

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

DECADES, LLC, as Court appointed Guardian  
and Conservator of SHARON VANWAGNER,

Plaintiff,

v.

No. \_\_\_\_\_

SANDOVAL COUNTY BOARD  
OF COMMISSIONERS, AL CASAMENTO,  
CAPTAIN LYNDA HIGGINBOTHAM,  
CAPTAIN TUELL, DEPUTY DIRECTOR RODRIGUEZ,  
DEPUTY DIRECTOR QUINTANA  
CORRECT CARE SOLUTIONS, formerly  
CORRECTIONAL HEALTHCARE COMPANIES,  
DEBRA JACCARD, JAN KRUSICK,  
NATASHA ROYBAL, MARY ZOLD, AUDREY SIEGAL,  
DR. BABATUNDE OKULEYE, JOHN/JANE DOE  
MEDICAL PROFESSIONAL, and  
JOHN/JANE DOE CLASSIFICATION OFFICER

Defendants.

**COMPLAINT FOR THE RECOVERY OF DAMAGES  
CAUSED BY THE DEPRIVATION OF CIVIL RIGHTS**

Plaintiff, Decades, LLC, brings this complaint on behalf of Sharon Vanwagner, as the Court appointed Guardian and Conservator for damages caused by the violation of Ms. Vanwagner's civil and constitutional rights. Plaintiff files this complaint under the Federal Civil Rights Act, the Constitution of the United States, and the American with Disabilities Act. In support of this complaint, Plaintiff alleges the following:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction over the parties. Venue is proper as the acts complained of occurred exclusively within Sandoval County, New Mexico.

**PARTIES**

1. Decades, LLC has been appointed by the Third Judicial District Court in the County of Dona Ana as guardian and conservator for Sharon Vanwagner. As such Decades, LLC is appointed to act on behalf of Ms. Vanwagner to bring the claims outlined below.
  - A. Ms. Vanwagner was a resident of Rio Rancho, Sandoval County, New Mexico at the time of the incidents complained of below.
  - B. Ms. Vanwagner currently resides in Las Cruces, New Mexico.
2. Defendant Sandoval County Board of Commissioners is a governmental entity within the State of New Mexico and a “person” under 43 U.S.C. § 1983. At all times material to this Complaint the Board was the employer or contractor of the individual defendants.
3. Defendant Al Casamento at all material times was the Director of the Sandoval County Detention Center (hereinafter “SCDC”) and is sued in his individual and official capacities.
4. Defendant Casamento was acting under the color of state law and within the course and scope of his employment at all material times.
5. Defendant Lynda Higginbotham at all material times was a high ranking guard at SCDC and is being sued in her individual capacity only.

6. Defendant Higginbotham was acting under color of state law and within the course and scope of her employment at all material times.
7. Defendant Captain Tuell at all material times was a high ranking supervisor at SCDC and is being sued in his individual capacity only.
8. Defendant Tuell was acting under color of state law and within the course and scope of his employment at all material times.
9. Defendant Deputy Director Rodriguez at all material times was a high ranking supervisor at SCDC and is being sued in his individual capacity only.
10. Defendant Rodriguez was acting under color of state law and within the course and scope of his employment at all material times.
11. Defendant Deputy Director Quintana at all material times was a high ranking supervisor at SCDC and is being sued in his individual capacity only.
12. Defendant Quintana was acting under color of state law and within the course and scope of his employment at all material times.
13. Correct Care Solutions (CCS), formerly Correctional Healthcare Companies (CHC), is a “for profit” company providing medical and behavioral health services for nearly 250,000 patients located in state hospitals, forensic treatment and civil commitment centers, as well as local, state and federal correctional facilities.
14. At all material times CCS, formerly CHC, was the provider of medical and mental health services at SCDC, contracted to assume responsibility for the governmental function of providing healthcare to all inmates incarcerated at SCDC.
15. CHC, now CCS, contracted with the Sandoval County Board of Commissioners and Sandoval County Detention Center to provide medical and mental health

- services to inmates incarcerated at the SCDC. At all material times CHC was the provider of medical and mental health services to inmates at SCDC, acting under the color of state law and within the course and scope of its contractual responsibilities.
16. Defendant Debra Jaccard at all material times was a nurse practitioner in charge of the delivery of healthcare at SCDC.
  17. Defendant Jaccard is sued in her individual and official capacity. She was acting under color of state law and within the course and scope of her employment at all material times.
  18. Defendant Jan Krusick at all material times was a licensed independent social worker assigned to provide mental health care to Ms. Vanwagner at SCDC.
  19. Defendant Krusick is sued in her individual capacity. She was acting under color of state law and within the course and scope of her employment at all material times.
  20. Defendant Natasha Roybal at all material times was a nurse assigned to deliver medical care to Ms. Vanwagner at SCDC.
  21. Defendant Roybal is sued in her individual capacity and official. She was acting under color of state law and within the course and scope of her employment at all material times.
  22. Defendant Mary Zold at all material times was a licensed independent social worker assigned to supervise and provide mental health care to Ms. Vanwagner at SCDC.

23. Defendant Zold is sued in her individual capacity and official capacity. She was acting under color of state law and within the course and scope of her employment at all material times.
24. Defendant Audrey Siegal at all material times was a licensed independent social worker assigned to supervise and provide mental health care to Ms. Vanwagner at SCDC.
25. Defendant Siegal is sued in her individual capacity and official capacity. She was acting under color of state law and within the course and scope of her employment at all material times.
- 26.
27. Defendant Dr. Babatunde Okuleye at all material times was a psychiatrist assigned to provided mental health care to Ms. Vanwagner at SCDC.
28. Defendant Okuleye is sued in his individual and official capacity. He was acting under color of state law and within the course and scope of his employment at all material times.
29. Defendant John/Jane Doe Medical Professional at all material times was assigned to deliver medical care to Ms. Vanwagner at SCDC.
30. Defendant John/Jane Doe Medical Professional is sued in his/her individual capacity. S/he was acting under color of state law and within the course and scope of his/her employment at all material times.
31. Defendant John/Jane Doe Classification Officer at all material times was a guard at SCDC and is being sued in his/her individual capacity only.

32. Defendant John/Jane Doe Classification Officer was acting under color of state law and within the course and scope of his/her employment at all material times.

**FACTUAL BACKGROUND**

33. On October 18, 2013, Ms. Vanwagner was arrested and booked into the Sandoval County Detention Center.

34. It was obvious at the time she was booked into SCDC that Ms. Vanwagner had a serious mental illness.

35. Unfortunately, Ms. Vanwagner failed to receive adequate treatment for her mental illness while at SCDC and instead was placed in isolation cell, segregated from the rest of the jail population.

36. Being placed in isolation and/or segregation was detrimental to her mental health and caused her mental health to deteriorate.

37. At the time Ms. Vanwagner was booked into SCDC, the jail and medical/mental healthcare staff were aware of Ms. Vanwagner's mental health issues.

38. The booking officer noted in her booking paperwork that two days prior to her incarceration, Ms. Vanwagner had been released from the New Mexico Behavioral Health Institute ("NMBHI").

39. Per SCDC policy and/or practice in dealing with individuals brought into jail with mental health issues, Ms. Vanwagner was placed directly into segregation on "Line of Sight" ("LOS") Level 1 watch immediately.

40. LOS watch at SCDC required that Sharon be monitored 24-hours per day by a guard, the cell light would remain on constantly, she was not allowed to have any personal items, reading or writing materials, she was not permitted to participate in

- religious activities, she would be naked in her cell except for a “suicide smock” and was only allowed out of her cell for short periods of time – usually thirty (30) minutes or shorter, and was not allowed to the minimally required one hour of recreation time out of her cell.
41. Immediately, Ms. Vanwagner began showing obvious signs of her mental illness.
  42. During the first 24 hours of her incarceration, Ms. Vanwagner was observed by jail staff chewing and biting her wrist, attempting to cut her wrist on the metal frame of the door.
  43. Rather than provide Sharon with immediate mental health treatment, the jail staff attempted to cover the cell door frame with a mattress and were told by the supervisor on duty, Sgt. Palmer, to use handcuffs on Ms. Vanwagner.
  44. Three days after booking, Ms. Vanwagner was seen and assessed by a mental health professional, Defendant Audrey Siegal, LMSW.
  45. Siegal noted Ms. Vanwagner had acute mental health needs and was unstable.
  46. Rather than provide mental health assistance to Sharon, Ms. Siegal ordered Sharon to remain on suicide watch LOS.
  47. During the first three days of her incarceration Sharon was not allowed out of her cell for any recreation time. She was taken from her cell for a few minutes to shower, then immediately returned.
  48. October 22, 2013, four days after Sharon was booked, she was finally allowed out of her cell for recreation time. This would be time where Ms. Vanwagner should have the opportunity to move around outside her cell, exercise if she wanted to, be in and smell fresh air, see the sunlight.

49. Unfortunately, her recreation time was only fourteen (14) minutes from 7:52pm to 8:05 in the evening.
50. The following day she was again allowed out of her cell for recreation time but similarly, for only fifteen (15) minutes from 9:00pm until 9:15pm.
51. Sharon asked the guard for more time out of her cell but was refused.
52. Being kept in a cell for nearly 24 hours a day negatively impacted Sharon's mental health.
53. The following day Ms. Vanwagner was seen by Defendant Jan Krusick in follow-up of Ms. Vanwagner's appointment with Defendant Siegal which was on October 21, 2013.
54. Ms. Vanwagner told Defendant Krusick she was "'having a hard day'...due to being in the cell," and that "she [had] 'four' personalities that 'will always be suicidal.'"
55. Sharon talked about how her personalities think about harming themselves by "bleeding out" and "[d]ecapitation".
56. Krusick noted that Ms. Vanwagner was disoriented, delusional, experiencing audio hallucinations, and indicated suicidal ideation.
57. Despite the obvious need for mental health treatment and intervention, Defendant Krusick's only "plan" for Ms. Vanwagner was for her to remain on LOS watch, to be kept naked except for a "suicide smock", she could only have finger food and was not allowed any hot food, and she could not have any personal items in her cell.
58. Krusick knew this plan would adequately treat Sharon's serious mental illness.

59. With limited but not meaningful exceptions, this would remain the only “plan” for treatment while under Krusick’s care during Sharon’s stay at SCDC.
60. Sharon remained on LOS watch for the entirety of her detention, isolated from general population, and was refused recreation time out of her cell, causing her mental health to deteriorate.
61. Sporadically, Ms. Vanwagner would be given various medications.
62. However, the Defendants knew the medications did not provide assistance for Sharon’s mental illness, they were not monitored any psychiatrist, physician or nurse practitioner for effectiveness or side effects, and Sharon’s mental health continued to deteriorate as a result of inadequate mental health treatment and the conditions of her confinement.
63. During the first few weeks of her incarceration Sharon was held in an isolation cell, at this point usually with a cellmate, because at this time the two segregation cells SCDC used for females who were several mentally ill were occupied.
64. However, once a segregation cell became available, Ms. Vanwagner was moved to that cell in complete isolation from the rest of the jail population.
65. Sharon’s mental health issues quickly became exasperated and her mental and physical health deteriorated.
66. Ms. Vanwagner would often refuse meals and medication as a result of her deteriorating mental health.
67. Ms. Vanwagner slept infrequently, and for short periods of time.

68. Ms. Vanwagner was seen by Defendant Krusick again on October 24, 2013. During her appointment, Ms. Vanwagner expressed delusions of being pregnant, and continued to express plans of suicide.
69. In response to Ms. Vanwagner's obvious mental health crisis and need for treatment, Defendant Krusick's treatment plan for Ms. Vanwagner was to remain on suicide, LOS watch in her suicide smock, with her suicide blanket, finger foods only, and encouraged her to practice "body tense and relax exercises and deep breathing exercises."
70. Krusick knew these "techniques" would not have any positive affect on Ms. Vanwagner's deteriorating mental health.
71. Despite this knowledge, she never developed a different plan to treat Sharon's mental health issues but simply noted Sharon's statements.
72. On this same day, jail guards observed Sharon sitting in her cell rocking back and forth. She told the guard that she felt "like dying" and would frequently talk in a baby's voice.
73. One jail guard, Jones SCDC #377, noted that Sharon was eating Styrofoam while in her cell.
74. Another guard observed Sharon to be "rambling constantly."
75. Just after midnight on October 25, 2013, Sharon again pleaded with the jail guard, C. King SCDC #355, to let her go outside.
76. Again, she was denied.
77. Officer King noted that Sharon was whispering and falling asleep while she was standing.

78. Sharon was yelling for pain meds because her feet hurt.
79. Later that evening and into the following morning, Officer Esquibel SCDC #382, observed Sharon was talking and singing most of the night.
80. At this point Ms. Vanwagner had been moved to segregation cell no. 1. This cell is located next to the other female segregation cell no. 2 which had another inmate who was on LOS Level 1 watch as well.
81. Officer Esquibel noted in her logs that it was “dangerous” to have one officer attempting to watch both inmates.
82. Despite alerting her supervisors to her concerns, nothing changed to ensure the safety of the inmates being watched.
83. In the early morning hours on October 27, 2013, Sharon woke up in distress talking to “somebody” in her cell that wasn’t there.
84. Throughout the day she would ramble about “sexual things”, cutting her wrists and “killing songs”.
85. On October 27, 2014, Ms. Vanwagner told guards that she was going to cut her wrist.
86. Two days later, Ms. Vanwagner attempted to cut her wrists on a sharp part of the metal bars on her cell.
87. Later that day, Ms. Vanwagner was seen by Defendant Krusick. Ms. Vanwagner told Defendant Krusick she had plans to harm herself on the sharp object in the cell.
88. In response, Defendant Krusick maintained the same “treatment plan” and advised Ms. Vanwagner to “practice the coping skills she was taught previously.”

89. At 1:21am Ms. Vanwagner was observed slapping her hands hard on the cement floor and mumbling to herself.
90. Ms. Vanwagner continued to have delusions of pregnancy.
91. Ms. Vanwagner told a jail guard that her back hurts and can't take any medication because she is pregnant.
92. A pregnancy test was performed on October 30, 2013 confirming Ms. Vanwagner was not pregnant.
93. Upon assuming the morning shift on October 30, 2013, the jail guard was informed during her briefing that Sharon had been up all night.
94. The medical staff was informed by the jail guard that Sharon did not eat her breakfast because she was constipated.
95. Medical staff refused to give her any medication.
96. The jail guard continued to document Sharon's pain throughout the day, noting she had "extreme pain" in her "belly" and the "pain was so bad she could die".
97. The jail guard again called the medical staff, they responded by calling Ms. Vanwagner "crazy," "weird," and "a liar."
98. After several hours in pain, a nurse from medical came to see Sharon.
99. Instead of treating Ms. Vanwagner, the nurse laughed with other staff members about Sharon.
100. The jail guard noted the nurse's behavior was "very unprofessional".
101. After the nursing staff's outrageous behavior and reaction to Sharon's obvious physical and mental distress, she was seen by the certified nurse practitioner in charge of physical health of the inmates at SCDC.

102. Ms. Vanwagner was informed that if she did not go to the bathroom “she would die”.
103. The nurse practitioner told the jail guard that they should give her a “whole bottle” of laxative.
104. In spite of these assertions and concerns regarding Ms. Vanwagner by the nurse practitioner, medical staff refused to give Sharon any medication for her constipation and pain later that same day.
105. Medical staff showed disregard or concern for Ms. Vanwagner’s diminishing mental capacity or physical pain.
106. The following day, Officer Jozwiak SCDC #380, documented Sharon’s continued pain and reactions to being left untreated.
107. She noted that Sharon complained of having pain, she was yelling and asking to go to medical, she was pacing her cell yelling and weeping.
108. Defendants Rodriguez and Higginbotham saw Ms. Vanwagner in this delusional and painful state and did nothing to get her assistance.
109. Jail staff observed Sharon standing on the toilet, wrapping her fist in the blanket to try and punch out the window.
110. She continued to pace in her cell rubbing her stomach and spinning in circles.
111. Throughout the day she would talk and sing “incessantly” at the cell door.
112. Lacking appropriate treatment for her severe constipation and serious mental illness, Sharon’s delusions about being pregnant continued and intensified.
113. She began talking to the guards about having “two babies” in her belly.

114. Ms. Vanwagner's mental health continued to deteriorate rapidly.
115. Ms. Vanwagner would talk and laugh incessantly in her cell, and exhibited delusional speech.
116. On November 1, 2013, Sharon was still having stomach pain and issues going to the bathroom.
117. Once again, Ms. Vanwagner asked to go outside for recreation and again her request was denied.
118. Early afternoon around 2:43pm, Sharon began to complain about having chest pains and having numbness in her right arm.
119. The jail guard contacted the medical staff who again refused to treat Sharon.
120. The medical staff responded to the guard by stating they were "too busy" and that Sharon was probably doing this on purpose.
121. Sharon's chest pains continued through the afternoon and evening.
122. Just before midnight Sharon began to cry "because she is going to give birth."
123. Ms. Vanwagner's mental health continued to deteriorate while at SCDC.
124. On November 10, 2013, Officer C. King SCDC #355, noted that Ms. Vanwagner was jumping off her toilet seat and cut her wrists.
125. At 11:15pm she was observed banging on the glass in the cell, talking to herself and biting her wrist.
126. Rather than provide Sharon with treatment for her obvious mental illness, Defendant Rodriguez ordered Sharon to be placed into a segregation cell, further isolating Sharon causing her mental health to drastically deteriorate.

127. Over the next few days guards noted that Sharon would stay up “all night long”, that she felt dizzy and sick, would pull out hair that was coming out of her chin, would rock back in forth in her cell, and frequently put her hand inside her smock to “check her babies.”

128. All Defendants were aware that Sharon was deteriorating; and despite hearing about this troubling behavior from the jail staff and witnessing some of the behavior themselves, none of the Defendants made any effort to get Sharon the treatment she needed.

129. The night of November 19, 2013 a jail guard observed Ms. Vanwagner’s feet and legs were swollen, and that sores on her face.

130. Sharon told the guard her feet were numb and hurt; she began to experience chest pain and her stomach hurt.

131. The guard radioed for medical several times, who failed to respond for over 40 minutes. When the nurse did finally arrive she merely took Sharon’s vitals and left without providing her with any treatment.

132. At times the jail staff would handcuff Sharon inside her cell as a way of controlling her rather than provide mental health treatment.

133. On November 21, 2013 after one incident when Sharon was handcuffed, she began yelling and screaming in her cell, spinning in circles, peeling newspaper off the wall, and screaming about seeing dead fish in the cell drain.

134. Two days later Sharon told a jail guard that she had leukemia and was pregnant. She believed that she was handcuffed because her “water broke.”

135. She complained about having stomach pain and indicated she could not move because her back hurt.
136. Again, the night jail guard noted she was awake all night.
137. Her delusions about being pregnant continued to intensify. Sharon began to believe she was pregnant with a jail guard's baby.
138. On November 25, 2013, after telling Officer Epperson SCDC #369 that she was pregnant with Officer Gomez's baby, she tried to burn her hands and her body with hot water from her cell shower.
139. While in the segregation cell, Sharon would frequently stay in her cell for twenty-four (24) hours a day since there was a shower in the cell and she was being denied any indoor or outdoor recreation.
140. On November 27-28, 2013, detention officers noted Ms. Vanwagner was very upset, yelling and weeping, talking nonstop in her cell, complaining that she can't stand up because her feet were swollen, and "splashing water" on her cell walls claiming it was holy water.
141. In the early morning hours, Ms. Vanwagner was observed screaming out of her cell door, she was bleeding and she believed she was having a miscarriage.
142. She told Officer Isaak SCDC #415 that Cpl. Farley was the father of her babies.
143. Sharon was seen crying, babbling and talking "non-sense" all night and not sleeping.
144. During the morning shift change at 7:10am, the an officer noted that Sharon was still yelling and screaming at her cell door for forty (40) minutes.

145. Ms. Vanwagner's delusions and actions were obvious signs of her deteriorating mental health, and continually caused her great distress.
146. The County Supervisory Defendants, including Defendants Higginbotham and Casamento would meet several times a week and discuss Sharon's deteriorating condition while she was at SCDC.
147. Regardless of these meetings and knowledge of Sharon's conditions of confinement and serious mental illness, no defendant made any effort to get her the emergency help she desperately needed.
148. On November 29, 2013 Sharon's delusional thinking got worse.
149. She began telling jail guards that she was being raped in her cell.
150. At 11:02pm, Sharon was observed yelling, talking and pointing at the wall. She was yelling about being raped and her babies.
151. Over the following day, Ms. Vanwagner told guards about people hitting her and told Cpl. Sedillo she was raped.
152. Her delusional thinking and mental health issues made her believe she was in fact being hit and raped at the jail.
153. In the early evening on November 20, she starting making "nasty" sexual comments and yelling that her stomach hurt because she was in labor.
154. She informed a jail guard that she had been raped three nights in a row and had the proof all over her cell.
155. She began taking her suicide smock off demanding the guard look at her babies.

156. Ms. Vanwagner yelled, cursed, touched herself in her vaginal area, smelling her fingers.

157. Even with the knowledge of this continued and rapid deterioration of her mental health, the defendants still did not get Ms. Vanwagner the mental health treatment she needed.

158. The jail staff and Defendant Krusick simply noted the behavior and continued Sharon's confinement in segregation.

159. Being made aware of this behavior, Defendant Krusick continued to “see” Sharon but offered no meaningful mental health treatment despite being the sole mental health professional in the jail.

160. On December 4, 2015, Krusick noted that Ms. Vanwagner was “unstable,” and, in response, encouraged Ms. Vanwagner to practice deep breathing exercises.

161. On December 6, 2013, Ms. Vanwagner was seen standing by her cell door, talking in voices, and pulling her hair.

162. The following day, Ms. Vanwagner received a psychological evaluation from Defendant Debra Jacaard.

163. Jacaard was a psychiatric nurse practitioner hired by CHC, now CCS, to provide mental health care to inmates at SCDC.

164. Jacaard’s first day was December 6, 2013. Prior to this date, Krusick was the sole mental health professional working at the jail.

165. Jacaard was only hired to provide services for four (4) hour a week but would be gone half of December for vacation.

166. Jacaard met with Sharon for approximately fourteen (14) minutes to do her assessment.
167. It was immediately obvious to Jacaard that Sharon had a serious mental illness and was in crisis.
168. Defendant Jacaard observed Ms. Vanwagner to be actively psychotic and delusional.
169. She observed Sharon yelling and talking incessantly in her cell, unable to cooperate with the evaluation because of her deteriorated mental state.
170. Despite observing Sharon's mental health crisis, she failed to provide any mental health care to Sharon, failed to develop any treatment plan, get her emergency help or even recommend any alterations in her treatment or housing conditions.
171. Instead, Jacaard took a few minutes to fill out a two page evaluation form which consisted mostly of checking boxes.
172. On December 8, 2013, Ms. Vanwagner attempted to cut her wrists again.
173. Sgt. Palmer's respond by merely telling Sharon to stop.
174. She was observed to be sexually and verbally aggressive.
175. Sharon was seen yelling, swearing and pacing in her cell throughout the day.
176. She continually spoke about being raped and would often strip naked in her cell.
177. Officer Spooner noted that Sharon would hit her head and crawl all over the floor.

178. At one point, Sharon found a ball of hair on the cell floor and ran the ball of hair up and down the cell walls.

179. Sharon would touch herself, moan and ask Officer Spooner if she could “feel it.”

180. Sharon told Spooner that she believed she (Sharon) had been chosen to save the species.

181. Ms. Vanwagner’s serious mental illness was so obvious that the jail guard, who had no formal medical or mental health training or education noted and recognized that Sharon was “severely mentally ill” and was not properly medicated.

182. Despite the obvious need to get Sharon emergency mental health treatment, the defendants did nothing to get her the necessary help.

183. Jail staff documented that Sharon was up all night for two consecutive days.

184. Sharon told one jail guard she wanted to die.

185. Defendant Krusick would continue to stop by Sharon’s solitary cell, note her behavior, and refuse to develop any treatment plan.

186. Despite seeing Sharon’s mental health continue to deteriorate, Krusick’s plan remained the same since the first time she met with Sharon.

187. On December 12, 2013, Officer Gomez noted that Sharon was having a bad dream, woke up, stood in the middle of the cell and raised her hands into the air “trying to suck in the bad spirits and kill them.”

188. Officer Gomez, observed Sharon standing in the shower area of her segregation cell hitting her head against the wall.

189. Next Sharon was observed sitting on the cell floor hitting her head against the wall and putting Styrofoam into her nose.
190. She informed Gomez that she was going to drown herself.
191. Sharon told Gomez that she never wanted to kill herself until she was at SCDC.
192. Ms. Vanwagner's psychotic behavior continued and her mental health continued to deteriorate as a result of being confined in solitary confinement and a failure to provide her with adequate treatment.
193. On December 14, 2015, Officer White SCDC #331, noted that Sharon was standing on the toilet in her cell saying that someone "in her head" wanted her to jump.
194. Later that evening, just after midnight, Officer C. King SCDC #355, observed Sharon drinking water out of her toilet and pouring toilet water all over her cell.
195. Frequently the jail staff would turn off the water to her cell; urine and feces would remain in the toilet until a jail guard would decide to flush the toilet from outside the cell.
196. The next day, again, Sharon was observed throwing dirty toilet water around her cell.
197. She was observed yelling and punching the door.
198. Throughout the day, Ms. Vanwagner flooded her cell with toilet water, wetting her suicide smock in the water and stood in the toilet.

199. The jail staff took her wet suicide smock and blanket from her and left her naked in the flooded cell without any clothing or blanket.
200. Sharon pounded on the cell windows and began throwing toilet water under the cell door with her hands.
201. Rather than get Ms. Vanwagner emergency mental health treatment, the guards simply made a “blanket barricade” to protect themselves from the toilet water contaminated with feces and urine.
202. Officer King observed Sharon “yelling out of the cell door for hours” and standing naked at the cell door yelling throughout the night.
203. Later that morning, Sharon began sucking on her fingers, hands, and arms; hitting her head on the wall; masturbating in her cell; and standing at her door nude.
204. Ms. Vanwagner frequently stood at her door nude and masturbated in her cell.
205. On December 15, 2013 at 11pm when Officer Spooner assumed her post outside Sharon’s solitary cell, she noted that Sharon was handcuffed inside her cell.
206. Despite observing no conduct to justify the continuation of being in restraints, Sharon remained handcuffed in her cell for an additional hour until Cpl. Sedillo and Sgt. Palmer removed the handcuffs.
207. About ninety (90) minutes later at 1:30am Sharon was observed attempting to hurt herself and was again handcuffed.
208. After being handcuffed, Sharon begged the officers to help her and laid in the fetal position yelling.

209. A few hours later Sharon told the officer that she couldn't breathe and believed the jail guard was "gassing" her.
210. Over the next few days her mental health continued to decline.
211. She would frequently yell, sing, unclothed herself, splash dirty toilet water all over her cell.
212. On December 21, 2013 Ms. Vanwagner was observed soaking her bed and spinning in circles.
213. Officer White SCDC #331 noted Sharon was screaming and crying saying, "they are going to rape me again."
214. The screaming went on for hours.
215. Sharon was observed rocking back and forth screaming "why can't we help her," and "help, let me out" as she kicked the cell door.
216. Later, during the evening of December 21, Sharon was seen by Officer Spooner with her pants off "due to pooping all over them" and "[having] poop on her butt."
217. Ms. Vanwagner was seen "flicking invisible babies off her bed."
218. Sharon was rambling and yelling most of the night.
219. She believed lice and bugs were everywhere in her cell and falling off the ceiling.
220. Later that day, Ms. Vanwagner began urinating and smearing feces all over her cell and its walls.
221. On December 22, 2013, Officer Jozwiak SCDC #380, noted that Sharon's cell was "extremely cold" and Fridged air was blowing out of the ceiling vents."

222. Sharon again was yelling and screaming throughout the day and told one officer she was “dying.”
223. When she was given food, Sharon would play with it rather than eat it – pushing food between her toes.
224. During the evening, Officer Esquibel SCDC #382, observed Sharon standing in her cell crying “I’m in pain” and shouting “help me.”
225. This, like all of her pleas for help, went unanswered, as she was left in a solitary cell and not given adequate treatment for her obviously serious mental illness.
226. The defendants were again, made aware of the above described behavior resulting from her untreated mental illness and being held in solitary confinement.
227. Over the next few days guards would continue to make note of how cold the cell was and that Sharon was shivering.
228. Sharon was observed banging on her cell window, dancing, singing, flooding her cell and getting naked.
229. Sharon would scream and shout obscenities, talk about being raped and believing there were plots to kill her in jail.
230. She told one guard that someone was shoving cyanide pills “up her ass” and that she and her babies were being starved.
231. On December 29, 2013 Officer Wells SCDC #400 noted Sharon was crying and wanted medical to give her pills to kill herself.
232. Later that evening, Sharon developed severe diarrhea, “crapped her pants” and dirtied her blanket.

233. The morning of December 30, 2013, Ms. Vanwagner refused to eat and instead “just screamed.”
234. The next day, Ms. Vanwagner bit her thumb and wrist and was up all night.
235. Three days later, Sharon was again yelling about being raped.
236. She was observed crawling in the solitary cell on her hands and knees as she repeatedly screamed she had been raped.
237. On January 3, 2014 Officer White SCDC #331, observed Sharon playing with dirty toilet water and throwing the water on the cell walls and floor.
238. She would frequently bite her arms and wrists.
239. The disturbing behavior Sharon was displaying during these first two months at SCDC and that she continued displaying until she was released on January 30, 2014 was a result of her serious mental illness being left untreated and being confined in a solitary cell for over twenty-three (23) a day and on many days never being let out of her solitary cell.
240. On January 4, 2014 Ms. Vanwagner was seen washing her hair and body in the toilet of her cell.
241. Officer Epperson noted that Sharon took her shirt off and “washed” her breast in the toilet water.
242. She put her head completely in the toilet then splashed toilet water all over her cell.
243. Another jail guard observed Sharon urinating and/or defecating in the toilet, then putting her hands and a cup in the toilet water with the urine and/or feces.
244. The guard observed Sharon drinking that same contaminated toilet water.

245. Sharon was seen putting the dirty toilet water in her ears, throwing the water around her cell and spitting the water out of her mouth.
246. Next Sharon stripped naked in the cell, wetting her clothing in the toilet water that was on the cell floor, and then putting the wet clothing back on her body.
247. While observing this saddening and disturbing behavior Officer Wells SCDC #400 noted that Sharon was asking to have chemicals poured on her to kill her.
248. The following day Ms. Vanwagner's mental health continued to deteriorate.
249. Jail guards noted that Sharon was bleeding from her vaginal area and had blood on her pants.
250. In her psychotic and delusional mental state, Sharon was convinced she was having a miscarriage.
251. Since Sharon was on level 1 LOS, the policy of the jail was to not allow her to have any personal items in her cell which included feminine hygiene products.
252. Thus, Sharon would have menstrual blood and fluids on her body and clothing while forcibly held in solitary confinement.
253. Sharon told a jail guard that she was having sex with many people in jail and was "losing her baby" because another guard punched her.
254. Sharon was observed punching herself and putting her fingers in her vagina.
255. She was also seen putting toilet water in her eye.
256. She told Sgt. Palmer that she was bleeding and having a miscarriage.
257. The medical and SCDC Defendants were all aware of Ms. Vanwagner's serious mental illness.

258. Defendant Krusick saw Sharon most weekdays and would speak with jail guards about Sharon's behaviors almost daily.
259. Krusick would speak with Defendants Roybal, Zold, Higginbotham, Rodriguez, Tuell and Casamento several times each week, making them aware of Sharon's deteriorating mental health.
260. Meetings were held three times a week with the supervisors at the jail including Tuell, Rodriguez, Higginbotham and Casamento where many of the behaviors asserted in this complaint were discussed.
261. Despite being made aware of Sharon's deteriorating mental health, the Defendants' ignored Sharon's mental health needs and instead kept her confined to a solitary cell for most of her time at SCDC.
262. Over the next several days Ms. Vanwagner exhibited similar behavior as described above indicative of her serious mental illness.
263. She continued to scream in her cell, drink dirty toilet water, and throw dirty toilet water around her cell.
264. She continued to act out sexually, by touching herself, making inappropriate comments and noises.
265. On January 7, 2014 Officer Esquibel observed Sharon singing in her cell and throwing toilet water and used toilet paper in her cell.
266. As a result of her untreated mental illness and being in solitary confinement, she could not control her actions.
267. Esquibel noted Ms. Vanwagner constantly played with the toilet water, pouring it all over her cell, mattress, blanket and herself.

268. Sharon would drink the dirty toilet water, touch her blanket, then lick her fingers.
269. Sharon was observed standing inside her toilet, dunking her hands in the toilet water.
270. Sharon was seen masturbating in her cell, making obscene noises.
271. Sharon was exhibiting such disturbing behavior that Officer Esquibel felt compelled to write in her observation logs of Sharon: "I should have stayed on break longer, so I don't have to view this."
272. Officer Esquibel summarized her observations of Sharon throughout the night and early morning hours as "playing in the toilet, throwing feces and urine all around, took a toilet bath and has no pants on."
273. Over the next two days, the same behavior observed by Officer Esquibel continued.
274. Sharon also began to complain about being raped again and was seen participating in a "wedding ceremony" that she believed was forced upon her by the jail staff so they could rape her.
275. She would continue to take off her clothing and get naked in the cell.
276. Sharon was observed putting her hands in the floor drain and then touch her vaginal area.
277. She would put her hands in the toilet, touch herself, and put her hands in her mouth.
278. She would frequently talk "nonsense", cry and yell throughout the day and night.

279. On January 12, 2104 Ms. Vanwagner's mental health continued to decline.

280. Officer Jozwiak SCDC #380 noted that Sharon was talking non-stop, putting her feet in toilet, and throwing her cup around the cell.

281. Later that same day, Officer Wells SCDC #400 observed Sharon putting a hotdog up her vagina, removed it, wiped it on the inside of the toilet, and then lick the hotdog.

282. She observed Sharon continually dipping the hotdog in the toilet water and licking it.

283. On January 13, 2014 Officer Spooner observed Sharon talking to someone in the cell that wasn't there and talking nonsense.

284. She saw Sharon scraping wet toilet paper off the floor and toilet seat and eat it.

285. She observed Sharon throwing toilet water around her cell, wiping poop and showing it to the jail guard.

286. After nearly three (3) months since she was booked, Ms. Vanwagner was taken to the University of New Mexico Hospital Emergency Room for symptoms including psychosis and delusions, along with manic behavior.

287. The medical defendants were responsible for filling out a form to be given to the ER doctor detailing Sharon's mental illness and containing the significant information for the ER to evaluate and treat Sharon's emergency situation.

288. The medical defendants purposefully failed to provide the necessary information for the ER doctor to evaluate and treat Sharon's mental health.

289. They failed to include any information on the disturbing behavior she had been exhibiting for months.
290. They failed to include her consistent belief that she was being repeatedly raped in jail.
291. They failed to include that she had been held in solitary confinement for over two months.
292. They failed to mention that she was rarely let out of her isolation cell and never received any recreation time beyond the fourteen (14) and fifteen (15) minute periods on during two evenings in late October 2013.
293. They failed to mention that January 13, 2014, while being transported to the hospital, was the first time in over two months Sharon saw daylight and was outside.
294. Instead, the medical defendants gave a generic version of Sharon's symptoms and referred to Sharon as a "poor historian."
295. UNMH, not having all of the information necessary to treat, evaluate and protect Sharon, released her from the hospital back to SCDC.
296. Ms. Vanwagner returned to the jail and was placed back into solitary.
297. The next day, Sharon's behavior continued.
298. Officer T. Smith noted Sharon was drinking toilet water, naked in her cell, making statements about being raped, slapping cell walls, yelling, dancing, spinning, wiping herself with toilet water.
299. Officer Apodaca observed Sharon sucking her thumb, wetting her hair with toilet water, biting her arms and screaming that she was being raped.

300. When Defendant Krusick, the only full-time mental professional working at SCDC, was informed that Sharon was biting her arms, Krusick's response was to tell Sharon to stop.

301. Over the next two weeks, Sharon continued to exhibit the same type of behavior noted previously every day.

302. Jail guards noted she was drinking dirty toilet water, putting her head in the toilet, yelling and hitting the cell window, splashing toilet water on the cell floor, cutting her hair with her teeth, dipping her hands in the toilet to drink the water, and pulling out her own pubic hair.

303. Some jail guards observed Sharon peeing on the cell floor, talking to an imaginary dog, drinking out of the toilet and "washing" her hair in the toilet.

304. One guard noted that Sharon claimed an officer's DNA was "in her butthole."

305. Officer Spooner, during these two weeks since Sharon returned to the jail from the ER, observed Sharon putting her fingers in her vagina, touching the toilet water and licking her fingers.

306. On January 22, 2014 Ms. Vanwagner exhibited even more disturbing behavior.

307. At approximately 4:34pm on January 22, Officer T. Smith observed Sharon using a cup to drink "lots of water" from the toilet while simultaneously peeing into the toilet.

308. She also noted that Sharon was dipping tissue into "urine water" and wiping herself with it.

309. Throughout the afternoon and early evening, she observed Sharon, pacing the cell and talking to herself, continuing to drink toilet water, “digging” in the toilet water then wiping the cell walls, and eating Styrofoam.
310. Smith saw Sharon laying naked on her green smock yelling that she was being raped and screaming “don’t stick youre [sic] finger in my butt.”
311. At 6:13pm Smith noted that Sharon used the “restroom”, then put her hands in the toilet and licked her fingers. She also documented that Sharon began crawling on the floor “yelling and screaming.”
312. At 7:23pm Officer Smith observed Sharon “using her shit” to wipe inside the sink and to “clean” and wipe her own teeth, then touch her vaginal area.
313. Over Ms. Vanwagner’s last week of incarceration at SCDC, her mental health did not improve and she continued to exhibit the same horrific behavior.
314. Sharon was observed, throwing and smearing feces and urine in her cell, drinking feces and urine contaminated toilet water, getting naked in her cell and wiping dirty toilet water on her body.
315. The jail guards would still frequently turn off the water to her cell to limit Sharon’s ability to flood her cell.
316. This assured that urine and feces would remain in the toilet until a guard would flush the toilet from outside the cell.
317. Office White SCDC #331 observed Sharon on one of the nights when the water had been shut off licking the toilet, scooping water from the toilet and putting it in her mouth, then spitting it into the sink.

318. White noted at one point that evening Sharon asked for a cup so she could drink out of the toilet and Officer Spooner gave her a cup to do just that.
319. Sharon was observed that final week peeing in her own pants, touching her vagina and licking her fingers.
320. She continued all of this behavior at SCDC until she was release on January 30, 2014, Ms. on her own recognizance.
321. The facts previously stated were known to the defendants.
322. It was obvious from the first day Ms. Vanwagner was booked into jail that she had a serious mental illness.
323. The defendants failed to provide her with adequate mental health care and chose instead “to treat” her mental illness by confining her to a segregation cell.
324. This only exasperated her mental illness causing her mental health to decline.
325. In Ms. Vanwagner’s delusional and psychotic state which lasted for over three months, she believed she was being repeatedly raped, was pregnant, had miscarriages and was being abused by jail staff in her cell.
326. These delusions were a direct and proximate result of the lack of mental health care and the conditions of her confinement while at SCDC.
327. These delusions have stayed with Ms. Vanwagner as if they really happened causing her emotional and psychological damage.
328. When Ms. Vanwagner was released from SCDC she was taken by her step-father to UNMH to receive emergency mental health care.

329. On February 12, 2014 Ms. Vanwagner was committed to the New Mexico Behavioral Health Institute on a civil commitment referral from UNMH, where she remained for 16 days and was released.

330. Finally, since Ms. Vanwagner was determined to be incompetent to stand trial in November 2013 her charges were formally dismissed in the spring of 2014.

**COUNT I: VIOLATION OF SUBSTANTIVE DUE PROCESS: INHUMANE  
CONDITIONS OF CONFINEMENT/INADEQUATE MEDICAL CARE  
UNDER THE FEDERAL CONSTITUTION**

331. Plaintiff restates each of the preceding allegations as if fully stated herein.

332. Ms. Vanwagner had a substantive due process right under the Fourteenth Amendment to humane conditions of confinement and adequate medical care.

333. Rather than treat Plaintiff's mental health condition, Defendants chose to place her in solitary confinement and allowed her to remain there untreated.

334. As detailed above, Defendants witnessed and were aware of Ms. Vanwagner's obvious mental health needs and horrific conditions of confinement on a daily and/or routine basis throughout her incarceration at SCDC.

335. This included Ms. Vanwagner stripping naked, smearing feces and urine in solitary cell, hallucinating, acting out alternate personalities, having delusions of pregnancy, miscarriage and rape, and yelling, screaming, and crying daily, drinking feces and urine contaminated water, and acting out sexually.

336. Defendants were aware Ms. Vanwagner's conditions of confinement were inhumane.

337. Defendant Casamento created a policy and/or practice of housing mentally ill inmates in solitary confinement and the medical defendant's including CCS, formally CHC, acquiesced, supported, and or implemented this practice of policy.

338. Defendants knew solitary confinement was harmful to mentally ill inmates, especially those inmates with serious mental illnesses, such as bi-polar disorder and manic psychosis.

339. While in solitary Ms. Vanwagner did not leave her cell for huge periods of time.

340. While in solitary Defendants failed to provide constitutionally mandated recreation time each day, such that she did not go outside, or leave her cell for long periods of time.

341. Defendants were aware Ms. Vanwagner's mental condition was deteriorating during her time in solitary confinement.

342. As Ms. Vanwagner's condition worsened after being placed in solitary confinement, her behavior made it obvious she was in need of immediate medical attention.

343. Defendants failed to take reasonable measures to prevent the harm being caused to Ms. Vanwagner which was worsened by the isolation of solitary confinement.

344. Instead, Defendants ignored Ms. Vanwagner's needs and punished her for the behavior she exhibited, such behavior being the symptoms of her deteriorating mental health caused by her isolation and lack of mental health treatment.

345. This punishment included but was not limited to taking away all personal items, not giving her any hot food or drinks, refusing to give her warm clothing or blankets, and not allowing her to have any recreation time.

346. Defendants knew Ms. Vanwagner faced a substantial risk of serious mental or physical harm if her conditions of confinement did not meet contemporary standards of decency.

347. Defendants acted with deliberate indifference to this risk.

348. Ms. Vanwagner's conditions of confinement amounted to punishment of a pre-trial detainee in violation of the Fourteenth Amendment to the United States Constitution.

349. Ms. Vanwagner suffered from an obviously serious medical condition which required immediate medical care.

350. Defendants' failure to provide mental health care amounted to deliberate indifference in violation of the Fourteenth Amendment to the United States Constitution.

## **COUNT II: VIOLATION OF PROCEDURAL DUE PROCESS**

351. Plaintiff restates each of the preceding allegations as if fully stated herein.

352. Inmates at SCDC generally have access to recreation, visitation, use of the phone, mail, programing services such as group therapy and religious activities and commissary.

353. While in solitary Ms. Vanwagner had no access to the ordinary services provided to inmates at the jail.

354. Ms. Vanwagner was not afforded a hearing before being placed in solitary confinement.

355. While in solitary confinement Ms. Vanwagner did not have access to the basic programming and services received by other inmates at the facility.

356. While in solitary confinement Ms. Vanwagner's mental health deteriorated rapidly to the point she could not advocate for herself.

357. Ms. Vanwagner had a due process right to a periodic review of her classification.

358. In placing Ms. Vanwagner in solitary confinement for such a long period of time without affording her a hearing, or periodic classification review, Defendants denied Ms. Vanwagner procedural due process of law as guaranteed by the Fourteenth Amendment.

**COUNT III: VIOLATION OF THE AMERICANS WITH DISABILITIES ACT**

359. Plaintiff restates each of the preceding allegations as if fully stated herein.

360. Ms. Vanwagner is entitled to be free from discrimination under the Americans with Disabilities Act, 42 U.S.C. § 12131 et seq.

361. Defendant Casamento failed to accommodate Ms. Vanwagner's mental disability and denied her the benefits and services of the jail by reason of her mental disability.

362. Ms. Vanwagner was denied social interaction by reason of her mental disability.

363. Ms. Vanwagner was unnecessarily segregated due to her mental disability.

364. Ms. Vanwagner was denied reasonable standards of hygiene and medical care due to her mental disability.

365. Ms. Vanwagner was denied the usual services and programming offered to other inmates due to her mental disability.

366. Defendant Casamento housed many mentally ill prisoners in solitary confinement.

367. Defendant Casamento had a policy and/or practice of housing seriously mentally ill inmates in isolation.

368. Defendant Casamento was aware his jail would receive mentally ill inmates as a matter of routine.

369. Despite this knowledge, Casamento failed to hire the necessary mental health professionals to staff his facility.

370. Rather than provide the necessary mental health care to mentally ill inmates, Defendants elected to use solitary confinement and forceful tactics to control their behavior.

371. As a proximate and foreseeable result of Defendant Casamento's discriminatory acts and omissions Ms. Vanwagner suffered injuries including pain and suffering, emotional distress, and exacerbation of her mental illness.

**COUNT IV: CUSTOM AND POLICY OF VIOLATING  
CONSTITUTIONAL RIGHTS**

372. Plaintiff restates each of the preceding allegations as if fully stated herein.

373. The Sandoval County Board of County Commissioners has delegated the responsibilities of running SCDC to Defendant Casamento.

374. Defendant Casamento is therefore the final policy maker responsible for the hiring, training, and supervision of SCDC employees.

375. Casamento's policies therefore become the customs and policies of the County.

376. Defendant Casamento has created a custom and policy of housing the mentally ill in segregation or solitary confinement.

377. Casamento has created a policy of isolating mental health patients when they become too difficult or expensive to handle in general population.

378. Isolating and placing inmates with mental health issues in solitary confinement is detrimental to the health and well-being of inmates with mental health issues.

379. Defendant Casamento knew of the harmful effects and dangers of solitary confinement on inmates with mental health issues but disregarding those dangers creating a policy and custom of housing mentally ill inmates in solitary.

380. This policy and custom was a moving force behind the violation of Plaintiff's constitutional rights which amounts to deliberate indifference.

**COUNT V: FAILURE TO TRAIN RESULTING IN A CUSTOM,  
POLICY, AND/OR PRACTICE OF VIOLATING  
CONSTITUTIONAL RIGHTS**

381. Plaintiff restates each of the preceding allegations as if fully stated herein.

382. The Sandoval County Board of County Commissioners has delegated the responsibilities of running SCDC to Defendant Casamento.

383. Defendant Casamento is therefore the final policy maker responsible for the hiring, training, and supervision of SCDC employees.

384. Casamento's policies therefore become the customs and policies of the County.

385. CCS, formerly CHC, is the final policy maker responsible for the hiring, training, and supervision of its employees and contract employees working at SCDC and other jails in New Mexico.

386. CCS, formerly CHC, policies therefore become the customs and policies of the medical and mental health providers at SCDC.

387. Defendant Casamento and/or CCS has created a custom, policy, and/or practice of housing the mentally ill in segregation or solitary confinement.

388. Defendant Casamento and/or CCS has created a policy of isolating mental health patients when they become too difficult or expensive to handle in general population.

389. Isolating and placing inmates with mental health issues in solitary confinement is detrimental to the health and well-being of those inmates.

390. Defendant Casamento and CCS knew a significant portion of the inmate population at SCDC have mental illnesses.

391. Despite having this knowledge, Defendant Casamento and CCS have failed to train their employees to recognize signs of mental illness, serious mental illness, and signs of deteriorating mental health of inmates.

392. Defendant Casamento and CCS have failed to train their employees on appropriate treatment options and/or how to provide constitutionally mandated mental health care to inmates

393. Defendant Casamento and CCS have failed to train their employees on emergency treatment procedures for seriously mentally ill inmates.
394. Defendant Casamento and CCS have created a custom and practice of keeping severely mentally ill inmates locked in solitary cells for 24 hours a day without being let out for any form of recreation.
395. Defendant Casamento and CCS knew that keeping any individual, especially those with a mental illness, in a jail cell without recreation can be detrimental to the physical and mental health of those inmates.
396. Defendants were aware that every year at SCDC there were/are approximately 20 inmates whose mental illness and subsequent behaviors while in solitary confinement reach the severity of Ms. Vanwagner's circumstances described above.
397. Despite having this knowledge, Defendants trained their employees to keep mentally ill inmates in their cells without providing them with any time out of their cells for recreation exasperating their mental illnesses.
398. Defendants acted reckless, intentional, and/or with gross negligence in failing to properly train their employees on how to manage, treat, and provide constitutionally mandated healthcare and conditions of confinement to inmates at SCDC.
399. The failure to adequately train their employees, and the resulting policies, customs and practices are a moving force behind the violation of Ms. Vanwagner's constitutional rights which amounts to deliberate indifference.

**REQUEST FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment as follows:

1. Compensatory damages in an as yet undetermined amount, jointly and severally against all Defendants, including but not limited to damages for loss of value of Ms. Vanwagner's enjoyment of life, and pain and suffering.
2. Punitive damages in an as yet undetermined amount severally against the individually named Defendants.
3. Reasonable costs and attorney's fees incurred in bringing this action.
4. Such other and further relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED,

/s/ Jack B. Jacks  
LAW OFFICE OF J.B. JACKS  
JACK B. JACKS  
Attorney for Plaintiff  
201 3<sup>rd</sup> Street NW, Suite 1920  
Albuquerque, NM 87102  
TEL: (505) 247-1800