above cited violations of David's civil rights by Defendants, the Estate of David Stojcevski incurred and is entitled to compensation for the following damages, including, but not limited to:

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- a. Reasonable medical, hospital, funeral, and burial expenses;
- b. Economic costs and/or damages (past, present and future);
- c. Loss of love
- d. Extreme conscious pain and suffering undergone by David while he was incarcerated;
- e. Loss of financial support;
- f. Loss of service;
- g. Loss of gifts or other valuable gratitude's;
- h. Loss of sibling companionship and guidance;
- i. Loss of expected inheritance;
- j. Loss of society and companionship; and
- k. Any and all other damages identified through the course of discovery otherwise available under the Michigan Wrongful Death Act, *MCLA* § 600.2922.

WHEREFORE, Vladimir Stojcevski, as Personal Representative of the Estate of David Stojcevski, Deceased, respectfully requests that this Honorable Court enter judgment in the Estate's favor and against Defendants, for the following relief:

- A. Compensatory non-economic and economic damages in excess of \$75,000.00, including but not limited to all damages recoverable under the United States Constitution and/or 42 U.S.C. § 1983 and/or the laws of the State of Michigan including but not limited to the Michigan Wrongful Death Act;
- B. Punitive damages;
- C. Reasonable attorney fees, costs and interest; and

D. Such other and further relief as appears reasonable and just under the circumstances.

**COUNT III:  
ESTATE OF DAVID STOJCEVSKI, DECEASED  
GROSS NEGLIGENCE, INTENTIONAL, WILLFUL AND WANTON CONDUCT**

106. Plaintiffs restate and re-allege the allegations contained in paragraphs 1 through 105 as though fully set forth herein.

107. At all times relevant hereto, David and Vladimir were incarcerated at the Macomb County Jail and at all times the individual Defendants identified above, or who had personal contact with Plaintiff David, or by way of visual observation, were acting and/or interacting with David within the scope of their employment as employees and/or agents of MACOMB COUNTY, at the Macomb County Jail.

108. At all times relevant hereto, the Michigan Constitution, Michigan statutes and/or Michigan common law, and the special relationship that existed between David and the Defendants, required Defendants to provide David and Vladimir adequate medical care, mental health care, and nursing care or treatment and to act with ordinary care for the safety of David.

109. Defendants identified above who had personal contact with Plaintiff David, or by way of visual observation had contact with him, breached their duties by acting with gross negligence, as defined in MCL 691.1407(2)(c), and with recklessness, intentionality, and willful wantonness and deliberate indifference as to whether harm to David would result by:

- (A) keeping David in a cell or holding area without adequate nourishment, fluids or means of re-hydration, and without providing medication that would prevent or limit withdrawal symptoms as suffered by David, all of which, in whole or in part and in combination with Defendants actions detailed in this Complaint, caused serious harm, excruciating pain and suffering, and death to David; and

110. At all times relevant hereto, the individually named Defendants were grossly negligent in one or more of the following ways:

- a. Failing to adequately screen and classify David;
- b. Falsifying documents;
- c. Failing to care for the basic medical and mental health needs of inmates, specifically David;
- d. Failing to confirm and procure David's prescribed medications;
- e. Failing to make a referral to the appropriate mental health services so that proper care and treatment could be administered to David;
- f. Failing to treat David's deteriorating mental/physical state by seeking immediate medical attention or to transfer him to a hospital/mental facility;
- g. Failing to provide for appropriate and reasonable medical and/or mental treatment of inmates;
- h. Failing to provide an adequate number of deputies/correction officers/medical personnel/mental health personnel and nursing personnel for inmate supervision;
- i. Failing to screen deputies/correction officers/medical personnel/mental health personnel/nursing staff to confirm their competency and satisfactory performance, both before and after being engaged;
- j. Failing to monitor, train, discipline or control deputies/correction officers/medical personnel/mental health personnel/nursing staff after derelictions in their performance became known, or should have become known;

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- k. Failing to refrain from intentionally denying or delaying access to appropriate medical care/mental health care/nursing care ;
- l. Acting with gross negligence, deliberate indifference or willful disregard of David's and Vladimir's constitutional rights, as stated herein;
- m. Failing to readily identify David's excessive weight loss during his incarceration, and to respond accordingly; and
- n. Any and all other breaches that become known during the course of discovery.

111. As the direct and proximate result of the above cited violations of David's civil rights by Defendants, the Estate of David Stojcevski has sustained and is entitled to compensation for the following damages, including, but not limited to:

- a. Reasonable medical, hospital, funeral, and burial expenses;
- b. Economic costs and/or damages (past, present and future);
- c. Loss of love
- d. Extreme conscious pain and suffering undergone by David and Vladimir while he was incarcerated;
- e. Loss of financial support;
- f. Loss of service;
- g. Loss of gifts or other valuable gratitude's;
- h. Loss of sibling companionship and guidance;
- i. Loss of expected inheritance;
- j. Loss of society and companionship; and

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- k. Any and all other damages identified through the course of discovery otherwise available under the Michigan Wrongful Death Act, *MCLA* § 600.2922.

WHEREFORE, Vladimir Stojcevski, as Personal Representative of the Estate of David Stojcevski, Deceased, respectfully requests that this Honorable Court enter judgment in his favor and against Defendants, for the following relief:

- A. Compensatory non-economic and economic damages in excess of \$75,000.00, including but not limited to all damages recoverable under the United States Constitution and/or 42 U.S.C. § 1983 and/or the laws of the State of Michigan including but not limited to the Michigan Wrongful Death Act;
- B. Punitive damages;
- C. Reasonable attorney fees, costs and interest; and
- D. Such other and further relief as appears reasonable and just under the circumstances.

**COUNT IV:  
ESTATE OF DAVID STOJCEVSKI  
FAILURE TO TRAIN, INADEQUATE POLICIES AND/OR PROCEDURES,  
CUSTOMS AND PRACTICES AND FAILURE TO SUPERVISE -  
DELIBERATE INDIFFERENCE - MACOMB COUNTY AND WICKERSHAM**

112. Plaintiffs restate and re-allege the allegations contained in paragraphs 1 through 111 as though fully set forth herein.

113. Pursuant to 42 U.S.C. § 1983, as well as the Fourth and Fourteenth Amendments to the United States Constitution, Defendants CCS, MACOMB COUNTY, WICKERSHAM, Michelle M. Sanborn (SANBORN), Defendant Barb Caskey (CASKEY) as Director of Macomb County Community Corrections, and Defendant Lisa Bingham (BINGHAM), as Supervisor of Community Service-MARCH within the Macomb County Community Corrections owed David

certain duties to properly supervise, monitor and train its correctional officers, medical staff, nursing staff, and mental health staff so as to monitor and supervise the jail's inmates so that they would detect serious medical conditions and facilitate prompt and immediate medical, nursing, or mental health attention and/or transport to a hospital Emergency Room.

114. That Defendants CCS, MACOMB COUNTY, WICKERSHAM, Michelle M. Sanborn (SANBORN), Defendant Barb Caskey (CASKEY) as Director of Macomb County Community Corrections, and Defendant Lisa Bingham (BINGHAM), as Supervisor of Community Service-MARCH within the Macomb County Community Corrections, in their representative and official capacities, have implemented and maintained various illegal customs and policies, including but not limited to:

- (1) tolerating the improper training and supervision of their employees, agents and representatives;
- (2) having full knowledge that the long-standing "over-crowding" existing in the Macomb County Jail was causing reduced staffing and budgeting within the Jail, and failing to remedy such long-standing problem;
- (3) hiring of unlicensed and incompetent staff, or allowing the hiring of incompetent or unlicensed staff by Defendant CMS to provide sufficient medical and mental health care to Plaintiff and other inmates with serious medical or mental health needs associated with mental illnesses and/or substance abuse;
- (4) long-standing tolerance of or acquiescence to federal rights violations by employees of Defendant Macomb County and Defendant CMS related to the care, or lack of care, of inmates, including Plaintiff David Stojcevski, who are incarcerated

at a time when they are suffering from serious medical needs related to mental illness or substance abuse;

(5) long-standing tolerance of or acquiescence to allowing employees and representatives of the Macomb County Community Corrections to make independent decisions, contrary to standing court orders, that resulted in the constitutional violation of over-detention of inmates, including Plaintiff David Stojcevski;

(6) long-standing tolerance of or acquiescence to Defendants' employees and staff failure to observe and document such observations in the 15 minute Self Harm Observation protocol;

(7) long-standing tolerance of or acquiescence to Defendants' employees and staff refusal to provide medications as prescribed by inmates' physicians before said inmates were incarcerated, contrary to the previously stated NCCHC standards;

(8) long-standing tolerance of or acquiescence to Defendants' employees and staff failure to provide "hands-on" medical and mental health assessments, resulting in "walk-by" assessments of inmates, including Plaintiff David Stojcevski that provides no useful medical or mental health assessment tools to assist in meeting the serious medical and mental health needs of inmates, including Plaintiff David Stojcevski;

(9) long-standing tolerance of or acquiescence to Defendants' employees and staff preparing incomplete assessments;

(10) long-standing tolerance of or acquiescence to untimely referrals of inmates for medical and/or mental health assessments;

(11) long-standing tolerance of or acquiescence to a group-think mentality within the employment and staff ranks of Defendants Macomb County and CCS, that

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inmates, such as David Stojcevski, are “faking” symptoms for an alleged secondary gain, as opposed to fulfilling the goals enunciated and enumerated in the NCCHC, 2008 Edition, of Standards for Health Services in Jails, Appendix A;

(12) long-standing policy of tolerating the over-crowding in the Macomb County Jail, knowing that such over-crowding promotes and often-times is the direct cause of constitutional violations against jail inmates, including Plaintiffs herein.

(13) long-standing policy of tolerating Defendants’ staffs failure to document vital signs and failure to individualize daily medical and/or mental health assessments; and

(14) long-standing policy of tolerating or acquiescing to Defendants’ staffs failure to provide for continuity of care of inmates being incarcerated, including David herein, as required by NCCHC (2008) Rule MH-D-02; and

(15) long-standing policy of acquiescing to CCS staff’s failure to complete a COWS assessment prior to administration of the medication.

115. Defendants CCS, MACOMB COUNTY, WICKERSHAM, Michelle M. Sanborn (SANBORN), Defendant Barb Caskey (CASKEY) as Director of Macomb County Community Corrections , and Defendant Lisa Bingham (BINGHAM), as Supervisor of Community Service-MARCH within the Macomb County Community Corrections are not protected by governmental immunity when following policies as stated above that deprives individuals of their constitutional rights. *Monell v N.Y. City Dep’t of Soc. Servs.*, 436 U.S. 658, 694-95 (1978).

116. That Defendants CCS, MACOMB COUNTY, WICKERSHAM, Michelle M. Sanborn (SANBORN), Defendant Barb Caskey (CASKEY) as Director of Macomb County Community Corrections , and Defendant Lisa Bingham (BINGHAM), as Supervisor of Community Service-MARCH within the Macomb County Community Corrections were aware of previous

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incidents where individuals who were incarcerated at the Macomb County Jail were not afforded proper medical treatment, mental health treatment, and/or nursing care, specifically as to mental health referrals, observations and adequate care for inmates withdrawing from various medications and drugs, or were over-detained by reason of the actions of the Macomb County Community Corrections officials or employees.

117. That Defendants CCS, MACOMB COUNTY, WICKERSHAM, Michelle M. Sanborn (SANBORN), Defendant Barb Caskey (CASKEY) as Director of Macomb County Community Corrections, and Defendant Lisa Bingham (BINGHAM), as Supervisor of Community Service-MARCH within the Macomb County Community Corrections were aware of some, or all of the customs and practices cited above, and of customs and practices of correction officers/deputies and/or medical staff and/or mental health staff and/or nursing staff failing to gather necessary and easily accessed information regarding inmates prescribed use of medications prior to incarceration at the Macomb County Jail, including the failure of Defendant Macomb County Jail personnel to use the Michigan Automated Prescription System On-line verification tool readily available to all law enforcement agencies, including Defendant MACOMB COUNTY and Defendant WICKERSHAM.

118. The Defendants owed David the following and duties and obligations:

- a. To use due care and caution;
- b. To adequately and properly promulgate guidelines and policies that comply with the requirements of 42 U.S.C. § 1983 regarding the incarceration of inmates and the supervision of inmates, especially those who are mentally and emotionally and physically unstable, or those who are taking prescribed

medication for pre-existing drug-dependency conditions, psychiatric or psychological problems;

- c. To adequately and properly train and supervise deputies and employees, agents or representative of the Macomb County Jail under their supervision on the proper method of supervising prisoners and providing for their medical needs and on effectively controlling prisoners who have or are suspected of suffering from pre-existing drug-dependency conditions requiring medications, or who are suffering psychological or psychiatric problems;
- d. To adequately and properly train and supervise deputies and employees, agents or representatives of the Macomb County Jail under their supervision on the proper method of assessing the difference between real and actual symptoms of benzodiazapene withdrawal and false or "fake" symptoms of such withdrawal; and
- e. To avoid hiring or selecting individuals who it knows or should know are incapable of performing their responsibilities or who are likely to misuse or abuse the power conferred on them as employees of the Macomb County Jail, or who are so deliberately indifferent to inmates medical and mental health conditions so as to make rash and irresponsible conclusions without basis in fact pertaining to inmates presented symptoms.
- f. To not tolerate clear and consistent violations of accrediting standards, inter alia, cited herein and promulgated by the National Commission on Correctional Health Care; and

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- g. To not create by action or inaction, the afore-referenced customs and policies that would lead to violations of inmates constitutional rights, as enumerated herein.

119. That Defendants breached these duties via their policies, procedures, regulations, customs and/or lack of training and thus exhibited a reckless indifference toward its prisoners and David specifically, in the following ways, including, but not limited to:

- a. Defendants' failure to staff the jail with competent medical personnel so that a mental health professional;
- b. Defendants' failure to monitor their correctional officers and medical personnel to ensure that they adequately monitor and supervise inmates who have serious medical needs;
- c. Defendants' failure to have proper policies and procedures, and training to deal with inmates in the observation cell and ensure that the policies and/or procedures are followed, which include serial examinations by competent and licensed medical, nursing and mental health personnel like registered nurses (RN), psychologists and/or Doctors, as well as its failure to ensure the correctional officers, mental health staff, and nursing staff conduct timely and adequate rounds and record their observations of the inmates every 15 minutes as required by their own policies and/or procedures;
- d. Defendants' failure to require that a nurse, doctor or mental health Professional perform a full and complete examination of a prison held in a medical observation cell, at least once per day;



- e. Defendants' failure to have proper policies and procedures, and training to deal with the potential of Macomb County and CCS employees from adopting an institutionalized "group think" mentality in the custody and care of inmates who require unique and adequate care, such as David required in this matter;
- f. Defendants' failure to have proper policies and procedures in place to deal with jail overcrowding in the high observation units of the facility;
- g. Defendants' failure to fully investigate and discipline its correctional officers and/or medical/mental health personnel who do not abide by its policies and procedures relative to providing medical care and/or mental health care for serious conditions;
- h. All other breaches learned through the course of discovery.

120. That Defendants trained their officials and/or employees and agents in such a reckless and grossly negligent matter, that it was inevitable that the officials would provide such inadequate care to an inmate such as David, in a monitored cell, such that Defendants' employees would watch David die a slow and painful death caused by benzodiazepine withdrawal, and associated symptoms, all of which were, or should have been obvious to Defendants' employees and agents, and which were so obvious as to make it readily apparent to any well-trained corrections officers, nursing staff, medical staff, or mental health staff that David was indeed exhibiting signs of a fatal withdrawal from prescribed benzodiazepene medications.

121. The failure of the Defendants to provide training and supervision regarding the proper care of inmates amounts to deliberate indifference to the safety and lives, and serious medical and mental health needs, of the inmates in the Macomb County Jail and particularly David.

122. Defendants CCS, MACOMB COUNTY, WICKERSHAM, Michelle M. Sanborn (SANBORN), Defendant Barb Caskey (CASKEY) as Director of Macomb County Community Corrections, and Defendant Lisa Bingham (BINGHAM), as Supervisor of Community Service-MARCH within the Macomb County Community Corrections are supervisory officials who knew, or in the exercise of reasonable care, should have known that individual prison officials had engaged in misconduct and other violations of the constitutional rights of prison inmates at the Macomb County Jail, more specifically David, as identified herein.

123. Despite knowledge of its aforesaid customs, patterns and practices, the Defendants failed to properly investigate the improper practices and to supervise and train the prison officials at the Macomb County Jail.

124. Defendants developed a "hands off" policy or custom with regard to the omissions of individual prison officials which encouraged the individual officials to believe they could violate the constitutional rights of David with the explicit or tacit approval of the Defendants herein.

125. Defendant Macomb County and Wickersham, acting under color of state law, authorized, tolerated, ratified, permitted, or acquiesced in the creation of policies, practices, and customs, as listed above, establishing a de facto policy of deliberate indifference to Plaintiffs' constitutionally protected rights.

126. As a direct and proximate result of the above cited violations of David's civil rights by Defendants, and as a direct and proximate result of these policies, practices, and customs, the Estate of David Stojcevski has sustained and is entitled to compensation for the following damages, including, but not limited to:

- a. Reasonable medical, hospital, funeral, and burial expenses;
- b. Economic costs and/or damages (past, present and future);

- c. Loss of love
- d. Extreme conscious pain and suffering undergone by David while he was incarcerated;
- e. Loss of financial support;
- f. Loss of service;
- g. Loss of gifts or other valuable gratuities;
- h. Loss of sibling companionship and guidance;
- i. Loss of expected inheritance;
- j. Loss of society and companionship; and
- k. Any and all other damages identified through the course of discovery otherwise available under the Michigan Wrongful Death Act, *MCLA* § 600.2922.

WHEREFORE, Vladimir Stojcevski, as Personal Representative of the Estate of David Stojcevski, Deceased, respectfully requests that this Honorable Court enter judgment in Plaintiff Estate's favor and against Defendants, for the following relief:

- A. Compensatory non-economic and economic damages in excess of \$75,000.00, including but not limited to all damages recoverable under the United States Constitution and/or 42 U.S.C. § 1983 and/or the laws of the State of Michigan including but not limited to the Michigan Wrongful Death Act;
- B. Punitive damages;
- C. Reasonable attorney fees, costs and interest; and
- D. Such other and further relief as appears reasonable and just under the circumstances.

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**SPECIFIC ALLEGATIONS REGARDING PLAINTIFF VLADIMIR STOJCEVSKI**

127. Plaintiff restates and re-alleges the allegations contained in paragraphs 1 through 126 as though fully set forth herein.

128. During the initial processing of Vladimir by the various jail personnel, including Defendant DELUCA, CCS employee, certain facts and determinations were reached by the jail personnel and CCS employees or agents, by way of conversations with Vladimir, including but not limited to:

- a. Vladimir's blood pressure was determined to be 110/84, his pulse rate was 64, respiratory rate was measured at 12, his temperature was 98.30, his height was 5' 6", and his weight was 165 pounds;
- b. Vladimir had been prescribed Neurontin 600 mg TID, Klonopin 2mg TID, and Norco 5/325 mg (one) prior to incarceration, facts that were verified by jail personnel or CCS employees or agents;
- c. Vladimir did not have Health Insurance;
- d. Vladimir was placed in Holding Cell No. 3 (HC3), was then transferred to a room commonly known as the "day room" for approximately 2 days, and on or about June 14, 2014 was placed in the Detoxification Unit of the Macomb County Jail, Detoxification Cell No. 2 (DC02);
- e. Suicide Potential Screening required no referral to MH (Mental Health) for suicide watch;
- f. Vladimir's Mental Status included: Alert orientation, Affect appropriate, Logical thought processes, Speech Appropriate, Mood appropriate, Activity appropriate, and no Hallucinations. During the initial processing of Plaintiff

Vladimir by various jail personnel, as well as CCS employees or agents, certain facts and determinations were reached by the jail personnel and CCS employees or agents, by way of conversations with Vladimir, including but not limited to:

129. Upon information and belief, Vladimir was placed in Holding Cell No. 3, (HC-3) in the Jail booking area for approximately 2 days, at which time Vladimir was transferred to Detoxification Unit Cell No. 2 on or about June 13, 2014. Vladimir's housing assignment remained in the Detoxification Unit until June 16, 2014.

130. From on or about June 11, 2014 through June 15, 2014 Vladimir had seizures accompanied by vomiting spells and bowel incontinence. By June 19, 2014, due to the Defendants' failures to make available outside medical care for Vladimir's serious medical needs, Plaintiff Vladimir Stojcevski lost 29 pounds during the eight days of incarceration to that time.

131. On June 22, 2014, Plaintiff Vladimir was complaining of a "racing" heart beat. Defendant Bertram does not contact the physician. The blood work that was supposed to be done on June 20, 2014, which was finally done on June 23, 2014 showed a decreased potassium level of 3.3.

132. Notwithstanding Vladimir's numerous requests to be allowed to clean himself, and to examine his lower extremity for injury or disease, various Defendant CCS employees and Macomb County jail personnel, as of yet unidentified, refused to allow Vladimir to properly wash his lower extremity and behind, and refused Vladimir adequate medical care, the refusals evincing the Defendants' deliberate indifference to Vladimir serious medical needs being exposed to a substantial risk of physical and mental harm related to Defendants refusals noted above.

133. Vladimir had a known history of seizures with recent hospitalization for seizures. Upon incarceration, Defendants knew and verified that Vladimir had been prescribed Neurontin 600 mg. TID for control of his seizures.

134. Defendant SHERMAN, with the above mentioned knowledge, chose to prescribe a less expensive medication, Dilantin. Although Dilantin is a medication that also controls seizures, Defendant SHERMAN failed to appropriately determine the correct dosage for David and failed to prescribe a loading dose for this new medication, contrary to previously cited NCCHC regulations, care, and to cleanse his body to remove the vomit and feces from his upper and lower extremities, Vladimir suffered physical and mental injury, great indignity, embarrassment, and ridicule within the Macomb County Jail from inmates, as well as Defendants' employees and agents.

135. Upon initial screening, Vladimir denied the use of alcohol. Notwithstanding this documented knowledge, Defendants placed Vladimir on an alcohol withdrawal protocol and began giving him Librium to combat the effects of the withdrawal. Defendants failed to recognize that Vladimir was exhibiting signs and/or symptoms of withdrawal from his seizure medication, Neurontin.

136. For several days, and as a result of being refused the very basic request for medical care, and to cleanse his body to remove the vomit and feces from his upper and lower extremities, Vladimir suffered physical and mental injury, great indignity, embarrassment, and ridicule within the Macomb County jail inmates, as well as Defendants' employees and agents, as of yet unidentified, due to the dried, caked-on, or left over feces caused by Defendants' refusal to allow Plaintiff to cleanse himself.

137. On or about June 23, 2014, Defendants heeded Vladimir's numerous and long-standing requests for medical care, and Defendant WICKERSHAM and Defendant CCS decided

to release Vladimir from the jail on June 23, 2014 to the McLaren Regional Hospital for medical examination, many days after Vladimir demonstrated a need to attend to his serious medical needs that could only be performed in a hospital setting. Upon admission to the hospital, Plaintiff Vladimir Stojcevski was suffering from:

- a. Systemic inflammatory response syndrome criteria with possible sepsis;
- b. Acute peritoneal cellulitis;
- c. Muscular edema secondary to infection versus inflammation of the bilateral gluteus maximus muscle group;
- d. Acute encephalopathy, non-specific etiology;
- e. Possible rectal mucosal tear secondary to anal trauma;
- f. Leukocytosis (increased white blood cell count);
- g. Acute intractable rectal and abdominal pain;
- h. Sacral wound; and
- i. Mild hypokalemia (low potassium).

**COUNT V:**

**VLADIMIR STOJCEVSKI VIOLATION OF 42 U.S.C. § 1983 AND THE 8<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENTS OF THE UNITED STATES CONSTITUTION**

138. Plaintiffs restate and re-allege the allegations contained in paragraphs 1 through 137 as though fully set forth herein.

139. Plaintiffs restate and re-allege the allegations contained in pa as though fully set forth herein.

140. As a citizen of the United States and a resident of Macomb County Jail located in the State of Michigan, Vladimir was entitled to all rights, privileges and immunities accorded to all incarcerated citizens of the State of Michigan and of the United States.

141. At all times relevant hereto, all Defendants identified herein were acting within the course and scope of their employment with the County of Macomb and/or CCS and were acting under color of state law with the authority granted to them as corrections officers or correctional healthcare providers and/or managers and/or shift supervisors.

142. At all times relevant hereto, pursuant to the Eighth and Fourteenth Amendments of the United States Constitution, Plaintiff Vladimir had a right to be free of cruel and unusual punishment and to receive proper and adequate medical care while incarcerated and under the custody and control of MACOMB COUNTY at the Macomb County Jail and under the supervision and control of the Defendants.

143. At all times relevant hereto, Vladimir had a right to adequate and sufficient medical care and treatment such that his medical and mental conditions would be protected, and that he would be free from needless unjustified and preventable pain, suffering and deterioration of his health and well-being.

144. At all times relevant hereto, Defendants actions cited above evinced malice, recklessness, and a callous and deliberate indifference to Vladimir's federally protected rights to be free of cruel and unusual punishment and to medical care that adequately treated Vladimir's serious medical needs, previously identified by a physician who had prescribed medication for drug withdrawal symptoms.

145. The Defendants cited above specifically and with deliberate indifference refused to provide the very basics of life to Vladimir, the right to proper and sufficient hygiene during the time frame noted above, notwithstanding the Defendants knowledge of the obvious and excruciating pain and humiliation being suffered by Vladimir due to the infections caused by the unsterile conditions of confinement to which Defendants subjected Vladimir.



146. The actions cited above violated a clearly established constitutional rights of which Defendants were aware or should have been aware, namely, inter alia, the long-established right to be free of cruel and unusual punishment, the right to medical care that adequately treated Vladimir's serious medical needs through the use of previously prescribed medications; and the right to be free from a confinement that denied Vladimir the minimal civilized measure of life's necessities.

147. The Defendants restricted Vladimir's access to a basic necessity to maintain his life, that being medication that had been specifically prescribed by his physician prior to incarceration, as well as being afforded sufficient hygiene to protect against physical as well as mental pain and injury.

148. The Defendants who had contact with Plaintiff Vladimir, failed to communicate information to supervisors and others in charge of the care and custody of Vladimir concerning his medical and living conditions in his cell.

149. The Defendants who had contact with Plaintiff Vladimir ignored facts that he was exhibiting obvious signs of withdrawal, starvation, and dehydration and kept Vladimir locked in his cell, not allowing him to cleanse himself of the vomit and fecal matter resulting from his seizures.

150. The actions of the Defendants cited above violated a clearly established constitutional right of which Defendants were aware or should have been aware, namely, inter alia, Plaintiff's right to adequate medical care and treatment for Plaintiff's serious medical needs, as well as Plaintiff's right to proper hygiene to avoid infection and disease.

151. The actions of the Defendants, created a substantial risk of harm to the health and safety of Vladimir, as demonstrated by the numerous ailments suffered by Plaintiff when he was admitted to McLaren Hospital on or about June 23, 2014.

152. The Defendants, on numerous occasions failed to obtain, summon or follow through with requests for medical care and treatment after observing obvious signs and symptoms of withdrawal, dehydration, and starvation suffered by Vladimir during his incarceration, as evidenced by a 29 pound weight loss within eight (8) days of his incarceration.

153. Vladimir's health and well-being also suffered by reason of him being unable to consume sufficient nutrition during the time that Defendants did not allow him to cleanse himself.

154. Many days prior to Vladimir's admission to the hospital, Vladimir was suffering injuries that were, or should have been, apparent to the Defendants, but Defendants did nothing but wait until the injuries required outside medical care.

155. During the time that Vladimir's health continued to deteriorate, the various Defendants, pursuant to the Eighth Amendment, were required to provide and/or obtain adequate medical care for him, including, but not limited to cardiac monitoring and/or hospitalization. To the contrary, however, the various Defendants with malice, recklessness and callous and deliberate indifference failed to provide or obtain care and treatment necessary to meet Plaintiff's serious medical needs.

156. The actions and/or omissions of the various Defendants noted above constituted a deliberate indifference to the serious medical needs of Vladimir and demonstrate a reckless, willful and wanton disregard for the health and safety of Vladimir thereby denying Plaintiff the constitutional right to be free from cruel and unusual punishment as provided by the Eighth Amendment to the United States Constitution.

157. As the direct and proximate result of the actions and/or omissions of the Defendants, Vladimir suffered great physical pain, discomfort, loss of mental capacity, humiliation, degradation and suffering.

158. As the direct and proximate result of the acts and/or omissions of the various Defendants, as of yet unknown and unidentified, Plaintiff has sustained and is entitled to compensation for the following damages, including, but not limited to:

- a. Reasonable medical and hospital expenses;
- b. Economic costs and/or damages (past, present and future);
- c. Reasonable compensation for the conscious pain and suffering experienced by Vladimir during his incarceration, and thereafter; and
- d. Any and all other damages identified through the course of discovery otherwise available under state and federal law.

159. By the aforementioned actions and/or omissions, Defendants have deprived Vladimir of the rights secured by the Eighth and Fourteenth Amendment to the United States Constitution and of 42 U.S.C. § 1983.

WHEREFORE, Vladimir Stojcevski, Individually, respectfully requests that this Honorable Court enter judgment in Plaintiffs favor and against Defendants who had personal contact with Plaintiff, as of yet unidentified but believed to be included as Defendants herein, as follows:

- A. Compensatory non-economic and economic damages in excess of \$75,000.00, including but not limited to all damages recoverable under the United States Constitution and/or 42 U.S.C. § 1983 and/or the laws of the State of Michigan;
- B. Punitive damages;
- C. Reasonable attorney fees, costs and interest; and
- D. Such other and further relief as appears reasonable and just under the circumstances.

**COUNT VI:  
VLADIMIR STOJCEVSKI  
DENIAL OF MEDICAL TREATMENT  
FOR SERIOUS MEDICAL NEEDS**

160. Plaintiffs restate and re-allege the allegations contained in paragraphs 1 through 159 as though fully set forth herein.

161. At all times relevant hereto, individual Defendants, as of yet unidentified, but upon information and belief had contact with Vladimir during his constitutionally violative confinement, and Defendants WICKERSHAM, and Defendant COUNTY OF MACOMB, as alleged above were acting under color of statute, ordinances, regulations and/or customs of the State of Michigan, subjected Vladimir to a deprivation of his rights, privileges and immunities secured by the Constitution and laws of the United States and the State of Michigan.

162. Pursuant to 42 U.S.C. § 1983, as well as the Eighth and Fourteenth Amendments to the United States Constitution, Defendants CCS, WICKERSHAM, Defendant COUNTY OF MACOMB, and the individually named Defendants owed David a duty to act prudently and with reasonable care, and to otherwise avoid cruel and unusual punishment.

163. Defendant CCS, WICKERSHAM, Defendant COUNTY OF MACOMB, and the individually named Defendants deprived Vladimir of his clearly established rights, privileges and immunities in violation of the Fourth, Eighth and Fourteenth Amendments of the Constitution of the United States, and 42 U.S.C. § 1983.

164. Defendant CCS, WICKERSHAM, and Defendant COUNTY OF MACOMB, and the individually named Defendants owed duties to the County's inmates, particularly to Vladimir, to act prudently and with reasonable care in the formulation of its policies and procedures relative to providing him prompt and immediate medical treatment, as well as to train, test, evaluate, review and update their corrections officers, medical personnel, nursing staff, and mental health personnel

so as to function in a reasonable manner and in conformity with the laws of the United States and of the State of Michigan relative to providing inmates and patients with necessary, life sustaining, and life saving treatment and care.

165. Defendants CCS, MACOMB COUNTY, and Defendant WICKERSHAM, was at a high risk for suffering significant withdrawal symptoms, seizure symptoms, and from contracting infections due to the lack of hygiene during his confinement, by virtue of the following, including, but not limited to:

- a. Information received from Vladimir, which was confirmed by Defendants, that he had a highly significant risk of poly-substance or opiod withdrawal, and that he was dependent on medications to control his thoughts, mood and behavior;
- b. Defendants observations of Vladimir during his 12 day incarceration, most of which were easily identifiable as symptoms of seizures and infection;
- c. Defendants CCS, MACOMB COUNTY, and WICKERSHAM, had prior knowledge that: (1) there were over-crowding conditions in the Macomb County Jail requiring policy and practice changes that would reduce such over-crowding; (2) the Macomb County Jail had become the new asylum for mental health and substance abuse patients; and ( 3) that many of Macomb County judges use the Macomb County Jail as a sobering institution for the inmates, such as Plaintiffs herein.
- d. Any other reasons which may become known during the course of discovery.

166. The conduct of Defendants, CCS, MACOMB COUNTY, and WICKERSHAM, the individually named corrections officers, medical staff, nursing staff, and mental health staff, all

acting within the scope of their employment, exhibited a deliberate indifference to Vladimir's physical, mental and emotional health and serious medical needs, in violation of Vladimir's civil rights, and thereby imposed cruel and unusual punishment in violation of Vladimirs Eighth Amendment rights in the following ways:

- a. Failing to adequately screen and classify Vladimir;
- b. Falsifying documents, or preparing incomplete documents and assessments;
- c. Failing to care for the serious medical and mental health needs of inmates, specifically Vladimir;
- d. Failing to procure Vladimir's prescribed medications so as to assure a continuity of prescription medicine care;
- e. Failing to make a referral to the appropriate mental health services so that proper care and treatment could be administered to Vladimir;
- f. Failing to treat Vladimir's deteriorating mental/physical state by seeking immediate medical attention or to transfer him to a hospital/mental facility;
- g. Failing to provide for appropriate and reasonable medical and/or mental treatment of inmates;
- h. Failing to provide an adequate number of deputies/correction officers/medical personnel/mental health personnel and nursing personnel for inmate supervision, due to Defendants knowledge of over-crowding issues noted above;
- i. Failing to screen deputies/correction officers/medical personnel/mental health personnel/nursing staff to confirm their competency and satisfactory performance, both before and after being engaged;

- j. Failing to monitor, train, discipline or control deputies/correction officers/ medical personnel/mental health personnel/nursing staff after derelictions in their performance became known, or should have become known;
- k. Failing to refrain from intentionally denying or delaying access to appropriate medical care/mental health care/nursing care ;
- l. Acting with gross negligence, deliberate indifference or willful disregard of Vladimir's constitutional rights;
- m. Failing to readily identify Vladimir's excessive weight loss during his incarceration, and to respond accordingly; and
- n. Any and all other breaches that become known during the course of discovery.

167. As the direct and proximate result of the above cited violations of Vladimir's civil rights by Defendants, the Plaintiff Vladimir Stojcevski incurred is entitled to compensation for the following damages, including, but not limited to:

- a. Reasonable medical and hospital expenses;
- b. Economic costs and/or damages (past, present and future);
- c. Extreme conscious pain and suffering undergone by Vladimir while he was incarcerated; and
- d. Any and all other damages identified through the course of discovery otherwise available under the state and federal law.

WHEREFORE, Vladimir Stojcevski, respectfully requests that this Honorable Court enter judgment in his favor and against Defendants, for the following relief:

A. Compensatory non-economic and economic damages in excess of \$75,000.00, including but not limited to all damages recoverable under the United States Constitution and/or 42 U.S.C. § 1983 and/or the laws of the State of Michigan;

B. Punitive damages;

C. Reasonable attorney fees, costs and interest; and

D. Such other and further relief as appears reasonable and just under the circumstances.

**COUNT VII:  
VLADIMIR STOJCEVSKI  
GROSS NEGLIGENCE, INTENTIONAL, WILLFUL AND WANTON CONDUCT**

168. Plaintiffs restate and re-allege the allegations contained in paragraphs 1 through 167 as though fully set forth herein.

169. At all times relevant hereto, Vladimir were incarcerated at the Macomb County Jail and at all times the individual Defendants identified above were acting and/or interacting with Vladimir within the scope of their employment as employees and/or agents of MACOMB COUNTY, at the Macomb County Jail.

170. At all times relevant hereto, the Michigan Constitution, Michigan statutes and/or Michigan common law, and the special relationship that existed between Plaintiff and the Defendants, required Defendants to provide Vladimir adequate medical care, mental health care, and nursing care or treatment and to act with ordinary care for the safety of Vladimir.

171. Defendants identified above who had personal contact with Plaintiff Vladimir, or by way of visual observation had contact with him, breached their duties by acting with gross negligence, as defined in MCL 691.1407(2)(c), and with recklessness, intentionality, and willful wantonness and deliberate indifference as to whether harm to David would result by:

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(A) keeping Vladimir in an unclean and unsanitary cell or holding area without adequate nourishment, and without providing medication that would prevent or limit withdrawal symptoms and/or seizures as suffered by Vladimir, all of which, in whole or in part and in combination with Defendants actions detailed in this Complaint, caused serious harm and excruciating pain and suffering to Vladimir.

172. At all times relevant hereto, the individually named Defendants were grossly negligent in one or more of the following ways:

- a. Failing to adequately screen and classify Vladimir;
- b. Falsifying documents or failing to complete documentation;
- c. Failing to care for the basic medical and mental health needs of inmates, specifically Vladimir;
- d. Failing to procure and provide Vladimir's prescribed medications;
- e. Failing to make a referral to the appropriate mental health services so that proper care and treatment could be administered to Vladimir;
- f. Failing to treat David's deteriorating mental/physical state by seeking immediate medical attention or to transfer him to a hospital/mental facility;
- g. Failing to provide for appropriate and reasonable medical and/or mental treatment of inmates, including Vladimir;
- h. Failing to provide an adequate number of deputies/correction officers/medical personnel/mental health personnel and nursing personnel for inmate supervision, due to jail over-crowding issues that Defendants CCS, MACOMB COUNTY, and WICKERSHAM were well aware;

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- i. Failing to screen deputies/correction officers/medical personnel/mental health personnel/nursing staff to confirm their competency and satisfactory performance, both before and after being engaged;
- j. Failing to monitor, train, discipline or control deputies/correction officers/medical personnel/mental health personnel/nursing staff after derelictions in their performance became known, or should have become known;
- k. Failing to refrain from intentionally denying or delaying access to appropriate medical care/mental health care/nursing care ;
- l. Acting with gross negligence, deliberate indifference or willful disregard of Vladimir's constitutional rights, as stated herein;
- m. Failing to readily identify Vladimir's excessive weight loss during his incarceration, and to respond accordingly; and
- n. Any and all other breaches that become known during the course of discovery.

173. As the direct and proximate result of the above cited violations of Vladimir's civil rights by Defendants, Vladimir Stojcevski has sustained and is entitled to compensation for the following damages, including, but not limited to:

- a. Reasonable medical and hospital expenses;
- b. Economic costs and/or damages (past, present and future);
- c. Extreme conscious pain and suffering undergone by Vladimir while he was incarcerated; and
- d. Any and all other damages identified through the course of discovery.

WHEREFORE, Vladimir Stojcevski, respectfully requests that this Honorable Court enter judgment in his favor and against Defendants, for the following relief:

- A. Compensatory non-economic and economic damages in excess of \$75,000.00, including but not limited to all damages recoverable under the United States Constitution and/or 42 U.S.C. § 1983 and/or the laws of the State of Michigan;
- B. Punitive damages;
- C. Reasonable attorney fees, costs and interest; and
- D. Such other and further relief as appears reasonable and just under the circumstances.

**COUNT VIII:  
VLADIMIR STOJCEVSKI  
FAILURE TO TRAIN, INADEQUATE POLICIES AND/OR PROCEDURES,  
CUSTOMS AND PRACTICES AND FAILURE TO SUPERVISE -  
DELIBERATE INDIFFERENCE - MACOMB COUNTY AND WICKERSHAM**

174. Plaintiffs restate and re-allege the allegations contained in paragraphs 1 through 173 as though fully set forth herein.

175. Pursuant to 42 U.S.C. § 1983, as well as the Fourth and Fourteenth Amendments to the United States Constitution, Defendants CCS, and MACOMB COUNTY, WICKERSHAM, owed Vladimir certain duties to properly supervise, monitor and train its correctional officers, medical staff, nursing staff, and mental health staff so as to monitor and supervise the jail's inmates so that they would detect serious medical conditions and facilitate prompt and immediate medical, nursing, or mental health attention and/or transport to a hospital Emergency Room.

176. That Defendants CCS, MACOMB COUNTY, and WICKERSHAM, in their representative and official capacities, have implemented and maintained various illegal customs and policies, including but not limited to:

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- (1) tolerating the improper training and supervision of their employees, agents and representatives;
- (2) having full knowledge that the long-standing "over-crowding" existing in the Macomb County Jail was causing reduced staffing and budgeting within the Jail, and failing to remedy such long-standing problem;
- (3) hiring of unlicensed and incompetent staff, or allowing the hiring of incompetent or unlicensed staff by Defendant CMS to provide sufficient medical and mental health care to Plaintiff and other inmates with serious medical or mental health needs associated with mental illnesses and/or substance abuse;
- (4) long-standing tolerance of or acquiescence to federal rights violations by employees of Defendant Macomb County and Defendant CMS related to the care, or lack of care, of inmates, including Plaintiff David Stojcevski, who are incarcerated at a time when they are suffering from serious medical needs related to mental illness or substance abuse;
- (5) long-standing tolerance of or acquiescence to allowing employees and representatives of the Macomb County Community Corrections to make independent decisions, contrary to standing court orders, that resulted in the constitutional violation of over-detention of inmates, including Plaintiff David Stojcevski;
- (6) long-standing tolerance of or acquiescence to Defendants' employees and staff failure to observe and document such observations in the 15 minute Self Harm Observation protocol;

- (7) long-standing tolerance of or acquiescence to Defendants' employees and staff refusal to provide medications as prescribed by inmates' physicians before said inmates were incarcerated, contrary to the previously stated NCCHC standards;
- (8) long-standing tolerance of or acquiescence to Defendants' employees and staff failure to provide "hands-on" medical and mental health assessments, resulting in "walk-by" assessments of inmates, including Plaintiff David Stojcevski that provides no useful medical or mental health assessment tools to assist in meeting the serious medical and mental health needs of inmates, including Plaintiff David Stojcevski;
- (9) long-standing tolerance of or acquiescence to Defendants' employees and staff preparing incomplete assessments;
- (10) long-standing tolerance of or acquiescence to untimely referrals of inmates for medical and/or mental health assessments;
- (11) long-standing tolerance of or acquiescence to a group-think mentality within the employment and staff ranks of Defendants Macomb County and CCS, that inmates, such as David Stojcevski, are "faking" symptoms for an alleged secondary gain, as opposed to fulfilling the goals enunciated and enumerated in the NCCHC, 2008 Edition, of Standards for Health Services in Jails, Appendix A;
- (12) long-standing policy of tolerating the over-crowding in the Macomb County Jail, knowing that such over-crowding promotes and often-times is the direct cause of constitutional violations against jail inmates, including Plaintiffs herein.
- (13) long-standing policy of tolerating Defendants' staffs failure to document vital signs and failure to individualize daily medical and/or mental health assessments; and

(14) long-standing policy of tolerating or acquiescing to Defendants' staffs failure to provide for continuity of care of inmates being incarcerated, including David herein, as required by NCCHC (2008) Rule MH-D-02; and

(15) long-standing policy of acquiescing to CCS staff's failure to complete a COWS assessment prior to administration of the medication.

177. Defendants CCS, MACOMB COUNTY, WICKERSHAM, are not protected by governmental immunity when following policies as stated above that deprives individuals of their constitutional rights. *Monell v N.Y. City Dep't of Soc. Servs.*, 436 658/ 690-91, 692 (1978).

178. That Defendants CCS, MACOMB COUNTY, WICKERSHAM, were aware of previous incidents where individuals who were incarcerated at the Macomb County Jail were not afforded proper medical treatment, mental health treatment, and/or nursing care, specifically as to mental health referrals, observations and adequate care for inmates withdrawing from various medications and drugs, or were not provided sufficient hygiene to protect the inmates from disease and infection.

179. That Defendants CCS, MACOMB COUNTY, and WICKERSHAM were aware of some, or all of the customs and practices cited above, and of customs and practices of correction officers/ deputies and/or medical staff and/or mental health staff and/or nursing staff failing to gather necessary and easily accessed information regarding inmates prescribed use of medications prior to incarceration at the Macomb County Jail.

180. The Defendants owed Vladimir the following and duties and obligations:

- a. To use due care and caution;
- b. To adequately and properly promulgate guidelines and policies that comply with the requirements of 42 U.S.C. § 1983 regarding the incarceration of

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inmates and the supervision of inmates, especially those who are mentally and emotionally and physically unstable, or those who are taking prescribed medication for pre-existing drug-dependency conditions, psychiatric or psychological problems;

- c. To adequately and properly train and supervise deputies and employees, agents or representative of the Macomb County Jail under their supervision on the proper method of supervising prisoners and providing for their medical needs and on effectively controlling prisoners who have or are suspected of suffering from pre-existing drug-dependency conditions requiring medications, or who are suffering psychological or psychiatric problems;
- d. To adequately and properly train and supervise deputies and employees, agents or representatives of the Macomb County Jail under their supervision on the proper method of assessing the difference between real and actual symptoms of drug withdrawal and false or "fake" symptoms of such withdrawal; and
- e. To avoid hiring or selecting individuals who it knows or should know are incapable of performing their responsibilities or who are likely to misuse or abuse the power conferred on them as employees of the Macomb County Jail, or who are so deliberately indifferent to inmates medical and mental health conditions so as to make rash and irresponsible conclusions without basis in fact pertaining to inmates presented symptoms.

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- f. To not tolerate clear and consistent violations of accrediting standards, inter alia, cited herein and promulgated by the National Commission on Correctional Health Care; and
- g. To not create by action or inaction, the afore-referenced customs and policies that would lead to violations of inmates constitutional rights, as enumerated herein, including the violation of an inmate's right to hygiene.

181. That Defendants breached these duties via their policies, procedures, regulations, customs and/or lack of training and thus exhibited a reckless indifference toward its prisoners and Vladimir specifically, in the following ways, including, but not limited to:

- a. Defendants' failure to staff the jail with competent medical personnel;
- b. Defendants' failure to monitor their correctional officers and medical personnel to ensure that they adequately monitor and supervise inmates who have serious medical needs;
- c. Defendants' failure to have proper policies and procedures, and training to deal with inmates in the observation cell and ensure that the policies and/or procedures are followed, which include serial examinations by competent and licensed medical, nursing and mental health personnel like registered nurses (RN), psychologists and/or Doctors, as well as its failure to ensure the correctional officers, mental health staff, and nursing staff conduct timely and adequate rounds and record their observations of the inmates every 15 minutes as required by their own policies and/or procedures;

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- d. Defendants' failure to require that a nurse, doctor or mental health Professional perform a full and complete examination of a prison held in a medical observation cell, at least once per day;
- e. Defendants' failure to have proper policies and procedures, and training to deal with the potential of Macomb County and CCS employees from adopting an institutionalized "group think" mentality in the custody and care of inmates who require unique and adequate care, such as David required in this matter;
- f. Defendants' failure to have proper policies and procedures in place to deal with jail overcrowding in the high observation units of the facility;
- g. Defendants' failure to fully investigate and discipline its correctional officers and/or medical/mental health personnel who do not abide by its policies and procedures relative to providing medical care and/or mental health care for serious conditions;
- h. All other breaches learned through the course of discovery.

182. That Defendants trained their officials and/or employees and agents in such a reckless and grossly negligent matter, that it was inevitable that the officials would provide such inadequate care to an inmate such as Vladimir, such that Defendants' employees would watch Vladimir suffer indignities and pain in an unsanitary condition, suffering symptoms of seizures, all of which were, or should have been obvious to Defendants' employees and agents, and which were so obvious as to make it readily apparent to any well-trained corrections officers, nursing staff, medical staff, or mental health staff that David was indeed exhibiting signs seizure and infection.

183. The failure of the Defendants to provide training and supervision regarding the

proper care of inmates amounts to deliberate indifference to the safety and lives, and serious medical and mental health needs, of the inmates in the Macomb County Jail and particularly Vladimir.

184. Defendants CCS, MACOMB COUNTY, and WICKERSHAM are supervisory officials who knew, or in the exercise of reasonable care, should have known that individual prison officials had engaged in misconduct and other violations of the constitutional rights of prison inmates at the Macomb County Jail, more specifically Vladimir, as identified herein.

185. Despite knowledge of its aforesaid customs, patterns and practices, the Defendants failed to properly investigate the improper practices and to supervise and train the prison officials at the Macomb County Jail so as to provide timely medication for continuity of care, and to provide proper and sufficient hygiene.

186. Defendants developed a "hands off" policy or custom with regard to the omissions of individual prison officials which encouraged the individual officials to believe they could violate the constitutional rights of Vladimir with the explicit or tacit approval of the Defendants herein.

187. Defendants CCS, Macomb County and Wickersham, acting under color of state law, authorized, tolerated, ratified, permitted, or acquiesced in the creation of policies, practices, and customs, as listed above, establishing a de facto policy of deliberate indifference to Plaintiffs' constitutionally protected rights.

188. As a direct and proximate result of the above cited violations of Vladimir's civil rights by Defendants, and as a direct and proximate result of these policies, practices, and customs, Plaintiff has sustained and is entitled to compensation for the following damages, including, but not limited to:

- a. Reasonable medical and hospital expenses;
- b. Economic costs and/or damages (past, present and future);

c. Any and all other damages identified through the course of discovery.

WHEREFORE, Vladimir Stojcevski, respectfully requests that this Honorable Court enter judgment in Plaintiff's favor and against Defendants, for the following relief:

A. Compensatory non-economic and economic damages in excess of \$75,000.00, including but not limited to all damages recoverable under the United States Constitution and/or 42 U.S.C. § 1983 and/or the laws of the State of Michigan including but not limited to the Michigan Wrongful Death Act;

B. Punitive damages;

C. Reasonable attorney fees, costs and interest; and

D. Such other and further relief as appears reasonable and just under the circumstances.

**COUNT IX:**

**ESTATE OF DAVID STOJCEVSKI, DECEASED AND VLADIMIR STOJCEVSKI  
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

189. Plaintiffs restate and re-allege the allegations contained in paragraphs 1 through 188 as though fully set forth herein.

190. Defendants refusal to give David his requested medication to address his serious medical and mental health needs, and Defendants failure to provide nursing assistance, medical treatment, mental health treatment, and sanitary care was intentional and unethical.

191. Defendants refusal to provide Vladimir a sanitary environment, as detailed above, by refusing his numerous pleas to clean himself during his incarceration, causing Vladimir all the emotional, psychological and physical damages and injuries cited in this Complaint.

192. While David was in his holding cell suffering the obvious symptoms of benzodiazapene withdrawal, dehydration, and starvation, Defendants continued to neglect David's medical, psychological, emotional and mental health needs that would be obvious to any

reasonable person monitoring David for 24 hours a day, or for any reasonable person making casual observations of David.

193. Any reasonable person would see that David needed immediate nursing, medical and/or mental health attention.

194. Defendants' actions and inactions noted herein resulted in severe and emotional distress to David while he was in his cells without an ability to assist himself, and with insufficient assistance from any of Defendants' employees.

195. On June 27, 2014 David was pronounced dead, without having been allowed to have his family or friends see him one last time.

196. Defendants', their agents, employees and representatives actions and inactions as outlined above was intentional, extreme, outrageous and of such character as not to be tolerated by a civilized society, and was for an ulterior motive or purpose.

197. Defendants' conduct resulted in severe and serious emotional distress to: (a) David Stojcevski during his incarceration at Macomb County Jail, (b) Vladimir Stojcevski, personally, and as David's brother and as a bystander to the suffering inflicted on David by Defendants through their conduct identified above; and (c) all other wrongful death beneficiaries identified under the Michigan Wrongful Death Act.

198. As a direct and proximate result of Defendants' conduct, Vladimir Stojcevski, on behalf of his family member, and as Personal Representative of the Estate of David Stojcevski has and will continue to suffer injuries into the future, including but not limited to, severe mental disturbances and emotional upset for the refusal of their ability to pay their last respects to David before he died, as well as:

- a. Upset stomach;

- b. Headaches;
- c. Insomnia;
- d. Nightmares;
- e. Crying spells;
- f. Physical pain and suffering;
- g. Illness and stress resulting in physical injury;
- h. Mental anguish;
- i. Fright and shock;
- j. Embarrassment, humiliation and mortification;
- k. Reasonable expenses from necessary medical care and treatment and services; and
- l. All other damages learned through the course of discovery.

199. All of the above damages have resulted in actual harm to Vladimir Stojcevski, the Estate of David Stojcevski, and the wrongful death beneficiaries identified in the Michigan Wrongful Death Act.

WHEREFORE, Vladimir Stojcevski, individually, and as Personal Representative of the Estate of David Stojcevski, Deceased, respectfully requests that this Honorable Court enter judgment in Plaintiffs' favor and against Defendants, in whatever amount in excess of \$75,000.00 they are found to be justly entitled, together with interest, costs and attorney fees.

(Signature on next page)

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Respectfully submitted,

IHRIE O'BRIEN

Dated: June 1, 2015

By: 

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**DEMAND FOR JURY TRIAL**

Plaintiffs respectfully request a trial by jury in the instant matter.

Respectfully submitted,

IHRIE O'BRIEN

Dated: June 1, 2015

By: 

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