

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
OWENSBORO DIVISION
Case No. 4:23-CV-35-JHM

Jane Doe	)
Plaintiff	)
	)
v.	)
	)
Webster County, Kentucky;	)
Greg Sauls; Aaron Drewicz	)
Defendants	)

COMPLAINT AND REQUEST FOR JURY TRIAL

The Plaintiff, Jane Doe¹, for her Complaint against the Defendants, Webster County, Kentucky; Greg Sauls; and Aaron Drewicz; states as follows:

INTRODUCTION

1. The Plaintiff brings this action due to the abuse she suffered while an inmate at the Webster County Detention Center in Dixon, Kentucky. She suffered both physical and sexual abuse. Even though there was a history of sexual abuse of inmates at the Webster County Detention Center (“WCDC”), the administration of the WCDC failed to properly supervise their officers and to promulgate and/or enforce the procedures necessary to prevent further sexual abuse.

2. The Plaintiff brings claims pursuant to both Kentucky state law and federal law, including her constitutional rights.

¹ The Plaintiff is proceeding under a pseudonym in order to protect her privacy. Plaintiff’s counsel will send provide her name to the Defendants at the time of serving the Complaint and Summons.

PARTIES

3. The Plaintiff, Jane Doe, is a resident of the Commonwealth of Kentucky.

4. The Defendant, Webster County, Kentucky is a unit of local government organized pursuant to the laws of the Commonwealth of Kentucky. It is a “person” for purposes of 42 USC § 1983 and acted under color of state law for all purposes of this cause of action. This Defendant operates the WCDC.

5. The Defendant, Greg Sauls, is the Jailer of Webster County, Kentucky. Mr. Sauls has been the Jailer since July 2021. He is a “person” for purposes of 42 USC § 1983. He was acting under the color of state law at all times relevant to this cause of action. This claim is brought against him in both his individual and official capacities.

6. The Defendant, Aaron Drewicz, is a resident of the Commonwealth of Kentucky. He was a Deputy Jailer at the WCDC at the time Ms. Doe came to be an inmate at the jail. His employment with the WCDC was terminated in August 2022. He is a “person” for purposes of 42 USC § 1983. He was acting under the color of state law at all times relevant to this cause of action. This claim is brought against him in both his individual and official capacities.

VENUE AND JURISDICTION

7. 28 U.S.C. § 1331 and 28 U.S.C. § 1343 grant this Court jurisdiction over the Plaintiff's claims brought pursuant to 42 USC § 1983 and the United States Constitution.

8. 28 U.S.C. § 1367 grants this Court jurisdiction over the Plaintiff's claims brought pursuant to laws of the Commonwealth of Kentucky.

9. This Court is the proper venue for this cause of action pursuant to 28 U.S.C. § 1391.

FACTS COMMON TO ALL COUNTS

A. Sexual Abuse suffered by Ms. Doe at WCDC

10. Ms. Doe became an inmate at the Webster County Detention Center ("WCDC") in July 2022.

11. A few days after Ms. Doe became an inmate, Defendant Drewicz offered to give her extra food if she would flash her breast at him. This incident occurred while Ms. Doe was housed in the suicide watch area of the WCDC.

12. Ms. Doe reported this incident to Deputy Jailer Emily Sauls. She is the niece of Jailer Greg Sauls.

13. Ms. Doe was subsequently transferred to a regular cell.

14. About a month later, Deputy Jailer Emily Sauls asked Ms. Doe to come to watch a prisoner located in the suicide watch area

15. Ms. Doe went to the suicide watch area with Deputy Jailer Emily Sauls. Deputy Jailer Emily Sauls then left that area.

16. While Ms. Doe was in the suicide watch area, Defendant Drewicz asked her to go into the bathroom to take a sexually explicit video of herself. He told

her he had placed his cell phone under the trash can in the bathroom along with a cigarette.

17. Per the instructions of Defendant Drewicz, Ms. Doe went into the bathroom and recorded the video. She put the cell phone back where he had left it.

18. Defendant Drewicz then retrieved his phone from the bathroom.

19. Defendant Drewicz then instructed Ms. Doe to stand in the doorway of the control room in a spot where others could not see her. Defendant Drewicz then began to rub his hand on Ms. Doe's vagina. He then grabbed her breast and told her his penis was erect. He then forced her to grab his penis and rub her hand on it.

20. During this same encounter, he asked her when she would be released from jail and asked for her phone number and Facebook information. He repeatedly asked her to go into the "ice" room to have sex with him. She refused to have sex with him.

B. Criminal Charges Against Defendant Drewicz

21. The Kentucky State Police began an investigation of Defendant Drewicz after receiving complaints against him.

22. The Commonwealth of Kentucky charged Defendant Drewicz with the following crimes on September 14, 2022: (1) three (3) counts of Video Voyeurism, a Class D felony, in violation of KRS § 531.100; (2) three (3) counts Official Misconduct in the First Degree, a Class A Misdemeanor, in violation of KRS § 522.020; (3) three (3) counts of Promoting Contraband in the First Degree, a Class D

felony, in violation of KRS § 522.020; and (4) one count of Sexual Abuse in the Second Degree, a Class A misdemeanor, violation of KRS § 510.120(1)(b)

23. The criminal charges against Defendant Drewicz are still pending.

C. History of Sexual Abuse in the WCDC

24. Arthur Dale Collins was formerly a Deputy Jailer at the WCDC.

25. On April 14, 2021, the Commonwealth of Kentucky charged Collins with the following crimes due to his mistreatment of prisoners at the WCDC: (1) two counts of Official Misconduct in the First Degree, a Class A Misdemeanor, in violation of KRS § 522.020; (2) one count of Video Voyeurism, a Class D felony, in violation of KRS § 531.100; (3) one count of Assault in the 4th Degree (minor injury), a Class A misdemeanor, in violation of KRS § 508.030; and (5) one count of Sexual Abuse in the First Degree, a Class C felony, , in violation of KRS § 510.110; and (6) one count of Sexual Abuse in the Second Degree, a Class A misdemeanor, in violation of KRS § 510.120.

26. On September 27, 2022, Collins pleaded guilty to the following crimes: (1) two counts of Official Misconduct in the First Degree; (2) one count of Assault in the Fourth Degree (minor injury); and (3) one count of Sexual Abuse in the Second Degree.

27. Defendant Greg Sauls was a deputy jailer at the WCDC at the time Collins committed these crimes.

D. Defendants' Failure to Supervise Officers and Failure to Establish Policies and Procedures to Prevent Abuse

28. The sexual abuse of inmates is a well-known danger within jails.

29. Defendants Greg Sauls and Webster County, Kentucky failed to properly supervise their officers to prevent sexual abuse. Defendant Drewicz was able to sexually abuse Ms. Doe due to this failure to supervise.

30. Defendants Greg Sauls and Webster County, Kentucky failed to create and implement appropriate and effective policies to prevent the sexual abuse of inmates. Defendant Drewicz was able to sexually abuse Ms. Doe due to this failure to create and implement effective policies.

E. Plaintiff Assaulted by Jail Officer on Last Day of Incarceration

31. An officer of the WCDC tased Ms. Doe as she was being led out of the building on her last day in jail.

32. Ms. Doe was properly following all commands of the officer.

33. The officer had no proper reason to use the taser on Ms. Doe.

F. Plaintiff's injuries

34. The actions of the Defendants have caused Ms. Doe to endure humiliation, mental anguish, emotional distress, and physical pain.

COUNT I- 42 U.S.C. § 1983 (all Defendants)

35. The allegations of Paragraphs 1 through 34 are incorporated herein by reference.

36. The Defendants, acting under the color of state law, deprived Ms. Doe of rights guaranteed to her by the Eighth and Fourteenth Amendments to the United States Constitution. These rights include: (1) the right to be free from excessive force; (2) the right to due process; (3) the right to be free from cruel and

excessive punishment; (4) the right to equal protection under the law; and (5) the right to be free from unwanted sexual advances and unwanted sexual contact.

37. The Plaintiff brings a claim against all Defendants pursuant to 42 U.S.C. § 1983 for these deprivations of her constitutional rights.

COUNT II – ASSAULT AND BATTERY (Defendant Drewicz)

38. The allegations of Paragraphs 1 through 37 are incorporated herein by reference.

39. Defendant Drewicz committed acts of sexual assault against Ms. Doe by touching her breast and vagina without her consent and forcing her to touch his penis.

COUNT III – NEGLIGENCE (All Defendants)

40. The allegations of Paragraphs 1 through 39 are incorporated herein by reference.

41. The Defendants had a duty of reasonable care to Ms. Doe.

42. The Defendants breached this duty, and these breaches caused harm to Ms. Doe.

JURY DEMAND

The Plaintiff requests a trial by jury on all issues.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff, Jane Doe, respectfully requests this Court enter judgment in her favor and against the Defendants as follows: (1) granting her

all compensatory damages available under state and federal law; (2) granting her punitive damages; (3) granting her reasonable attorneys' fees and costs; (4) granting pre and post-judgment interest; and (5) granting all other relief just and proper in the premises.

GERLING LAW OFFICES. P.C.

By: /s/ James E. Stoltz
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Email: jim@gerlinglaw.com

Counsel for the Plaintiff

JS 44 (Rev. 04/21)

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

Jane Doe

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

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

James E. Stoltz, Gerling Law Office
519 Main Street, Evansville, IN; 812-423-5251

DEFENDANTS

Webster County, Kentucky; Greg Sauls, Aaron Drewicz

County of Residence of First Listed Defendant Webster
(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 | ☒ 1 | ☒ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 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	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☒ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 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 USC 1983

Brief description of cause:

Deprivation of civil rights while an inmate in county jail

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

March 10, 2023

SIGNATURE OF ATTORNEY OF RECORD

/s/ James E. Stoltz

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE