

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

John Doe,)	
)	
Plaintiff,)	
)	
v.)	No.
)	
Advanced Correctional Healthcare, Inc.,)	JURY TRIAL DEMANDED
)	
Dr. Alan Weaver, <i>in his individual capacity</i> ,)	
)	
Dr. John Roe, <i>in his individual capacity</i> ,)	
)	
Sierra Hill, <i>in her individual capacity</i> ,)	
)	
Skyler Viebrock, <i>in his individual capacity</i> ,)	
)	
Brad Anders, <i>in his official capacity as Sheriff</i>)	
<i>of Pettis County, Missouri</i> ,)	
)	
Pettis County, Missouri,)	
)	
Defendants.)	
)	

COMPLAINT

INTRODUCTION

1. Plaintiff John Doe, detained at the jail in Pettis County, Missouri, brings this action for violation of his rights under the Eighth and Fourteenth Amendments to the United States Constitution against Advanced Correctional Healthcare, Inc. (ACH) and its physicians Alan Weaver and John Roe, along with Pettis County and several of its employees, for deliberately ignoring his HIV infection and intentionally depriving him of life-saving medication for almost five months because of his inability to pay—and only permitting him access to medication once he secured outside funding. By the time he was taken to

see an offsite doctor, because of the delay in treatment, he had developed AIDS. Because he has again twice been deprived of his necessary medication, Mr. Doe seeks a preliminary injunction, as well as permanent injunctive relief and damages.

2. Mr. Doe, diagnosed with bipolar disorder, severe depression, and anxiety, has also been deprived of mental health medications the whole time he has been in custody because ACH, Pettis County, Sheriff Brad Anders, Jail Administrator Captain Skyler Viebrock, and Drs. Weaver and Roe maintain a policy and custom of barring inmates from accessing mental health treatment unless a correctional officer—not a medical professional—deems it necessary. Mr. Doe seeks injunctive relief and damages.

Jurisdiction and Venue

3. Mr. Doe brings this action under 42 U.S.C. § 1983, the Eighth and Fourteenth Amendments to the United States Constitution, 28 U.S.C. § 1331, and 28 U.S.C. § 1343(a).
4. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and (g) and L.R. 3.2(a)(2) because a substantial part of the events or omissions giving rise to the claims occurred in Pettis County, Missouri, which is located within the Central Division of the Western District of Missouri.

Parties

5. Plaintiff, John Doe, is an adult resident of the State of Missouri. He is currently detained at Pettis County Jail.
6. Defendant Pettis County, Missouri, is a political subdivision of the State of Missouri and operates the Pettis County Jail, a jail located in Pettis County, Missouri.

7. At all times relevant to this action, Defendant Brad Anders has been the sheriff of Pettis County. As sheriff he is responsible for the daily operations of the jail.
8. At all times relevant to this action, Defendant Sierra Hill has been the Medical Officer employed by Defendant Pettis County.
9. At all times relevant to this action, Defendant Skyler Viebrock has been a captain employed by Defendant Pettis County who is the jail administrator and thereby participates in the operations of the jail.
10. Defendant Advanced Correctional Healthcare, Inc. is an Illinois corporation with its principal place of business in Illinois. At all times relevant to this action, ACH was legally obligated to provide healthcare services to inmates at Pettis County Jail pursuant to an agreement between ACH and Pettis County.
11. Until April 2022, Defendant Alan Weaver was the physician assigned to Pettis County Jail under contract through Advanced Correctional Healthcare, Inc.
12. From April 2022 to present, Defendant John Roe was the physician assigned to Pettis County Jail under contract through Advanced Correctional Healthcare, Inc.
13. Defendants acted under color of state law at all times relevant to this complaint.

Facts

A. HIV Diagnosis

14. In November 2021, Plaintiff John Doe entered Pettis County Jail (PCJ) as a pretrial detainee.¹
15. All Defendants are aware that Mr. Doe is indigent.

¹ Mr. Doe entered an Alford plea in November 2022 and awaits sentencing.

16. On January 11, 2022, more than two weeks after he requested it on December 26, 2021, PCJ staff administered a sexually transmitted disease test to Mr. Doe.
17. On January 24, 2022, a week after reporting symptoms consistent with HIV and requesting the results, Mr. Doe was informed the test diagnosed him as positive for Human Immunodeficiency Virus (“HIV”).
18. Mr. Doe had been unaware he was positive for HIV prior to the test.

B. HIV Progression

19. HIV is a disability and serious medical condition that attacks the immune system, making it harder for the body to fight infections as the disease progresses.
20. If left untreated, HIV attacks the immune system, creating a substantial risk of life-threatening illness and death, as it allows cancers and serious opportunistic infections to develop and spread.
21. Treatment with antiretroviral therapy (ART) medications is necessary to suppress the multiplication of HIV and is the most important factor in limiting the disease’s progression.
22. Without treatment, HIV will invariably progress to acquired immunodeficiency syndrome (AIDS), which is eventually fatal. The progression to AIDS can take a longer or shorter time in different individuals.
23. When taken as prescribed, ART drastically reduces the amount of HIV circulating in the blood and leads to viral suppression, defined as having less than 200 copies of HIV per milliliter of blood.
24. Viral suppression typically allows a person’s immune system to work normally and to fight infections as it would in an otherwise-healthy person.

25. With appropriate ART, physical symptoms typically cease, the risk of serious illness goes down, and the progression to AIDS slows or stops.
26. Viral suppression also limits the possibility of spreading the virus to HIV-negative people.
27. It is important to start ART as soon as possible after diagnosis, preferably within one week. The standard of care in the medical community is to “test and treat” simultaneously.

C. HIV Treatment Conditioned on Ability to Pay

28. On or about January 27, 2022, Medical Officer Hill informed Mr. Doe that Dr. Weaver would not prescribe any medications due to Mr. Doe’s inability to pay.
29. Defendants Weaver and Hill, both working as medical professionals, were aware of the necessity of beginning ART medication as soon as someone tests positive for HIV.
30. Defendants Weaver and Hill were aware of the extensive harm caused by failing to treat HIV, including the substantial risk of developing cancer or a life-threatening, opportunistic infection, along with physical symptoms like fever, chills, rashes, night sweats, muscle aches, sore throat, fatigue, and swollen lymph nodes.
31. Defendants Weaver, Hill, and Viebrock were aware that Mr. Doe had already reported symptoms consistent with untreated HIV, including fever, chills, and sore throat.
32. On or about January 27, 2022, Medical Officer Hill also told Mr. Doe that he would receive HIV treatment if he pled guilty to the charges he was facing.
33. Medical Officer Hill, Dr. Weaver, and Captain Viebrock were aware Mr. Doe needed life-sustaining medication to treat HIV. Despite this knowledge, they intentionally refused Mr. Doe appropriate treatment for his serious medical need due to a policy and

custom of conditioning treatment on ability to pay that was set by ACH, Pettis County, and Sheriff Anders and carried out by staff including Medical Officer Hill, Captain Viebrock, and Dr. Weaver (and later Dr. Roe).

D. Mr. Doe's Requests for Help

34. Pettis County maintains a kiosk system whereby individuals can submit grievances and medical requests. Mr. Doe submitted both.
35. Mr. Doe submitted a request for HIV testing on December 26, 2021, explaining that he had become aware he had been exposed.
36. Medical Officer Hill reviewed that request.
37. Defendants did not provide HIV testing until January 11, 2022.
38. On January 12, Mr. Doe submitted a grievance and described symptoms consistent with HIV infection, including fever, chills, and a sore throat.
39. Fever, chills, and a sore throat are symptoms of untreated HIV.
40. Medical Officer Hill reviewed that request.
41. Mr. Doe requested his STD testing results on January 17, 2022.
42. Mr. Doe reported that he had been "super sick" on January 20, 2022.
43. After he finally received his HIV test results on or about January 24, 2022, Mr. Doe was told he would see a doctor.
44. On January 26, 2022, he submitted a grievance stating, "I was told that I would be seeing the doctor today and had not heard anything. Just wanted to put in a reminder."
45. Medical Officer Hill reviewed that grievance.
46. After learning that he was positive for HIV on January 24, 2022, Mr. Doe requested help many times. He submitted either a grievance or a medical request asking for HIV

treatment on January 28, February 4, February 7, February 8, February 9, February 14, February 16, March 24, March 30, April 1, April 4, and April 9, 2022.

47. For example, on January 28, he wrote: “I was told yesterday that I was being denied medicine because of inability to pay. This is medicine that is without dispute necessary for my survival and for my illness not to get any worse. I was unaware of my condition before I came to your facility. I am scared for my life in here because of facility staff[']s inability to properly care for me in a timely and/or effective manner.”
48. The January 28 grievance was reviewed by Medical Officer Hill and Captain Viebrock.
49. On February 8, Mr. Doe wrote: “I am sick and literally time is of the essence. Both my physical and mental health have reach[ed] points for which I really need medical attention urgently. Please someone help.”
50. The February 8 grievance was reviewed by Captain Viebrock.
51. On February 16, Mr. Doe wrote: “I am getting sicker and from what I have learned on the khan academy lite video [the] symptoms [] which I am experiencing can be eliminated with proper treatment. They also drastically push early testing and treatment as crucial against this life threatening illness. Thank You.”
52. The February 16 grievance was reviewed by Medical Officer Hill.
53. On March 23, Mr. Doe wrote: “I have a rash on my hands that I have been dealing with for a couple months that has recently gotten worse.”
54. The March 23 medical request was reviewed by Medical Officer Hill, who took a photograph of Mr. Doe’s rash to send to Dr. Weaver, but no HIV treatment occurred.
55. Medical Officer Hill and Dr. Weaver knew or should have known that persistent rashes are a symptom of untreated HIV.

56. On March 24, Captain Viebrock acknowledged that he was aware of Mr. Doe's HIV and his repeated requests for medical care.
57. On March 30, Mr. Doe wrote: "I have over the last couple months experienced a major increase in fatigue that is rather harming my quality of living standards and has made simple tasks such as research and writing very difficult to complete. I have also had issues with constant rashes that will not go away. Chill, night sweats, muscle aches, and swollen lymphnodes have all been [] intermittent issues throughout my time here. I respectfully request to see a doctor as soon as possible to discuss these issues further. My throat is also sore and I have experienced a problem with mouth ulcers."
58. Fatigue, rashes, chills, night sweats, muscle aches, swollen lymph nodes, sore throat, and mouth sores are all symptoms of untreated HIV.
59. The March 30 grievance was reviewed by Medical Officer Hill.
60. On April 4, Mr. Doe wrote: "I wanted to send a reminder of my request to see the doctor to figure out if symptoms I am having are related to my life threatening illness or lack of mental health."
61. The April 4 medical request was reviewed by Medical Officer Hill, who stated that Captain Viebrock was also aware of the issue.
62. Medical Officer Hill or Captain Viebrock, or both, reviewed each of Mr. Doe's grievances and medical requests.
63. Medical Officer Hill, Captain Viebrock, and Dr. Weaver were aware that Mr. Doe was being denied treatment solely based on his inability to pay and was suffering due to lack of medical care for his disability and serious medical need.

64. On or about April 4, 2022, Dr. Weaver was replaced by a new physician, Dr. John Roe, whose legal name is not known to Mr. Doe.
65. For more than six weeks, until outside funding was secured, Dr. Roe failed to prescribe ART or any medication or provide any treatment to Mr. Doe for HIV or his diagnosed mental health conditions.
66. From at least April 2022 on, Dr. Roe was aware that Mr. Doe was not receiving HIV treatment because of his indigency.

E. Mr. Doe Obtains Outside Funding and Goes to the Hospital

67. On April 29, 2022, Mr. Doe filled out paperwork to secure funding from a charity, Phoenix Programs, a rehabilitation-focused organization located in Columbia, Missouri.
68. Phoenix Programs agreed to pay for his HIV and mental health medications.
69. On May 24, 2022, almost five months after he told jail staff about his exposure and requested testing and more than four months after his diagnosis—and only after securing outside funding—Pettis County Jail staff took Mr. Doe to an appointment at University Hospital in Columbia, Missouri.
70. There, among other things, medical providers conducted extensive testing, and Dr. Javier Escovar prescribed Biktarvy, an ART medication for HIV is taken once per day.
71. By the time he was taken to University Hospital, Mr. Doe’s CD4 count—a blood test that measured the number of a certain kind of T-cell—was below 200, which indicates that his HIV had progressed to AIDS.
72. As such, Dr. Escovar also prescribed Bactrim DS, a daily prophylactic antibiotic medication, which is administered to help minimize the risk of developing opportunistic infections, the most common killers of people with HIV/AIDS.

73. At the appointment, Dr. Escovar provided instructions on taking Biktarvy, including his recommendation that the medication should be taken at night in order to obtain the full benefit of the ART. When taken in the morning, Biktarvy often causes upset stomach, which can lead an individual to vomit, rendering the medication ineffective.
74. Dr. Escovar also provided a one-week supply of Biktarvy so that Mr. Doe could begin taking it immediately and Pettis County could have time to order additional medication.
75. Dr. Escovar and another University Hospital physician, Dr. Dima Dandachi, both explained repeatedly how crucial it was that Mr. Doe take his medication every single day without interruption.
76. The jail staff member who had accompanied Mr. Doe, correctional officer Trevor Brown, was present and in the room with Mr. Doe for the entire appointment.
77. After returning to Pettis County Jail that day, Mr. Doe also informed correctional officers Holland and Barlow that Dr. Escovar had given him a daily prescription for Biktarvy and had directed him to begin taking the medication the same evening.
78. PCJ staff typically distributes medication twice daily, at 5:00 a.m. and 7:30 p.m.
79. Mr. Doe did not receive his prescribed Biktarvy on May 24, 2022.
80. After not receiving his medication, Mr. Doe spoke with Officer Holland, who informed him that Medical Officer Hill had assigned him to the morning medical cart rotation.
81. Since then, Mr. Doe has typically received his Biktarvy in the morning, which unsurprisingly initially caused upset stomach and vomiting.
82. After the initial one-week supply provided by Dr. Escovar in accordance with the standard of care to “test and treat” simultaneously, none of the defendants, including Dr.

Roe, Medical Officer Hill, Captain Viebrock, or Sheriff Anders, timely ordered additional Biktarvy.

83. That meant that Mr. Doe did not receive his prescribed dose for a week, from approximately June 2 to June 8.
84. Pettis County Correctional Officer King accompanied Mr. Doe to a follow-up appointment at University Hospital on August 9, 2022, and remained in the room with Mr. Doe the entire time. He was there when the physicians again explained that it was crucial for Mr. Doe to take Biktarvy every day without interruption.
85. Defendants Roe, Hill, Viebrock, and Anders again failed to timely order Biktarvy at the end of September, and Mr. Doe again did not receive his prescribed dose for almost a second full week, from approximately September 29 to October 4.
86. The policies and customs of ACH, Pettis County, and Anders concerning medication orders, management, and access and their failure to train and supervise are the moving force behind these failures to permit consistent, uninterrupted access to HIV medication.
87. Failing to treat HIV is dangerous because of the serious physical symptoms it causes, the decline in quality of life, the progression of the disease to AIDS, and the significant risk of developing life-threatening, opportunistic infections.
88. In addition, interrupting a prescribed regimen of ART is particularly dangerous because it can lead to drug resistance, not only to a particular drug but in some cases to the entire class of drugs to which that medication belongs, rendering them forever ineffective at controlling HIV.
89. Even a short deprivation of access—just three days—can lead to these effects.

F. Deprivation of Mental Health Medications

90. Prior to his arrest, Mr. Doe had been diagnosed with bipolar disorder, severe depression, and anxiety.
91. His medical providers had prescribed him Wellbutrin, Trazodone, Depakote, and the antihistamine hydroxyzine to treat his bipolar disorder, severe depression, and anxiety, along with the sleep problems caused by those conditions.
92. Mr. Doe has not received any of his prescribed medications, nor been evaluated sufficiently for mental-health conditions or taken to a psychologist, since he went into custody at Pettis County Jail in November 2021.
93. Mr. Doe submitted grievances or medical requests for not receiving mental-health treatment, including his prescribed medications, on February 8, February 12, March 30, April 4, and April 9, 2022.
94. For example, on February 12, Mr. Doe pointed out that: “This is a facility where there is bound to be a high level of mental health needs. According to both you[r] current and former medical officers it is also a facility with little to no medicine for those with mental illness being allowed by your doctor.”
95. The February 12 grievance was reviewed by Captain Viebrock.
96. On April 9, Mr. Doe wrote: “Out of need for prompt medical and mental health treatment for which this facility and its staff neglect to provide those in it[s] custody I am having to plea out as soon as I can get a hold of my public defender under duress just to get proper medical and mental healthcare.”
97. Medical Officer Hill and Captain Viebrock were aware of the grievances and medical requests.

98. ACH, Pettis County, and Sheriff Brad Anders have maintained a policy whereby first Dr. Weaver and now Dr. Roe will not prescribe mental-health medications to individuals detained at Pettis County Jail unless a correctional officer—not a medical professional—deems it necessary.
99. Medical Officer Hill, Dr. Weaver, Dr. Roe, and Captain Viebrock knew or should have known that bipolar disorder is a serious medical condition for which prescribed medication is often necessary, that Mr. Doe had been diagnosed with bipolar disorder and had previously been prescribed medications for that condition, that he was not receiving those medications, and that he was experiencing symptoms as a result.
100. Medical Officer Hill, Dr. Weaver, Dr. Roe, and Captain Viebrock knew or should have known that severe depression is a serious medical condition for which prescribed medication is often necessary, that Mr. Doe had been diagnosed with severe depression and had previously been prescribed medications for that condition, that he was not receiving those medications, and that he was experiencing symptoms as a result.
101. Medical Officer Hill, Dr. Weaver, Dr. Roe, and Captain Viebrock failed to allow Mr. Doe to be examined by a psychologist or other competent mental-health professional.

G. Failure to Supervise and a Policy or Custom of Deliberate Indifference to Serious Medical Needs of Pretrial Detainees and Inmates at Pettis County Jail

102. Multiple staff members have reported to Mr. Doe that they know inmate medical care is deficient at Pettis County Jail.
103. For example, one staff member explained that correctional officers without medical training make all medical decisions.

104. For example, another staff member stated that they had to “deal with” many inmates with mental health conditions every day but that there was “no access to mental health care for anyone.”
105. For example, Medical Officer Hill, who is not a nurse, decides who gets to see the ACH physician, formerly Dr. Weaver and now Dr. Roe, during his limited time on site.
106. The physician is on-site for one hour per week.
107. Pettis County Jail is home to more than 140 individuals at any given time.
108. Dr. Weaver refused to prescribe mental health medication to anyone, even inmates with prior diagnoses and prior prescriptions, unless a correctional officer told him to do so.
109. Upon information and belief, Dr. Roe has continued the same policy.
110. Captain Viebrock, who worked in the jail, was aware that Pettis County’s “inmate medical program” was “sorely lacking,” which had “caus[ed] numerous issues with inmates not receiving the appropriate medical treatment and distribution of prescribed medication.”
111. Sheriff Anders, who is responsible for the day-to-day operations of the jail, was aware that inmate access to medical care was “minimal” and that there were “consistent and recurring issues with medical-related things with the inmates.”
112. Sheriff Anders and Captain Viebrock are aware that Pettis County, ACH, and its assigned employees have not been providing medical care sufficient to meet Pettis County’s constitutional obligations.
113. ACH, Pettis County, Sheriff Anders, and Captain Viebrock have had a custom and policy of deliberate indifference toward serious medical needs that was the moving force behind the deprivation of life-saving medication and other appropriate treatment for Mr. Doe.

COUNT I

*42 U.S.C. § 1983 – Fourteenth Amendment
Against Defendants Weaver, Roe, Hill, and Viebrock*

114. Mr. Doe incorporates herein by reference the allegations made in each preceding paragraph as if each were set forth here verbatim.
115. Mr. Doe, entitled to the protection of the Eighth and Fourteenth Amendments to the United States Constitution, has serious medical needs, including HIV, bipolar disorder, and severe depression.
116. Dr. Weaver, Dr. Roe, Medical Officer Hill, and Captain Viebrock were aware of his serious medical needs.
117. Dr. Weaver, Dr. Roe, Medical Officer Hill, and Captain Viebrock have been deliberately indifferent to Mr. Doe's serious medical needs and intentionally failed to provide access to appropriate treatment for those needs, causing him to needlessly suffer mentally and physically, causing his HIV to progress, and exposing him to significant risks of serious physical harm.
118. Dr. Weaver, Dr. Roe, Medical Officer Hill, and Captain Viebrock's denial of care to Mr. Doe has not been due to a difference in medical opinion but has been based on the policy or custom of conditioning access to HIV medication on an individual's inability to pay and the policy or custom of conditioning access to mental-health treatment on a correctional officer's approval.
119. By their acts and omissions, Defendants Weaver, Roe, Hill, and Viebrock have injured Mr. Doe without just cause. This injury has been caused by violation of the Eighth Amendment as well as the Fourteenth Amendment as it was not reasonably related to a legitimate goal of pretrial detention.

120. Mr. Doe suffered—and continues to suffer—damages, including physical and emotional injury, as a result of Defendants’ acts and omissions.
121. The conduct of Defendants Weaver, Roe, Hill, and Viebrock involved reckless and callous indifference to Mr. Doe’s federally protected rights under the Eighth and Fourteenth Amendments.
122. WHEREFORE, Plaintiff prays this Court:
- A. Enter judgment in favor of Plaintiff and against Defendants Weaver, Roe, Hill, and Viebrock;
 - B. Enter preliminary and permanent injunctions directing that: (a) Defendants Weaver, Roe, Hill, and Viebrock ensure that Plaintiff receives necessary medical care regardless of his ability to pay; (b) Defendants Weaver, Roe, Hill, and Viebrock ensure no inmates at Pettis County Jail are denied necessary medical care based on inability to pay; (c) Defendants Weaver, Roe, Hill, and Viebrock ensure no inmates at Pettis County Jail are denied necessary medical care because it has been conditioned on a correctional officer’s approval; and (c) any further appropriate injunctions to prevent the future deprivation of Plaintiff’s rights.
 - C. Award Plaintiff nominal, compensatory, and punitive damages against Defendants Weaver, Roe, Hill, and Viebrock for violation of Plaintiff’s constitutional rights under color of state law;
 - D. Award Plaintiff reasonable attorneys’ fees and costs pursuant to 42 U.S.C. § 1988 and any other applicable provisions of law; and
 - E. Allow such other and further relief as the Court deems just and proper.

COUNT II
Americans with Disabilities Act

Against Defendant Pettis County, Missouri

123. Plaintiff incorporates herein by reference the allegations made in each preceding paragraph as if each were set forth here verbatim.
124. Subtitle A of Title II of the Americans with Disabilities Act (ADA) prohibits public entities from discriminating against persons with disabilities in their programs, services, and activities. 42 U.S.C. §§ 12131–12134. Regulations implementing subtitle A are codified at 28 C.F.R. part 35.
125. Title II’s definition of “public entity” includes any state or local government or “any department, agency . . . or other instrumentality” of a state or local government. 42 U.S.C. § 12131(1)(A), (B).
126. Defendant Pettis County is a “public entity” within the meaning of 42 U.S.C. § 12131(1)(A) and 28 C.F.R. § 35.104.
127. As a person diagnosed with HIV, Mr. Doe has a disability within the meaning of 42 U.S.C. § 12102(1) and 28 C.F.R. § 35.104.
128. Mr. Doe is “a qualified individual with a disability” within the meaning of 42 U.S.C. § 12131(2) and 28 C.F.R. § 35.104 because he meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by Pettis County, other than the fact that he requires reasonable modifications to rules, policies, or practices, the removal of barriers, or the provision of auxiliary aids and services.
129. Pettis County has subjected and continues to subject Mr. Doe to discrimination by withholding medically appropriate treatment for HIV. This denial of treatment and discrimination violates 42 U.S.C. § 12132 (and the regulations promulgated under it, 28 C.F.R. Part 35), which states: “Subject to the provisions of this subchapter, no qualified

individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”

130. As a result of Defendant Pettis County’s violations of the ADA and its implementing regulations, it is liable to Mr. Doe for injunctive and declaratory relief pursuant to 42 U.S.C. § 12133.

WHEREFORE, Plaintiffs pray this Court:

- A. Issue a declaratory judgment that Defendant Pettis County’s policy of delaying and withholding treatment with ART drugs from inmates diagnosed with HIV/AIDS violates the Americans with Disabilities Act;
- B. Enter a permanent injunction directing that: (a) Defendant Pettis County formulate and implement an HIV/AIDS treatment policy that meets the prevailing standard of care, including identifying persons with HIV/AIDS, providing such persons with HIV/AIDS timely and sufficient access to a competent medical professional, and not delaying or denying immediate and continuous access to ART and other medications needed to keep their disease in check; (b) Defendant Pettis County continuously and appropriately treat Mr. Doe; and (c) any further appropriate injunctions to prevent the future deprivation of Mr. Doe’s rights.
- C. Award Plaintiff compensatory damages;
- D. Award Plaintiff costs, including reasonable attorneys’ fees under 29 U.S.C. § 794a and other relevant provisions of law; and
- E. Allow such other and further relief to which Plaintiff may be entitled.

COUNT III

42 U.S.C. § 1983 – Municipal Liability

Unconstitutional Policies

Failure to Train and Supervise

Against Pettis County, Brad Anders, and Advanced Correctional Healthcare, Inc.

131. Plaintiff incorporates herein by reference the allegations made in each preceding paragraph as if each were set forth here verbatim.
132. Defendants Advanced Correctional Healthcare, Inc. (ACH) and Pettis County, through Sheriff Brad Anders, developed and maintained policies and customs that were the moving force behind the deliberate indifference to Mr. Doe's serious medical needs.
133. Defendants ACH, Pettis County, and Anders are aware that inmates, including Mr. Doe, are not receiving constitutionally adequate medical care.
134. Defendants ACH, Pettis County, and Anders are aware that access to constitutionally adequate medical care for serious medical needs like Mr. Doe's is conditioned on ability to pay and/or correctional-officer sign-off and not on reasonable medical judgment.
135. The policies and customs of ACH, Pettis County, and Anders demonstrate deliberate indifference to the constitutional rights of indigent people detained at the Pettis County Jail and caused the violation of Mr. Doe's rights alleged herein.
136. In instituting these unconstitutional policies and customs, ACH, Pettis County, and Anders, failed to properly train and supervise Medical Officer Hill, Captain Viebrock, Dr. Weaver, and Dr. Roe.
137. Defendants ACH, Pettis County, and Anders' failure to train and supervise directly led to the violation of Mr. Doe's constitutional rights.
138. As a direct and proximate result of the policies of ACH, Pettis County, and Anders, Mr. Doe sustained physical and emotional injury.

139. ACH, Pettis County, and Sheriff Anders exhibited reckless and callous disregard for Mr. Doe's federal rights secured by the Eighth and Fourteenth Amendments.

WHEREFORE, Plaintiff prays this Court:

- A. Enter judgment in favor of Plaintiff and against Defendants ACH, Pettis County, and Anders;
- B. Enter preliminary and permanent injunctions directing that: (a) Defendants ACH, Pettis County, and Anders formulate and implement an HIV/AIDS treatment policy that meets the prevailing standard of care, including identifying persons with HIV/AIDS, providing such persons with HIV/AIDS timely and sufficient access to a competent medical professional, and not delaying or denying immediate and continuous access to ART and other medications needed to keep their infection in check; (b) Defendants ACH, Pettis County, and Anders formulate and implement a mental-health-treatment policy that meets the prevailing standard of care, including providing persons whose mental-health conditions present serious medical needs with timely and sufficient access to a competent medical professional and not delaying or denying immediate and continuous access to mental-health medications needed to appropriately manage their conditions; (c) Defendants ACH, Pettis County, and Anders continuously and appropriately treat Mr. Doe; and (d) any further appropriate injunctions to prevent the future deprivation of Mr. Doe's rights.

- C. Award Plaintiff nominal, compensatory, and punitive damages against Defendants ACH, Pettis County, and Anders for violation of Plaintiff's constitutional rights under color of state law;
- D. Award Plaintiff reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and any other applicable provisions of law; and
- E. Allow such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Jessie Steffan
Jessie Steffan, #64861MO
Molly E. Carney, #70570MO
ACLU of Missouri Foundation
906 Olive Street, Suite 1130
St. Louis, Missouri 63101
Phone: (314) 652-3114
Fax: (314) 652-3112
jsteffan@aclu-mo.org
mcarney@aclu-mo.org

Gillian R. Wilcox, #61278MO
ACLU of Missouri Foundation
406 W. 34th Street, Suite 420
Kansas City, Missouri 64111
Phone: (816) 470-9938
gwilcox@aclu-mo.org

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

CIVIL COVER SHEET

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Western District of Missouri.

The completed cover sheet must be saved as a pdf document and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff(s):

First Listed Plaintiff:

John Doe ;

County of Residence: Pettis County

Defendant(s):

First Listed Defendant:

Advanced Correctional Healthcare, Inc. ;

County of Residence: Outside This District

Additional Defendants(s):

Dr. Alan Weaver ;

Dr. John Roe ;

Sierra Hill ;

Skyler Viebrock ;

Sheriff Brad Anders ;

Pettis County, Missouri ;

County Where Claim For Relief Arose: Pettis County

Plaintiff's Attorney(s):

Jessie Steffan (John Doe)
ACLU of Missouri Foundation
906 Olive Street, Suite 1130
St. Louis, Missouri 63101
Phone: 314-669-3422
Fax: 314-652-3112
Email: jsteffan@aclu-mo.org

Defendant's Attorney(s):

Molly E. Carney (John Doe)
ACLU of Missouri Foundation
906 Olive Street, Suite 1130
St. Louis, Missouri 63101
Phone: 314-652-3114
Fax: 314-652-3112
Email: mcarney@aclu-mo.org

Gillian R. Wilcox (John Doe)
ACLU of Missouri Foundation
406 W. 34th Street, Suite 420
Kansas City, Missouri 64111
Phone: 816-470-9938
Fax: 314-652-3112
Email: gwilcox@aclu-mo.org

Basis of Jurisdiction: 3. Federal Question (U.S. not a party)

Citizenship of Principal Parties (Diversity Cases Only)

Plaintiff: N/A

Defendant: N/A

Origin: 1. Original Proceeding

Nature of Suit: 550 Prison Conditions

Cause of Action: 42 U.S.C. 1983 (Eighth and Fourteenth Amendments); 42 U.S.C. §§ 12131–12134 (ADA)

Requested in Complaint

Class Action: Not filed as a Class Action

Monetary Demand (in Thousands):

Jury Demand: Yes

Related Cases: Is NOT a refiling of a previously dismissed action

Signature: /s/ Jessie Steffan

Date: 11/08/2022

If any of this information is incorrect, please close this window and go back to the Civil Cover Sheet Input form to make the correction and generate the updated JS44. Once corrected, print this form, sign and date it, and submit it with your new civil action.