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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON

8 Estate of BLAIR AUSTIN NELSON,
9 deceased, by and through PAUL
10 NELSON individually and as Personal
Representative,

11 Plaintiff,

12 v.

13 CHELAN COUNTY, Washington, a
14 municipal corporation d/b/a CHELAN
15 COUNTY REGIONAL JUSTICE
16 CENTER; CHRISTOPHER SHARP;
and KAMI ALDRICH, L.P.N.

17 Defendants.

No.

COMPLAINT

JURY DEMAND

18 Plaintiff, by and through his attorneys of record, alleges as follows:
19

20 **I. INTRODUCTION**

21 1. Jails have a responsibility to provide competent medical treatment to
22 those in their care. Failure to do so places lives at risk and needlessly exposes jailed
23 individuals to dying alone in pain and confusion, and families to unimaginable grief.

1 2. Defendant Chelan County Regional Justice Center (“Chelan County
2 Jail”) accepted Blair Nelson into its jail on November 21, 2020. At jail, Blair was
3 suffering from severe alcohol withdrawal. She was seen once by medical staff at the
4 jail, by Defendant Licensed Practical Nurse Kami Aldrich. At that visit, Blair was
5 shaking so much that Defendant Aldrich had to hold her hand so she could get pills
6 into her mouth. Pursuant to the usual customs, practices, and policies of the Jail, Blair
7 was never seen by a physician or a registered nurse and there was no medical follow
8 up. Blair showed clear signs of a medical emergency requiring prompt medical
9 treatment, but never received the readily accessible and lifesaving treatment she
10 needed. Instead, she was given a few pills and left alone until she was “found” dead
11 in her cell several hours later.
12

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14 3. Blair’s death was preventable and would not have occurred had she
15 received the constitutional minimum of medical care. She left behind four siblings.

16 4. This is an action under 42 U.S.C. § 1983 and Washington law from the
17 events and circumstances leading up to, surrounding, and causing the wrongful death
18 of Blair Nelson on behalf of and for the benefit of her estate and four siblings.
19

20 II. PARTIES

21 5. **Plaintiff Paul Nelson** is the P.R. for the Estate of Blair Nelson. Plaintiff
22 brings this action for the violations of Blair’s constitutional and state law rights and
23 for the benefit of Blair’s estate and four beneficiaries and siblings: Dana Nelson, Paul

1 Nelson (who is also the P.R.), Debby Nelson, and Ben Nelson. Plaintiff, as the court-
2 appointed P.R., is authorized to bring the current action and to assert all claims alleged
3 in this complaint on behalf of the Estate of Blair Austin Nelson and for Blair's
4 beneficiaries under Washington's wrongful death and survival statutes.

5
6 **6. Defendant Chelan County** is a municipality within the State of
7 Washington. Chelan County maintains and operates the Chelan County Regional
8 Justice Center ("Chelan County Jail"), which is a municipal agency. The Chelan
9 County Regional Justice Center is a correctional facility located in Wenatchee that
10 houses and confines both pre-trial detainees and convicted prisoners. The jail is a 267
11 bed facility that services a population of 100,000 people and encompasses a
12 geographical area of over 5,000 square miles. All pre-trial detainees confined at the
13 Chelan County Regional Justice Center are entitled to constitutional protections under
14 the Fourteenth Amendment to the United States Constitution, including
15 constitutionally adequate medical care and humane conditions of confinement in
16 addition to state law protections. Chelan County is legally liable for the constitutional
17 violations and negligent acts of its employees at the Chelan County Regional Justice
18 Center in addition to the County's own unconstitutional customs, policies, practices,
19 and state law negligence.
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1 7. The civil rights violations delineated in this Complaint were
2 proximately caused by Chelan County's customs, policies, practices, ratification of
3 misconduct, and usages.

4 8. Defendant Chelan County was at all material times a "health care
5 provider" under RCW 7.70.020(3) in that it was an entity employing persons licensed
6 by the State of Washington to provide health care services, including nurses and others
7 as listed in RCW 7.70.020(1).

8 9. **Defendant Christopher Sharp** was at all times relevant to this case
9 the Regional Justice Center Director and Chief, and employee of Defendant Chelan
10 County who was acting in the course and scope of his employment and under the color
11 of state law. Director Chief Sharp was responsible for setting, modifying, supervising,
12 and training Chelan County jail policies, practices, procedures, and customs. Director
13 Chief Sharp was responsible for ensuring the presence of, and implementing
14 constitutionally sufficient and reasonable policies, procedures, and training for the
15 Chelan County Jail, including, ensuring that healthcare provided to inmates and
16 detainees at the jail, including Blair, met the requirements of the United States
17 Constitution and other legal standards. Defendant Sharp as the Director of the Jail
18 was also responsible for taking care that his subordinates, including medical staff,
19 provided the constitutionally required minimum level of medical care to inmates.
20 Defendant Sharp is sued in his official and individual capacity.

1 10. **Defendant Kami Aldrich** was at all times relevant to this case a
2 Licensed Practical Nurse (“LPN”) and employee of Defendant Chelan County
3 working at the Chelan County Regional Justice Center who was acting in the course
4 and scope of her County employment. At all material times, Defendant Aldrich was
5 acting under the color of state law in providing healthcare to Chelan County inmates
6 and detainees. She had the duty to ensure that healthcare provided to inmates and
7 detainees at the jail, including Blair, met the requirements of the United States
8 Constitution and other legal standards. Defendant Aldrich is sued in her individual
9 capacity.
10

11 11. Defendant Aldrich was at all material times a “health care provider”
12 under RCW 7.70.020(1) in that she was a Licensed Practical Nurse licensed by the
13 State of Washington.
14

15 II. **JURISDICTION & VENUE**

16 12. This Court has personal and subject matter jurisdiction over the parties
17 and the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1343, and 1367.
18 All actions and omissions alleged in this Complaint were committed by the
19 Defendants in the State of Washington and in this judicial district. Each Defendant
20 either resided in Washington, resides here now, or did systematic and continuous
21 business in Washington.
22
23

1 16. It is well known by jails and jail healthcare staff, like Defendants here,
2 that alcohol withdrawal and especially severe alcohol withdrawal is a severe medical
3 condition that requires prompt competent medical treatment, and failure to properly
4 provide such treatment places an individual in danger of catastrophic injury or death.

5
6 17. Defendant Chelan County and its employees have a duty to ensure the
7 safety of those confined in its jail, especially those who are undergoing health
8 complications.

9 18. Defendants have a duty to refrain from depriving inmates, such as Blair,
10 of their constitutional rights.

11
12 19. Defendants owe a duty to have and follow reasonable policies,
13 procedures, and protocols which should be designed to provide reasonable and
14 constitutionally sufficient medical care to inmates.

15 20. Defendant Chelan County and Defendant Director Sharp also owe a
16 duty to properly train and supervise its jail employees on policies, procedures, and
17 protocols to encourage consistent enforcement of policies and procedures to provide
18 reasonable and constitutionally sufficient medical care to inmates.

19
20 21. This case arises from the Defendants' breach of those duties, and their
21 abject failure to provide minimal and lifesaving healthcare to Blair who died as a
22 result.

1 22. 42-year-old Blair Nelson died a needless and entirely preventable death
2 on November 21, 2021, at the Chelan County Jail.

3 23. On September 7, 2021, less than three months before Blair's death,
4 another young inmate, 38-year-old Joseph Verville, died of untreated severe medical
5 illness less than two days after being booked at the Chelan County Jail. Mr. Verville
6 was seen only once by an L.P.N. for withdrawal. He would go on to vomit for hours
7 until he was "found" dead in his cell the next day. No doctor was ever made aware of
8 his condition nor was he placed under actual medical observation by medical staff or
9 transferred to a facility that could provide this mandatory treatment. This death was
10 a sentinel event requiring the jail at bare minimum to re-evaluate its training,
11 supervision, policies, and procedures and take action to protect future inmates from
12 preventable injury and death resulting from dangerous or no medical care in the face
13 of acute illness.
14

15
16 24. Unfortunately, the Chelan County Jail did not make any meaningful
17 changes in training, supervision, policies, or procedures—if any—to make sure it
18 could provide the constitutional minimum of medical care before Blair's death.
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20 25. Defendants were aware that inmates were not receiving the
21 constitutional minimum of healthcare and suffering severe injury or death as a result.
22 Defendants Chelan County nor Director Sharp changed any medical care custom or
23 policy, any withdrawal or detox policy, increase medical staff or staffing, among other

1 ways anticipated to be found in discovery. These actions were deliberately indifferent
2 to Blair's right to medical care and foreseeably resulted in her preventable death.

3 26. On November 21, 2021, at approximately 2:09 AM, Blair Nelson is
4 booked into the Chelan County Jail as a pre-trial detainee on an alleged DUI charge.
5 Blair has a black eye and blood on her shirt, neither is documented on the jail screening
6 form. Her blood alcohol content is over .250 and the booking deputy notes that Blair
7 smells like alcohol and that she will be withdrawing from alcohol.
8

9 27. After noting Blair would be detoxing from alcohol, the jail deputy gives
10 Blair a pitcher of Gatorade and places her in a cell. Defendants fail to put Blair on
11 any medical plan of care and do not notify any medical providers.
12

13 28. Blair is housed in cell H9 on the fifth floor originally. At approximately
14 6:30 AM she is moved to 4A Room #1. Both cells have video monitoring of Blair
15 which Plaintiff has requested but Chelan County has not provided. During this time,
16 Defendants provide no medical care to Blair.

17 29. At approximately 8:30 AM, Deputy Humble sees Blair's black eye and
18 informs Sergeant Jeremy Cheever. Sergeant Cheever does not act on this information
19 and does not inform medical staff of Deputy Humble's concern. Defendants continue
20 failing to provide medical care to Blair.
21

22 30. At approximately 12:00 PM, Deputy Hisey and Deputy Humble
23 attempt to serve Blair lunch. Deputy Humble sees Blair with pronounced shaking.

1 He notes “she couldn’t get up for her sack lunch, I had to hand it to her, her hand was
2 shaking.”

3 31. Blair tells Deputy Hisey she was in a bad place and had been drinking
4 a lot.

5 32. After seeing Blair’s deteriorating condition, Deputy Humble informs
6 Defendant LPN Kami Aldrich that Blair needs to be seen by medical staff.
7

8 33. Over 12 hours since Blair arrived at the jail, she is first seen by medical
9 personnel around 12:25 PM. Blair is shaking when she moves, even when in a relaxed
10 position. Blair mentions she has been in a bad place and drinking a lot, that she shakes
11 when she doesn’t drink, and that she has never tried to detox off alcohol.
12

13 34. Upon arriving at Blair’s cell, it is immediately apparent to Defendant
14 LPN Aldrich that Blair is suffering from a serious and potentially life-threatening
15 medical condition.

16 35. Defendant LPN Aldrich attempts to get Blair’s blood pressure with a
17 wrist cuff, but Blair’s medical condition has deteriorated so severely that her body is
18 shaking too much for the cuff to get a reading of her blood pressure. Defendant LPN
19 Aldrich again attempts to steady Blair’s hand to get a reading but is unable to because
20 of the tremors. Blair has severe alcohol withdrawal.
21

22 36. Defendant LPN Aldrich performs a CIWA alcohol withdrawal
23 prevention protocol on Blair. Defendant LPN Aldrich notes Blair has mild nausea,

1 severe tremors even with arms not extended, mildly anxious, headache, and a heart
2 rate of 101.

3 37. Blair has a severe medical condition that warrants prompt medical care.
4 Defendants fail to provide this care.

5 38. Defendant LPN Aldrich starts Blair on Tylenol 325 MG tabs, 2 tabs a
6 day for four days; folic acid 1 MG tabs, 1 tab for 21 days; vitamin B-1 100 MG tabs,
7 1 tab for 21 days; Librium 25 MG caps, 2 caps per day.

8 39. Because of Blair's pronounced tremors, Defendant LPN Aldrich tries
9 to steady Blair's hand to take the medications.

10 40. Sergeant Cheever is present for the administration of medications and
11 recalls Blair receiving an abnormally high amount of Librium, four Librium pills.

12 41. Any reasonable LPN would have appreciated from the above
13 information that Blair is suffering from a serious and potentially life-threatening
14 medical emergency and that Blair was at a high degree of risk of death or serious
15 complications without prompt medical care, evaluation, and treatment by an
16 appropriate provider. Particularly given that further diagnosis was not within her
17 scope of licensure as a Licensed Practical Nurse, Defendant LPN Aldrich should have
18 taken steps to secure immediate medical care for Blair from a higher level provider.
19 The available options included ordering Blair transferred to the E.R. of a nearby
20 hospital, calling a physician or other higher level provider with the skill, experience,
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1 and knowledge to see and evaluate Blair, or at bare minimum, seeking the immediate
2 advice of a medical doctor or other higher level provider. Defendant LPN Aldrich was
3 required to take prompt and appropriate action to ensure Blair received the evaluation
4 and care she desperately needed.

5
6 42. Defendant LPN Aldrich took none of the above steps and took no other
7 action reasonably necessary to reduce the risk of serious injury or death to Blair.
8 Instead, without seeking the advice or consultation of a higher-level medical provider,
9 at approximately 12:29:34 PM, Defendant LPN Aldrich leaves Blair's cell after less
10 than five minutes seeing her and with no follow up plan.

11
12 43. Blair is seen only this one time by medical staff—Defendant LPN
13 Aldrich—during her incarceration.

14 44. There is no future care planned for Blair. Blair is simply left alone in
15 her cell with her deteriorating severe medical condition.

16 45. Instead of medical care, Blair receives deficient cell checks or
17 “monitoring” by jail guards which fail to see if she okay or in worse distress. Pursuant
18 to the usual customs, practices, procedures, and policies of the Chelan County Jail,
19 Blair's “monitoring” during her severe and deteriorating medical condition is done by
20 the periodic “watch” of jail guards who have no training or expertise in monitoring,
21 evaluating, or caring for seriously ill inmates nor are the guards informed whether and
22 what an inmate's medical condition is nor what to watch for. These events are called
23

1 “cell checks” where a jail guard walks to the door of an inmate and looks in to see if
2 they are ok for a few seconds. This is not a medical check or evaluation in any away.
3 Furthermore, these cell checks are done too quickly and without checking to see if the
4 inmate is actually okay, breathing, and not dead.

5
6 46. Less than 3 months before Blair’s death, Defendants were on explicit
7 notice that Chelan County Jail guards were not able to provide constitutionally
8 acceptable medical care to inmates suffering a severe medical condition through cell
9 checks and also that the guards were insufficiently trained or supervised to tell whether
10 inmates were breathing and okay as the September 7, 2021, death of Joseph Verville
11 shows.

12
13 47. The Chelan County Jail is insufficiently equipped to handle anywhere
14 in its facility the needs of inmate-patients suffering from urgent, emergent, acute, or
15 potentially life-threatening medical conditions.

16 48. The cell checks by corrections officers are grossly insufficient to
17 evaluate whether Blair is in stable medical condition or not. These guards are not
18 medically licensed, trained, and lack the qualifications, schooling, skill, or experience
19 to evaluate medical conditions—much less by “eyeballing” an inmate for a few
20 seconds from a distance. These cell checks are not designed to and are unable to take
21 vital signs, evaluate symptoms, make medical diagnoses or evaluations, ask
22 medically-oriented questions, or otherwise engage in any kind of actual medical
23

1 evaluation. Predictably, these cell checks provide no medical aid to Blair or medical
2 data to medical staff.

3 49. Consistent with the usual customs, practices, policies, and procedures
4 of Defendants, Blair remains in her cell for the rest of her time at the jail with no
5 further medical visit, assessment, care plan, or evaluation by a medical professional
6 or anyone.
7

8 50. At 12:43 PM, Deputy Hisey walks into Blair's cell, appears to engage
9 in a brief conversation and then closes her door seconds later.

10 51. On video review after Blair's death, the County notes Blair is shaking
11 at 12:58 PM.

12 52. At 1:32 PM, Deputy Humble looks in Blair's cell for approximately 15
13 seconds.
14

15 53. At 2:29 PM, Defendant LPN Aldrich checks on inmates in cells next to
16 Blair but does not check on Blair. At 2:32 PM, Defendant LPN Aldrich waits to leave
17 the area next to Blair's cell while at 2:32 PM, Deputy Hisey looks into Blair's cell for
18 approximately 1 second.
19

20 54. At 3:40 PM, Deputy Humble looks into Blairs cell for approximately
21 15 seconds.

22 55. At 4:47 PM, Deputy Hisey looks into Blair's cell for approximately 2
23 seconds.

1 56. At 5:17 PM, Deputy Hisey opens Blair's cell door and tries to wake
2 her. He can't. She is dead.

3 57. After Defendants were confronted with clear signs of medical distress,
4 Blair was given a few pills and no other medical care. Defendants failed to provide a
5 medical assessment or attention for nearly five hours, from when Defendant LPN
6 Aldrich evaluated Blair at 12:25 until she was found dead at 5:17 PM.
7

8 58. Defendants never had Blair's severe medical condition evaluated by a
9 physician nor a registered nurse and failed to provide her with the basic medical care
10 she needed to save her life.

11 59. Blair died from her unmanaged and grossly undertreated severe
12 medical condition, which Defendants let deteriorate until she died.

13 60. Blair's death was the foreseeable result of the negligence and deliberate
14 indifference to Blair's serious medical needs by Defendants alleged in this Complaint.
15

16 61. Defendant Aldrich acted with deliberate indifference to Blair's serious
17 medical needs. She made intentional decisions regarding Blair's care that subjected
18 her to a substantial risk of suffering serious harm and death. She failed to take
19 available measures to abate that risk, even though a reasonable official in the
20 circumstances would have appreciated the high degree of risk involved (making the
21 consequences of her conduct obvious), thereby causing Blair's suffering and death.
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23

1 62. Defendant Aldrich acted with reckless disregard for Blair's
2 constitutional rights.

3 63. Defendant Aldrich caused the continued suffering and death of Blair by
4 failing to follow the accepted standards of care.

5 64. Defendants' actions were grossly negligent, deliberately indifferent,
6 and with reckless disregard to Blair's constitutional right to medical care and life.

7 65. Defendant Chelan County caused the continued suffering and death of
8 Blair by failing to follow the accepted standards of care.

9 66. Defendant Chelan County and Defendant Director Sharp created and /
10 or maintained constitutionally deficient policies, practices, or customs that subjected
11 jail inmates and detainees like Blair to a substantial risk of serious harm and that were
12 a moving force in causing the harms alleged in this lawsuit. These included, but were
13 not limited to: (1) a practice, policy, or custom of not medically monitoring acutely
14 ill inmates; (2) a practice, policy, or custom of not medically monitoring inmates who
15 are withdrawing from alcohol or other substances; (3) a practice, policy, or custom of
16 having its LPNs place acutely ill inmates on "medical watch," when, in fact, such
17 inmates were only looked at periodically by jail's guards who lacked the
18 qualifications, training, skill, licensure, schooling or experience to evaluate inmates'
19 medical conditions; (4) a practice, policy, or custom of having its LPNs make medical
20 diagnoses and treatment decisions beyond their scope of practice; (5) a practice,

1 policy, or custom of having acutely ill inmates health needs deficiently monitored by
2 jail guards who lacked the qualifications, training, skill, licensure, schooling or
3 experience to evaluate inmates' medical conditions instead of properly trained and
4 licensed medical staff; (6) deficient customs, practices, policies, and procedures for
5 recognizing and responding appropriately to jail inmates' and detainees' urgent
6 medical needs, including situations in which a confined person's illness was so severe
7 that he or she needed to be transported to a hospital for higher level care instead of
8 remaining in the jail where higher level care was not feasible; (7) a policy, practice, or
9 custom of allowing jail inmates with serious health needs to go untreated or to receive
10 treatment that was so inadequate as to be constitutionally infirm; and (8) a policy,
11 practice or custom of failing to ensure that nurses adequately fulfilled their gatekeeper
12 roles by communicating inmates' and detainees' acute medical needs to higher level
13 providers and otherwise taking action to ensure that such individuals were adequately
14 evaluated and treated by medical professionals with the skill, training, experience, and
15 licensure to do so.

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17
18 67. Defendant Chelan County and Defendant Director Sharp failed to
19 adequately train and/or supervise its personnel in providing constitutionally adequate
20 care to jail inmates and detainees. This includes inadequate training and supervision
21 regarding (1) recognizing and responding appropriately to jail inmates' and detainees'
22 serious medical needs, including situations in which a confined person's illness was
23

1 so severe that he or she needed to be transported to a hospital for higher level care
2 instead of remaining in the jail where higher level care was not feasible and where
3 inmates and detainees were therefore unfit to remain confined, (2) communicating
4 with other healthcare providers regarding serious inmate-patient needs, (3)
5 communicating with jail staff regarding serious inmate-patient needs and ensuring that
6 inmates with serious illnesses were evaluated and treated in a manner that would not
7 cause their condition to deteriorate, and (4) ensuring compliance with the duty to
8 provide inmates and detainees with constitutionally adequate healthcare.
9

10 68. The constitutional deficiencies outlined above have led to two deaths
11 in a short time span at the Chelan County jail since 2021. Joseph Verville died on
12 September 7, 2021 and Blair on November 21, 2021. Both were preventable and
13 resulted from unconscionable delays in emergency medical care. These deficiencies
14 were deliberately indifferent to Blair's constitutional right to medical care and caused
15 her death.
16

17 69. Joseph Verville was booked into Chelan County Jail on September 5,
18 2021. At booking it was noted he had signs of withdrawal. Mr. Verville was seen by
19 medical staff during his time at the jail, on September 6, 2021, by Defendant LPN
20 Aldrich who started him on detox medications which are delivered to him at dinner
21 time on September 6, 2021. However, Mr. Verville was not monitored or seen again
22 by medical staff until he was found dead at 8:50 AM on September 7, 2021. No
23

1 medical provider was contacted regarding his withdrawal, and he was not monitored
2 by medical staff until he was medically stable and cleared by medical staff. This was
3 a violation of Chelan County jail policies, and procedures and subjected Mr. Verville
4 to inhumane conditions. Defendant LPN Aldrich was notified of potential discipline
5 on September 27, 2021, for failing to make an effort to make sure Mr. Verville was
6 okay despite starting him on a withdrawal protocol the night before his passing.
7 Defendant LPN was disciplined with a verbal warning for her actions in regard to Mr.
8 Verville's care on November 23, 2021, two days after Blair's death.
9

10 70. Defendant Chelan County was on notice of Defendant LPN Aldrich's
11 and other jail employees' customary failure to follow the standard of care and policy
12 and procedure for detoxing inmates from Mr. Verville's death, and did not take
13 sufficient action to prevent it from happening again to Blair less than three months
14 later. Like Mr. Verville, Blair received no physician assessment and barely any
15 medical attention at the jail despite her severe medical condition.
16

17 71. Health Care Manager Tollackson stated that "the county jail does not
18 have an infirmary; we are not a hospital, able to provide 24-hour medical care."
19 Despite this, neither Mr. Verville nor Blair were sent to a facility that could provide
20 the care they needed.
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1 72. Chelan County had a pattern of failing to secure medical care for
2 inmates with obviously serious medical conditions. Joseph Verville and Blair's deaths
3 are symptoms of these constitutional failures.

4 73. Chelan County's failure to secure medical care for inmates with serious
5 medical needs was driven, in part, by constitutionally impermissible financial
6 considerations. Chelan County Jail is obligated to pay for some portion of inmates'
7 medications and off-site services, such as hospital visits and ambulance runs.

8 74. All acts and omissions of Chelan County and its employees and agents
9 were done under color of state law and committed with at least reckless disregard for
10 Blair's rights under the Fourteenth Amendment. Defendants' acts and omissions
11 caused Blair to suffer significant pre-death pain and suffering during her confinement
12 and caused her death.

13 75. Under the non-delegable duty doctrine and vicarious liability, the
14 unconstitutional acts and omissions of Defendant Sharp, Defendant Aldrich, and
15 Chelan County's staff and agents are imputed to and become those of Chelan County.

16 76. Defendant Director Sharp is liable in his supervisor capacity for the acts
17 of his subordinates, including LPN Aldrich, by setting in motion the acts of others,
18 and / or knowingly refusing to terminate series of actions by subordinates in failing to
19 medically monitor withdrawing or severely ill inmates, contact a higher level medical
20 provider, or transfer severely ill patients to a facility with a higher level of care which
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1 Defendant Sharp knew or reasonably should have known would result in Chelan
2 County Jail employees inflicting harm to inmates, like Blair, and their rights to
3 constitutional medical care resulting in serious grave injury or death.

4 77. In addition, Defendants are liable in negligence for unreasonably
5 countenancing, approving and participating in the practice of allowing the jail's
6 guards, who were not medically licensed or trained and lacked the qualifications,
7 training, skill or experience to evaluate inmates' medical conditions or otherwise
8 engage in any kind of actual medical evaluation, to monitor inmates with serious
9 medical needs.
10

11 **IV. STATUTORY COMPLIANCE**

12 78. More than sixty days prior to the commencement of this suit, Plaintiff,
13 individually and as Personal Representative of the Estate of Blair Austin Nelson,
14 served an administrative claim for damages on Defendant Chelan County.
15

16 79. Any prerequisites to the maintenance of this action imposed by RCW
17 4.96 have therefore been satisfied.

18 **V. FIRST CAUSE OF ACTION – 42 U.S.C. § 1983 – ALL DEFENDANTS**

19 80. As a result of the conduct alleged in this Complaint, Defendant Chelan
20 County is liable under 42 U.S.C. § 1983 for violating Blair's rights under the
21 Fourteenth Amendment to the United States Constitution by denying her
22 constitutionally required medical care and treatment and subjecting her to inhumane
23

1 conditions of confinement. As a direct and proximate result of Defendant Chelan
2 County's unconstitutional acts and omissions, Blair suffered extreme physical pain,
3 severe mental and emotional anguish, and lost her life. And her siblings lost their
4 sister's society and companionship. These claims, actionable through Blair's Estate
5 are asserted by and through the Estate's P.R.
6

7 81. As a result of the conduct alleged in this Complaint, Defendant Director
8 Sharp is liable under 42 U.S.C. § 1983 for violating Blair's rights under the Fourteenth
9 Amendment to the United States Constitution by denying her constitutionally required
10 medical care and treatment and subjecting her to inhumane conditions of confinement.
11 As a direct and proximate result of Defendant Director Sharp's unconstitutional acts
12 and omissions, Blair suffered extreme physical pain, severe mental and emotional
13 anguish, and lost her life. And her siblings lost their sister's society and
14 companionship. These claims, actionable through Blair's Estate are asserted by and
15 through the Estate's P.R.
16

17 82. As a result of the conduct alleged in this Complaint, Defendant Aldrich
18 is liable under 42 U.S.C § 1983 for violating Blair's rights under the Fourteenth
19 Amendment to the United States Constitution by denying her constitutionally required
20 medical care and treatment and subjecting her to inhumane conditions of confinement.
21 As a direct and proximate result of Defendant Aldrich's unconstitutional acts and
22 omissions, Blair suffered extreme physical pain, severe mental and emotional anguish,
23

1 and lost her life. And her siblings lost their sister's society and companionship. These
2 claims, actionable through Blair's Estate are asserted by and through the Estate's P.R.

3 **VI. SECOND CAUSE OF ACTION – NEGLIGENCE – ALL**
4 **DEFENDANTS**

5
6 83. Defendants Chelan County, Director Sharp, and LPN Aldrich had a
7 duty to provide medical care to Blair in accordance with the accepted standard of care.
8 They also have a duty of reasonable care to not harm Blair.

9 84. Defendants breached this duty by and among other ways to be proven
10 at trial and uncovered in discovery, by failing to meet the standard of care; failing to
11 properly hire, train, instruct and supervise its agents, ostensible agents, staff and/or
12 physicians and medical personnel; failing to create, implement, and/or enforce proper
13 policies and procedures; preventing Blair from receiving the medical care she needed;
14 failing to promptly send Blair to a higher level of care at the jail if available or to a
15 hospital to manage her severe medical condition; keeping Blair at the jail without any
16 medical follow up until she died; failing to provide a plan of medical care; failing to
17 reasonably evaluate and treat Blair's acute medical needs; evaluating Blair for less
18 than five minutes with only an LPN; monitoring Blair's condition for less than two
19 minutes via jail guard cell checks after Blair was given withdrawal medication by
20 Defendant LPN Aldrich; and failing to conduct reasonable cell checks to see if Blair
21 was alive and well or needed emergent medical treatment.
22
23

1 4. For costs, including reasonable attorneys' fees and costs, under 42
2 U.S.C. § 1988 and RCW 42.56.550(4), and to the extent otherwise permitted by law;
3 and


4 5. For such other relief as may be just and equitable.
5

6 **VII. DEMAND FOR JURY TRIAL**

7 Pursuant to Federal Rule of Civil Procedure 38(b) and Washington
8 Constitution Article 1, § 21, Plaintiff hereby demands a jury for all issues so triable.
9

10 DATED this 5th day of December 2022.

11 CONNELLY LAW OFFICES, PLLC

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21 Attorneys for Plaintiff
22
23

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

ESTATE OF BLAIR AUSTIN NELSON, deceased, by and through PAUL NELSON, individually, and as Personal

(b) County of Residence of First Listed Plaintiff Douglas
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Connelly Law Offices, PLLC
2301 N. 30th Street
Tacoma, WA 98403

DEFENDANTS

Chelan County; Chelan County Jail Director
CHRISTOPHER SHARP; and L.P.N. KAMI ALDRICH

County of Residence of First Listed Defendant Chelan
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 1983

Brief description of cause:

Violation of Plaintiff's constitutional right to competent medical care, resulting in wrongful death

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

December 4, 2022

SIGNATURE OF ATTORNEY OF RECORD

/s/ Jackson R. Pahlke, WSBA No. 52812

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Defendant(s)

)
)
)
)
)
)
)
)
)
)
)
)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____ , a person of suitable age and discretion who resides there,
 on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

I declare under penalty of perjury that this information is true.

 Date

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Defendant(s)

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)
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Civil Action No.

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 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____ , a person of suitable age and discretion who resides there,
 on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____ .

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 Date

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Date

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 _____ , a person of suitable age and discretion who resides there,
 on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

I declare under penalty of perjury that this information is true.

Date_____
*Server's signature*_____
*Printed name and title*_____
Server's address

Additional information regarding attempted service, etc: