

IN THE CIRCUIT COURT OF ST. LOUIS CITY
TWENTY-SECOND JUDICIAL CIRCUIT
STATE OF MISSOURI

ANGELA ALLEN, Individually and on behalf of
KEVIN CAVINS deceased,
Plaintiff,

v.

Case No.

ST. LOUIS CITY, MISSOURI,

Division

Serve: Mayor Tishaura Jones
1200 Market Street Room 200
St. Louis, MO 63103

CORIZON HEALTH, INC.

Serve: CT Corporation, registered agent
120 S. Central
Clayton MO 63105

JENNIFER HAYLES

Serve: Mayor Tishaura Jones
1200 Market Street Room 200
St. Louis, MO 63103,

PEGGY WELLS

Serve: Mayor Tishaura Jones
1200 Market Street Room 200
St. Louis, MO 63103,

JEROME DUNNING,

Serve: Mayor Tishaura Jones
1200 Market Street Room 200
St. Louis, MO 63103

STACI RAMSEY,

Serve: CT Corporation, registered agent
120 S. Central
Clayton MO 63105,

KALILAH MORSE,

Serve: CT Corporation, registered agent
120 S. Central
Clayton MO 63105,

DEBORAH JONES,

Serve: CT Corporation, registered agent
120 S. Central
Clayton MO 63105,

CHARLES WILKE,

Serve: CT Corporation, registered agent
120 S. Central
Clayton MO 63105,

LAURA MANFORD,

Serve: CT Corporation, registered agent
120 S. Central
Clayton MO 63105,

ANDRAE DOBBINS,

Serve: Mayor Tishaura Jones
1200 Market Street Room 200
St. Louis, MO 63103,

BRENDA MALLARD, MD,

Serve: CT Corporation, registered agent
120 S. Central
Clayton MO 63105,

and

JOHN DOE 1.

Defendants.

PETITION FOR DAMAGES

COMES NOW, Plaintiff Angela Allen (“Plaintiff”), individually and on behalf of Kevin Cavins (“Cavins”), deceased, and for her Petition against Defendants:

STATEMENT OF CASE

1. On or about November 5, 2020, thirty-three-year-old Kevin Cavins was detained at the City of St. Louis Justice Center (“Justice Center”), a jail. Cavins was detained as a pretrial detainee on a parole violation. At the time of his pretrial detention, Cavins reported to be withdrawing from opioids among other health issues. Cavins also reported multiple allergies to medications and foods. During intake at the Justice Center, a practical nurse dispensed various medications to Cavins without a medical doctor first assessing Cavins. Mr. Cavins was then placed on detoxification watch status and housed in a cell called “Tank 9”. Over the following days, Mr. Cavins experienced symptoms including tachycardia, vomiting, anxiety, and extreme pain. A Justice Center’s mental health clinician noted an “allergic reaction to medication.” Further, throughout Mr. Cavins’ time in Tank 9, other detainees reported that Cavins sought help multiple times from medical staff and correctional staff related to his deteriorating health. Despite that, no jail staff contacted a medical doctor or emergency medical services. Moreover, the Justice Center guards had clear ministerial, pursuant to Justice Center policy, to conduct physical, in-person surveillance of Cavins. Justice Center guards also had a ministerial and non-discretionary duty to interact and talk with Cavins as part of his heightened wellbeing check but, they failed to do so. On November 8, 2020, Cavins was then found dead in Tank 9 at only thirty-three years of age. Cavins’ sister, Plaintiff Angela Allen now asserts in her Petition two claims under Missouri Law for wrongful death and medical negligence.

JURISDICTION AND VENUE

2. This Court has personal jurisdiction over the parties.

3. Venue is proper to this Court, pursuant to Mo. Rev. Stat. § 105.055, which provides that “[a] civil action commenced pursuant to this subsection may be brought in the circuit court for the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is filed resides” and the violations alleged herein occurred within the geographical boundaries of the city of St. Louis, Missouri.

PARTIES

4. Plaintiff Angela Allen (hereinafter “Plaintiff Allen”) is and was at all times relevant herein a citizen of the United States of America and a resident of the State of Missouri. Further, Plaintiff Allen is the sister of Kevin Cavins and therefore the appropriate party to bring action on his behalf.

5. Defendant St. Louis City, Missouri (hereinafter “St. Louis”) is a body politic, municipal corporation and/or political subdivision of the State of Missouri, organized and existing pursuant to the Missouri Constitution and State Law. Defendant St. Louis City operates with authority over the St. Louis City Justice Center.

6. Defendant Corizon Health, Inc. (hereinafter “Corizon”) was, and is, a corporation authorized to do business with St. Louis City, Missouri. Corizon regularly conducts business in St. Louis, Missouri in conjunction with Defendant St. Louis.

7. Upon information and belief, at all times relevant herein, Corizon reached a meeting of minds and/or mutual understanding, orally and/or in writing, with St. Louis to recruit, contract, employ, train, compensate, and supervise medical professionals to provide services including, but not limited to, examinations, treatments, and care for all inmates housed at St. Louis City Justice Center. This meeting of minds and/or mutual understanding was effective during all

periods of time in which deceased Kevin Cavins was detained at the St. Louis City Justice Center, from 2018 to 2020. Accordingly, Corizon was a willing participant with St. Louis and/or its agents in the joint action that violated Mr. Cavins' rights under Missouri State law

8. Defendant Jennifer Hayles (hereinafter "Defendant Hayles") is and was, at all times relevant hereto, a citizen of Missouri employed at the St. Louis City Justice Center as a correctional officer.

9. Defendant Peggy Wells (hereinafter "Defendant Wells") was, at all times relevant hereto, a citizen of Missouri employed at the St. Louis City Justice Center as a correctional officer.

10. Defendant Jerome Dunning (hereinafter "Defendant Dunning") is and was, at all times relevant hereto, a citizen of Missouri employed by St. Louis City as a lieutenant.

11. Defendant Staci Ramsey (hereinafter "Defendant Ramsey") was, at all times relevant hereto, a citizen of Missouri employed, on information and belief by Corizon and/or St. Louis City as a licensed practical nurse ("LPN").

12. Defendant Kalilah Morse, RN (hereinafter "Defendant Morse") is and was, at all times relevant hereto, a citizen of Missouri employed, on information and belief by Corizon and/or St. Louis City as a registered nurse at the Justice Center.

13. Defendant Deborah Jones, RN (hereinafter "Defendant Jones") is and was, at all times relevant hereto, a citizen of Missouri employed on information and belief by Corizon and/or St. Louis City as a registered nurse at the Justice Center.

14. Defendant Charles Wilke, LPN (hereinafter "Defendant Wilke") is and was, at all times relevant hereto, a citizen of Missouri and a licensed practical nurse employed on information and belief by Corizon and/or St. Louis City at the Justice Center.

15. Defendant Laura Manford, RN (hereinafter “Defendant Manford”) is and was, at all times relevant hereto, a citizen of Missouri employed on information and belief by Corizon and/or St. Louis City as a registered nurse at the Justice Center.

16. Defendant Andrae Dobbins (hereinafter “Defendant Dobbins”) was at all times relevant hereto a citizen of Missouri and a mental health clinician employed on information and belief by Corizon and/or St. Louis City.

17. Defendant Brenda Mallard, MD., (hereinafter “Defendant Mallard”) is and was, at all times relevant hereto, a citizen of Missouri employed as a medical doctor on information and belief by Corizon and/or St. Louis City at the Justice Center.

18. Defendant John Doe 1 is a medical doctor on information and belief a citizen of Missouri and employed by Corizon and/or St. Louis City and responsible for executing the standing orders at the jail in effect on November 5, 2020.

ALLEGATIONS COMMON TO ALL COUNTS

19. Kevin Cavins (“Cavins”) was a thirty-three-year-old pretrial detainee who died in the custody of St. Louis City.

20. Cavins was arrested on a probation violation and was booked into the Justice Center on November 5, 2020.

21. After his arrival at the jail, Defendant Ramsey, a practical nurse, conducted Cavins’ intake medical assessment.

22. During this intake assessment Cavins told Defendant Ramsey that he was withdrawing from opiates.

23. During Cavins’ intake assessment, Defendant Ramsey recorded Cavins’ resting heart rate as 122 beats per minute (bpm), indicating that Mr. Cavins was experiencing tachycardia.

24. The Justice Center's intake protocol states that any patients with irregularities noted in their intake exams shall be referred to the jail's medical doctor.

25. Defendant Ramsey did not contact the jail's medical doctor.

26. During Cavins' intake assessment, Defendant Ramsey provided Cavins with APAP tabs, Clonidine HCL tabs, Hydroxyzine Pamoate caps, Pink Bismuth LIO, and Promethazine HCL to Cavins.

27. According to jail medical records, Defendant Mallard MD., prescribed these medications to Cavins.

28. Defendant Mallard, however, did not visit, see or talk to Mr. Cavins before prescribing medication to him.

29. John Doe 1, medical doctor, executed the standing orders in effect at the Justice Center on November 5, 2020, allowed nurses and practical nurses to distribute prescription medication to detainees without ensuring that the patient consulted with a medical doctor.

30. Upon information and belief, Defendant Mallard and John Doe 1 did not have a collaborative practice agreement with Defendant Ramsey or any other nurses that may have seen Cavins or distributed medication to Cavins.

31. Several of the aforementioned drugs are known to have adverse interactions when taken together.

32. Hydroxyzine Pamoate and Promethazine HCL taken together can cause vision changes, irregular heartbeat, constipation, and abdominal cramping.

33. Promethazine and Clonidine can cause dizziness, lightheadedness, and changes in pulse when taken together.

34. Cavins complained to medical and correctional staff that he was experiencing adverse effects from the administration of these medications. These adverse effects included extreme pain that he rated as a 10/10, anxiety, vomiting, and serious bowel issues.

35. On November 6, 2020, at approximately 10:20 a.m., Defendant Dobbins visited Mr. Cavins for an individual counseling check-up. During this encounter, Defendant Dobbins noted that Mr. Cavins was experiencing anxiety as well as an “allergic reaction to medication.”

36. Defendant Dobbins did not contact a medical doctor or emergency services.

37. Upon information and belief, Defendant Jones was mandated to but did not record all Cavin’s vital signs during encounters with Cavins.

38. On information and belief, Defendant Ramsey was mandated to but did not record all Cavin’s vital signs during encounters with Cavins.

39. Defendant Wilke saw Cavins on November 7, 2020, wherein Cavins complained about stomach pain and told Wilke he had had part of his intestines removed.

40. Defendant Wilke noted that “MD staff will continue to monitor for further complications. Appointment to see the doctor ordered.”

41. Cavins, upon information and belief, wasn’t scheduled to see a medical doctor at a specific time and date, and Cavins would never see a medical doctor.

42. Defendant Manford saw Cavins on November 5, 2020, wherein Cavins was tachycardic however Defendant Manford did not report or escalate Cavin’s medical condition to a doctor.

43. Defendant Manford was supposed to assess Cavins on November 7, 2020, but although Defendant Manford claimed that Cavins “refused” her services, the jail records contain no signed or witnessed refusal for this alleged refusal.

44. It is the policy of Corizon and St. Louis City to obtain a signed refusal when treatment is refused and if signature is refused, then to obtain two witness signatures witnessing the refusal.

45. Defendant Morse saw Cavins the night he died related to a “treatment call” but Defendant Morse did not document observations or treat Cavins increasingly dire medical condition.

46. No member of Corizon or the Justice Center’s medical staff ordered a drug test to see what drug(s) were present in Cavins’ system and in what quantities at any point during his time at the Justice Center.

47. Each medical staff defendant knew or should have known that Cavins required additional care from a physician or emergency services, but none of the nurse defendants contacted a physician or emergency services in regard to Cavins.

48. Failures to provide medical services and observe Cavins were not limited to medical staff but also included correctional officers.

49. During Cavin’s time in Tank 9, correctional officers had non-discretionary, ministerial duties to conduct wellbeing checks of Mr. Cavins at least every fifteen minutes.

50. These wellbeing checks were mandated to be conducted in person and the officers were mandated to communicate with Cavins to determine whether or not he was able to communicate.

51. On November 8, 2020, Mr. Cavins, extremely sick, requested that he be taken to a bathroom.

52. Defendant Wells escorted Cavins to the bathroom, where Cavins complained of worsening health and vomited multiple times.

53. Instead of contacting medical staff or emergency services, Defendant Wells gave cleaning supplies to Mr. Cavins and told him to clean the bathroom.

54. Also during the evening of November 8, 2020, Defendants Hayles, Dunning, and Wells were responsible for in-person monitoring of Cavins.

55. Defendants Wells, Hayles, and Dunning had ministerial duties to conduct in person wellness checks to physically observe Cavins and to actively communicate with Cavins to assure he was alive, well, and was able to respond and communicate.

56. Defendant Hayles did not conduct some of the mandated in-person wellness checks of Cavins the night of his death.

57. Per Justice Services policy, Defendant Hayles did not physically observe Mr. Cavins and did not communicate with Cavins to assure he was alive and well.

58. Upon information and belief, Defendant Wells and Dunning did not conduct each of their mandated in-person wellness checks of Mr. Cavins and did not physically observe Cavins or communicate with him to assure he was alive, well, and able to respond.

59. Conducting mandatory physical observations and interactions with persons housed in Tank 9 every fifteen minutes is a mandatory, non-discretionary policy of the Justice Center.

60. At approximately 1:50 a.m. on November 8, 2020, Defendant Dunning approached tank No. 9 to let the Justice Center's cleaning crew into Tank 9.

61. Defendant Dunning found Mr. Cavins unresponsive and requested assistance.

62. Mr. Cavins had dried vomit in and around his mouth when he was found unresponsive.

63. Emergency Medical Services ("EMS") arrived at 2:05 a.m.

64. EMS declared Cavins dead at 2:29 a.m. on November 8, 2020.

65. All named Defendants were aware that Cavins was suffering from a serious medical condition and was in need of medical attention.

66. Other detainees who were housed with Cavins in Tank 9 stated that they observed his poor condition and heard him complain of health issues to correctional and/or medical staff multiple times.

67. Even though medical and corrections staff knew and/or should have known of Cavins' serious need for medical attention, they failed to provide him with adequate and timely medical care, including, but not limited to, contacting doctor or emergency services.

68. As a direct and proximate cause of all named Defendants' negligence, Plaintiff Allen suffered the loss of her beloved brother.

69. As a direct and proximate result of the actions of all named Defendants and pursuant to § 537.090 RSMo., Plaintiff has damages as follows: damages that decedent Cavins suffered between the time of his November 5, 2020 detainment and the time of his death, including his pain and suffering, and for the recovery of which the decedent might have maintained an action had death not ensued; pecuniary loss suffered by reason of the death of Mr. Cavins; funeral expenses; and a reasonable value of the companionship, comfort, instruction, guidance, support, and familial love of which the Plaintiff has been deprived by reason of the death of Mr. Cavins.

70. All of the aforementioned actions demonstrate that Defendants' actions were reckless and/or callously indifferent to Mr. Cavins' rights so as to justify consideration by the trier of fact of aggravating circumstances in determining the amount of damages to be allowed.

71. Plaintiff is entitled to compensation for violations of Mr. Cavins' rights that all Defendants inflicted upon him, including, but not limited to, all damages allowable for wrongful

death pursuant to § 537.080 RSMo; pain and suffering before death; attorney's fees; and punitive damages.

COUNT I

Wrongful Death

Against Defendants St. Louis City, Corizon, Ramsey, Manford, Wilke, Jones, Morse, Dobbins, Wells, Hayles, Dunning and Doe 1

72. Plaintiff hereby incorporates by reference all the allegations made in each preceding paragraphs as if each were set forth herein.

73. Defendants St. Louis City, Corizon, Ramsey, Manford, Wilke, Jones, Morse, Dobbins, Wells, Hayles, Dunning and John Doe 1 owed a duty to ensure the safety of detainees like Mr. Cavins.

74. This duty included the duty to provide proper medical care to Cavins by Defendants St. Louis City, Corizon, Ramsey, Manford, Wilke, Jones, Morse, Dobbins and John Doe 1.

75. This duty also included the duty of Defendants St. Louis County, Wells, Hayles, and Dunnings' to physically observe and communicate with Cavins each fifteen minutes pursuant to St. Louis City policy.

76. All abovenamed Defendant's duties to Mr. Cavins were ministerial duties.

77. The above Defendants' actions resulted in a violation of the duty owed to Cavins to ensure his basic health, welfare and his life.

78. The abovenamed Defendants were aware of Mr. Cavins' needs for medical intervention and in-person surveillance prior to his death on November 8, 2020.

79. Defendants were aware of the seriousness and rapidly escalating nature of Mr. Cavins' health complaints, and disregarded them, including but not limited to his multiple requests for medical attention, his reports of serious pain, and his complaints of adverse reactions to his medication or a worsening medical condition.

80. As a direct and proximate result of Defendants' actions, Mr. Cavins was deprived of life-saving medical care, experienced injuries, and was caused to suffer loss of life.

81. Plaintiff is entitled to recover damages against the Defendants according to § 537.080 RSMo. for the wrongful injuries and death of Mr. Cavins, including special damages for his funeral and burial.

82. Mr. Cavins endured extreme pain, suffering and injury during the days leading up to his death, an item of damage that should be considered and awarded.

COUNT II

Medical Negligence

Against Defendants St. Louis City, Corizon, Ramsey, Morse, Jones, Wilke, Manford, Dobbins and John Doe 1

83. Plaintiff hereby incorporates by reference all the allegations made in each preceding paragraph as if each were set forth herein.

84. A patient-healthcare provider relationship existed between Defendants Corizon, Ramsey, Morse, Jones, Wilke, Manford, Dobbins, and John Doe 1 (hereinafter "Medical Defendants") and Mr. Cavins. Medical Defendants therefore owed a legal duty to protect Mr. Cavins from injury.

85. Medical Defendants owed Mr. Cavins a duty to provide medical care using the degree of skill and learning ordinarily used under the same or similar circumstances by members of the medical profession while Mr. Cavins was at the Justice Center.

86. St. Louis City and Medical Defendants breached their duties – on multiple occasions and in multiple ways – and were therefore negligent in several ways, including but not limited to:

- a. failing to provide proper medical care for Mr. Cavins,

- b. failing to ensure the proper monitoring of Mr. Cavins while he was on watch status, including the recording of all required vital signs
- c. failing to follow drug withdraw and/or detoxification protocols
- d. failing to ensure qualified, experienced health care staff was available to treat Mr. Cavins
- e. failing to transfer Mr. Cavins to an outside detoxification facility
- f. failing to create a written health care plan for Mr. Cavins outlining his health care regimen, and failing to review the application of this regimen.
- g. failing to follow medical standards for drug withdraw and/or detoxification.
- h. failing to report Mr. Cavins symptoms and vital signs to a doctor or appropriate medical provider.
- i. Failing to refer abnormalities in Mr. Cavins' health to the facility's physician
- j. failing to have a medical doctor assess Mr. Cavins at any time, including prior to and after the administration of prescription medication.
- k. failing to report a potential allergic reaction to medication to appropriate doctor or medical providers.
- l. prescribing and/or providing medications that should not have been provided
- m. failing to ensure closer observation of Mr. Cavins, including by transferring him to the Justice Center's infirmary or a hospital.
- n. failing to adjust or terminate medication.
- o. failing to contact emergency services prior to Mr. Cavins' death,
- p. failing to respond appropriately to allergic reactions, medical emergency and/or urgent medical situation

87. As a direct and proximate cause of Defendants' negligence, Mr. Cavins' treatment was severely delayed and denied which caused him to suffer severe pain and death.

88. Medical Defendants should have known that to continue Mr. Cavins' use of medications with adverse side effects would cause Mr. Cavins to suffer pain related to his medical condition, which involved an unreasonable risk of death.

89. Indeed, the medical injury suffered by Mr. Cavins, as the result of Defendants' conduct, is medically diagnosable and/or is medically significant.

90. Plaintiff is entitled to recover all applicable damages including, but not limited to, damages related to pain and suffering, mental anguish, loss of capacity to enjoy life, and attorney's fees, as related to Defendants' misconduct.

91. Defendants' acts were intentionally willful, wanton, reckless, and malicious and evince a complete and a conscious and reckless disregard of the rights and life of Mr. Cavins. Therefore, Plaintiff is entitled to an award of punitive or exemplary damages in an amount sufficient punish defendants and to deter others from like conduct in the future.

INJURIES AND DAMAGES

92. Plaintiff hereby incorporates by reference all the allegations made in each preceding paragraph as if each were set forth herein.

93. As a direct and proximate result of the negligent actions of the Defendants, decedent Mr. Cavins suffered personal injury, pain and suffering, and mental anguish prior to his death. As a direct result of the negligent actions of the Defendants, Mr. Cavins suffered a poor quality of life in the days preceding his death. Defendants' negligence and deliberate indifference directly contributed to the personal injury, pain and suffering, mental anguish, and death experienced by Mr. Cavins.

94. As a direct and proximate result of the Defendants' negligence and deliberate indifference, Plaintiff was deprived of decedent's valuable companionship, comfort, guidance, support, familial love, and affection. Additionally, decedent suffered great physical pain and mental anguish through the time period of the Defendants' negligence deliberate indifference to his serious medical needs to his death.

95. As a direct and proximate result of the Defendants' negligence and deliberate indifference in treating Mr. Cavins' serious medical condition, Mr. Cavins suffered loss of life. This also deprived him of future enjoyment of life and income.

96. Plaintiff is entitled to recover punitive damages from the Defendants for their intentional, willful, and malicious acts and/or omissions which constituted gross negligence, recklessness, and deliberate indifference to Mr. Cavins' medical needs in violation of his civil rights pursuant to 42 U.S.C. § 1983.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury on all of the above issues, costs herein incurred, fees where appropriate, and such relief as is deemed appropriate for the Court.

WHEREFORE, Plaintiff Angela Allen, on behalf of decedent Kevin Cavins, respectfully prays that this Honorable Court enter judgement in her favor and against Defendants; award her compensatory damages; punitive damages and award her reasonable costs and attorneys' fees; and grant her any and all such other relief as this Court deems just and proper.

Dated: November 7, 2023

Respectfully submitted,

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