

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

03-M-500

TAMARA L. SCHLITERS, Individually and as Personal Representative of the Estate of
Jeffrey A. Buller,

Plaintiff,

v.

CORRECTIONS CORPORATION OF AMERICA;
P. BRIDGES,
L. HENDRICKS,
ROGER BROWNFIELD,
KIM SAULTER,
NURSE IRBY,
OFFICER PLUNKETT,
LIEUTENANT MILLER,
CAPTAIN HOLMES,
OFFICER KOONTZ,
OFFICER LOOMIS, each in his or her individual and official capacity.

Defendants

COMPLAINT

Plaintiff Tamara L. Schlitters, through her attorneys, David A. Lane of KILLMER & LANE, LLP and James Gillies, Esq. of The Law Office of James L. Gillies, P.C., respectfully alleges for her Complaint as follows:

INTRODUCTION

1. This is an action for damages arising under the United States Constitution and the laws of the State of Colorado. Defendants violated the rights of Jeffrey Buller, the deceased son of the Plaintiff, under the Eighth Amendment of the Constitution and the laws of the State of Colorado when knowingly and with deliberate indifference to his constitutional rights, they

denied him reasonable medical treatment for a serious medical condition, thereby causing him extensive pain and suffering and ultimately, death. Defendants' conduct under color of state law proximately caused the deprivation of Mr. Buller's federally protected rights. Defendants' conduct, done willfully and wantonly, also gives rise to supplemental and pendant state claims.

JURISDICTION AND VENUE

2. This action arises under the Constitution and laws of the United States and the State of Colorado including Article III, Section 1 of the United States Constitution and 42 U.S.C. § 1983. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 1331, 1343 and 2201. Jurisdiction supporting Ms. Schlitter's claim for attorney fees and costs is conferred by 42 U.S.C. § 1988. This Court has supplemental jurisdiction over the pendant state claims pursuant to 28 U.S.C. § 1367.

3. Venue is proper in the District of Colorado pursuant to 28 U.S.C. § 1391(b). All of the events alleged herein occurred within the state of Colorado, and all of the parties are residents of the state.

PARTIES

4. At all pertinent times mentioned herein, Plaintiff Tamara L. Schlitters was a citizen of the United States of America and a resident of Colorado and is the mother of the late Jeffrey Buller.

5. At all pertinent times mentioned herein, decedent Jeffrey Buller was a citizen of the United States of America and a resident of Colorado.

6. At all pertinent times mentioned herein, Defendant Corrections Corporation of America (CCA), was a company doing business in the state of Colorado and performing the

traditionally state governmental function of operating a prison through contractual relationships with the City of Burlington and State of Colorado. In its treatment of the decedent, Jeffrey A. Buller, at the Kit Carson Correctional Center, Defendant CCA employed all Defendants who are herein sued in their individual and official capacities. Defendant CCA knew of, supported, adopted, approved and ratified the policy, custom, or practice of ignoring and violating the constitutional rights of the decedent. CCA, a private operator of Kit Carson Correctional Center, is not a healthcare professional or healthcare institution.

7. At all pertinent times mentioned herein, all of the Defendants sued in both their individual and official capacities were employed by CCA, and were acting within the scope of their official duties and their employment, and under color of state law.

FACTUAL BACKGROUND

8. Decedent Jeffrey A. Buller suffered from a serious medical condition known as hereditary angioedema, which can cause episodes of swelling in various parts of the body, including the airways of the throat, if left untreated. However, the dangerous aspects of angioedema can be controlled effectively with the medication Winstrol (a steroid-like drug which costs approximately \$35 per month). During his incarceration, Mr. Buller had been taking Winstrol which had been administered by CCA pursuant to the orders of medical personnel.

9. While incarcerated at Kit Carson Correctional Center (KCCC), Winstrol was prescribed and administered to Jeffrey Buller by CCA staff, who knew of the seriousness of his medical condition and its potentially fatal nature. In the several weeks prior to Mr. Buller's death, he was repeatedly assured his prescription would be refilled throughout his stay and that he would be provided at least a thirty day supply of Winstrol when he left Kit Carson. On or

about April 1, 2001, Mr. Buller was informed that he was to be paroled on or about May 2, 2001.

Pursuant to CCA's written policies and procedures, CCA personnel should have reordered and obtained a new supply of Winstrol for Mr. Buller on or before April 14, 2001. However, it was not reordered, despite Mr. Buller's repeated requests that clinic staff obtain the crucial medication. Mr. Buller's supply of Winstrol ran out on or about Saturday, April 21, 2001.

10. On information and belief, from each day after April 21, 2001 until his death, Mr. Buller repeatedly went to the medication receiving line and pleaded with CCA medical staff for the Winstrol that he needed.

11. In addition, on April 21, 2001, when his prescription for Winstrol ran out, Mr. Buller went to the KCCC medical clinic and requested that his prescription be refilled immediately. On information and belief, Mr. Buller stressed the necessity of the having Winstrol to control his potentially life-threatening condition. The nurse on duty at the KCCC clinic that day, Defendant P. BRIDGES, L.P.N., telephoned the on-call doctor, DR. KLINER, for instructions regarding Mr. Buller's medication. DR. KLINER informed NURSE BRIDGES to give Mr. Buller 5 mg. of the drug, Prednisone, once each day for three days until Winstrol could be reordered. Prednisone is absolutely ineffectual in treating Hereditary Angioedema. NURSE BRIDGES gave Mr. Buller a 5 mg dose of Prednisone. She then told Mr. Buller to return to the clinic on Monday, April 23, 2001 to see if his Winstrol prescription had been refilled.

12. Winstrol was not ordered on either April 21 or 22, 2001. Nor is there any indication in his medical record that Mr. Buller was given Prednisone on April 22, 2001.

13. Mr. Buller returned to the KCCC clinic on April 23, 2001, where Defendant L. HENDRICKS, N.P., was on duty. NURSE HENDRICKS noted in Mr. Buller's medical record

that Winstrol was not currently available in the pharmacy's "house" stock and that it would have to be reordered.

14. Winstrol was not ordered on either April 23 or 24, 2001. Nor is there any indication in his medical file that Mr. Buller was given Prednisone on April 24, 2001.

15. A notation by NURSE HENDRICKS in Mr. Buller's medical file on April 25, 2001 indicates that the clinic was unable to get Winstrol and that Mr. Buller was to continue to receive Prednisone until he could be seen by DR. GARLICK. There is no indication in his medical file that Mr. Buller was given Prednisone on April 25, 2001.

16. On information and belief, DR. GARLICK saw Mr. Buller on either April 25 or 26, 2001 at the KCCC clinic. Mr. Buller reported recent episodes of swelling in his throat. The doctor noted in Mr. Buller's medical record that there was insufficient time to obtain Winstrol before Mr. Buller was scheduled to leave KCCC. DR. GARLICK further noted that the receiving unit was to be notified that Mr. Buller needed Winstrol. The doctor continued the prescription for Prednisone and Dr. Garlick ordered Hendricks and staff to get Winstrol immediately for Mr. Buller.

17. On information and belief, CCA staff persons did not obtain Winstrol for Mr. Buller because it could be obtained only in 30-day lots. Since Mr. Buller was scheduled to be released on or about May 2, 2001, CCA did not want to pay for a 30-day supply of the medication and CCA did not wish to incur the additional cost of approximately \$35 for the Winstrol they would have had to order when Mr. Buller was only going to be at the facility for another ten days. Cost-cutting in the medical department had become a major concern for CCA. Indeed, CCA employee Defendant ROGER BROWNFIELD, who was reputedly in charge of

medical administration at KCCC, was named employee of the month for his cost-cutting efforts in the KCCC medical department for the month of April 2001. On information and belief, in the days following April 25 and 26, 2001, Mr. Buller returned almost daily to the KCCC medical clinic with complaints of a swollen feeling in his throat. His voice became raspy. He also had difficulty swallowing food and liquids. He repeatedly informed the clinic staff that the Prednisone was not working and that he needed Winstrol. He literally begged staff to obtain help for him, however, the clinic staff made no effort to obtain Winstrol for him. They also failed to examine him or to send him to get medical treatment outside KCCC. Defendants also knowingly delayed his treatment by deciding to allow Mr. Buller to remain at KCCC without Winstrol until his release.

18. On or about May 1, 2001, Mr. Buller continued to have great difficulty swallowing and talking. His throat was visibly swollen. While he was in his cell packing in preparation for his impending release, Mr. Buller's breathing became very labored. He pushed the call button in his cell to alert staff that he needed help. He also grabbed his throat and motioned to his cellmate that he could not speak. He wrote on a pad of paper that he could not breathe. Mr. Buller's cellmate began pushing the call button, banging on the cell door, and shouting for help. As much as a half hour to forty-five minutes passed before unit staff responded.

19. On information and belief, unit staff had the practice of turning on the intercom in an empty cell in order to cut off calls from inmates in occupied cells, thereby preventing inmates in occupied cells from "bothering" unit staff with calls.

20. On information and belief, when the responsible unit staff person, Defendant KIM SAULTER, finally responded to Mr. Buller's cellmate's calls for help, Defendant NURSE IRBY

was summoned for assistance. NURSE IRBY slowly walked down the long hall to Mr. Buller's cell and brought no medical equipment with her. When she arrived and learned that there was an actual medical emergency, NURSE IRBY again slowly walked back to the medical clinic to get medical equipment.

21. On information and belief, Mr. Buller's face began to turn blue upon NURSE IRBY'S departure and he was on the verge of passing out. Defendants OFFICER PLUNKETT, LIEUTENANT MILLER, CAPTAIN HOLMES, and OFFICER KOONTZ then tried to help him out of the unit, whereupon Mr. Buller began to lose consciousness. The officers then lifted Mr. Buller up and began running with him down the hall. Lieutenant Miller shouted, "Don't drop him!" Upon information and belief, Mr. Buller was attempting to put his own finger into his throat in order to open up his breathing passages. At some point, the officers carrying Mr. Buller dropped him.

22. When emergency medical treatment personnel finally arrived at the scene, Mr. Buller was not breathing and had no carotid pulse. Attempts to revive him were futile. Mr. Buller died shortly thereafter.

23. The autopsy report indicates that Mr. Buller died of asphyxiation caused by hereditary angioedema.

24. In an effort to save approximately \$35, the defendants' actions were the proximate cause of over a week of physical and mental suffering for Mr. Buller, and ultimately, were the cause of his death, as well as CCA's further intentional refusal to render appropriate medical care upon observing his ever worsening condition. Jeffrey Buller's mother, Plaintiff TAMARA SCHLITTERS, has suffered tremendous emotional distress and economic loss due to the

Defendant's negligent, intentional, knowing, reckless, and wanton disregard for the obviously serious medical condition of Jeffrey Buller.

FIRST CLAIM FOR RELIEF
(§ 1983 Eighth Amendment Violation – Failure to Provide Medical Care and Treatment)
(Against All Defendants)

25. Plaintiff incorporates all other paragraphs of this Complaint for purposes of this claim.

26. At all times relevant to the allegations in this complaint, Defendants acted or failed to act under color of state law.

27. Defendants are persons under 42 U.S.C. § 1983.

28. Defendants had a custom, policy, or practice of acting knowingly and with deliberate indifference in denying obviously necessary medications, medical services, and hospitalization to inmates at KCCC, including Mr. Buller.

29. Defendants BROWNFIELD, BRIDGES, and HENDRICKS all knew of Mr. Buller's potentially life-threatening medical condition. They also knew that Winstrol was the prescribed medication for controlling hereditary angioedema, that Mr. Buller had repeatedly requested Winstrol in the last couple of weeks before his death, and that the drug they substituted, Prednisone, was both not an acceptable substitute for Winstrol, or at the very least was not working for Mr. Buller. Nevertheless, with deliberate indifference to Mr. Buller's Eighth Amendment constitutional right to be free of cruel and unusual punishment, these Defendants made no effort to obtain Winstrol for him either before his supply ran out or afterwards. Defendants also failed to examine, treat and care for Mr. Buller's worsening condition and failed to send Mr. Buller for treatment outside Kit Carson. They did so despite his

obvious serious medical needs, placing him at risk of substantial physical harm.

30. When Mr. Buller pressed the call button in his cell for medical assistance, Defendants SAULTER, IRBY, PLUNKETT, MILLER, HOLMES, KOONTZ, and LOOMIS acted with deliberate indifference to Mr. Buller's obviously serious medical need and Eighth Amendment rights in failing to obtain and provide emergency medical treatment for him in a timely and appropriate fashion.

31. The acts or omissions all Defendants, including but not limited to BROWNFIELD, BRIDGES, HENDRICKS, SAULTER, IRBY, PLUNKETT, MILLER, HOLMES, KOONTZ, and LOOMIS were conducted within the scope of their official duties and employment.

32. The acts or omissions all Defendants, including but not limited to BROWNFIELD, BRIDGES, HENDRICKS, SAULTER, IRBY, PLUNKETT, MILLER, HOLMES, KOONTZ, and LOOMIS were the legal and proximate cause of Mr. Buller's injuries and death.

33. Defendant CCA, both on its own and through its physicians and administrator, ROGER BROWNFIELD, had an official policy, custom, or practice that was deliberately indifferent to Mr. Buller's Eighth Amendment rights.

34. Defendant CCA's unconstitutional policies, customs or practices, as described herein, was the legal and proximate cause of Mr. Buller's injuries and death.

35. The acts or omissions of each Defendant caused Mr. Buller damages in that he suffered extreme physical and mental pain during the approximately ten days leading up to his death and especially during his final hour.

36. The actions of Defendants CCA, BROWNFIELD, BRIDGES, HENDRICKS, SAULTER, IRBY, PLUNKETT, MILLER, HOLMES, KOONTZ, and LOOMIS as described

herein intentionally deprived Mr. Buller of the securities, rights, privileges, liberties, and immunities secured by the Constitution of the United States of America, and caused him other damages.

SECOND CLAIM FOR RELIEF
(§ 1983 Eighth Amendment Violation – Failure to Train and Supervise)
(Against Defendant CCA)

37. Plaintiff incorporates all other paragraphs of this Complaint for purposes of this claim.

38. Administration, management and operation of a prison are traditionally state functions.

39. Defendant CCA was under contract with the Colorado Department of Corrections (DOC), an entity of the State of Colorado, to administer, manage and operate the Kit Carson Correctional Facility and to house DOC inmates.

40. Defendant CCA hired Defendant BROWNFIELD as the KCCC Medical Department Administrator, knowing Mr. BROWNFIELD had inadequate experience and training in the administration of a medical unit.

41. Given Defendant BROWNFIELD'S inexperience and lack of training in medical unit administration and that CCA knew that the failure to properly administer the medical unit, including procuring appropriate inmate medications, could be life-threatening to inmates with serious medical conditions, it was foreseeable there would be safety, civil rights and administrative violations at the KCCC medical unit.

42. Defendant CCA, therefore, had reason to believe that hiring Defendant BROWNFIELD would create an unreasonable risk of harm to KCCC inmates.

43. Defendant CCA failed to adequately train or supervise or terminate the employment of Defendant BROWNFIELD even though it knew, or had reason to know, that his failure to adequately administer the KCCC medical unit was likely to be the cause of the deprivation of an inmate's Eighth Amendment rights.

44. Defendant CCA knowingly hired individuals, including Defendants BROWNFIELD, HENDRICKS, BRIDGES, SAULTER, IRBY, PLUNKETT, MILLER, HOLMES, KOONTZ, and LOOMIS, who did not possess the requisite training and experience to properly operate and administer the medical unit at KCCC and respond appropriately to medical emergencies.

45. Defendant CCA failed to properly train and supervise the individuals CCA hired to operate and manage the medical unit and respond to medical emergencies.

46. Defendant CCA knew, or had reason to know, that Defendants BROWNFIELD, HENDRICKS, BRIDGES, SAULTER, IRBY, PLUNKETT, MILLER, HOLMES, KOONTZ, and LOOMIS would fail to adequately operate and administer the medical unit and respond appropriately to medical emergencies, violating inmates' Eighth Amendment rights.

47. Defendant CCA maintained a deliberate indifference to the obvious serious medical needs of Mr. Buller, knowing that potentially fatal consequences could be suffered by Mr. Buller by failing to properly hire, train and supervise its employees. CCA could have and should have pursued reasonable methods for the training and supervising of such employees, but failed to do so.

48. Defendant CCA's policies, customs, or usages in failing to properly train and supervise its employees were the moving forces and proximate cause of the violation of Mr.

Buller's Eighth Amendment rights.

49. The acts or omissions of Defendant CCA caused Mr. Buller damages in that he suffered extreme physical and mental pain during the two weeks leading up to his death and especially during his final hour.

50. The actions of Defendant CCA as described herein intentionally deprived Mr. Buller of the securities, rights, privileges, liberties, and immunities secured by the Constitution of the United States of America, and caused him other damages.

THIRD CLAIM FOR RELIEF
(State Law Claim for Negligent Medical Care and Treatment)
(Against All Defendants)

51. Plaintiff incorporates all other paragraphs of this Complaint for purposes of this claim.

52. Defendants CCA, BROWNFIELD, BRIDGES, HENDRICKS, SAULTER, IRBY, PLUNKETT, MILLER, HOLMES, KOONTZ, and LOOMIS had a duty to provide reasonable medical care and treatment to inmates at KCCC, including Mr. Buller.

53. Defendants CCA, BROWNFIELD, BRIDGES, HENDRICKS, SAULTER, IRBY, PLUNKETT, MILLER, HOLMES, KOONTZ, and LOOMIS breached their duty of care and were negligent when they failed to provide Mr. Buller with reasonably obtainable and necessary medication and emergency medical treatment.

54. Defendants BROWNFIELD, BRIDGES, HENDRICKS, SAULTER, IRBY, PLUNKETT, MILLER, HOLMES, KOONTZ, and LOOMIS, at all times relevant hereto, were employees of Defendant CCA.

55. Defendants BROWNFIELD, BRIDGES, HENDRICKS, SAULTER, IRBY,

PLUNKETT, MILLER, HOLMES, KOONTZ, and LOOMIS acted on their own behalf and on behalf of Defendant CCA when they committed the acts giving rise to the claims against them contained in this Complaint.

56. CCA is legally responsible to claimants for any harm caused by employees acting on its behalf.

57. Because Defendants BROWNFIELD, BRIDGES, HENDRICKS, SAULTER, IRBY, PLUNKETT, MILLER, HOLMES, KOONTZ, and LOOMIS acted not only on their own behalf, but also on behalf of Defendant CCA when they committed wrongful acts against Mr. Buller and the Plaintiff, Defendant CCA is liable to Plaintiff for the harm caused by those actions.

58. Defendants' negligence proximately caused Mr. Buller significant physical and mental pain and suffering and other damages in the final two weeks of his life.

59. Defendants' negligence proximately caused Tamara Schlitters significant pain, suffering, grief, loss of comfort and society, and other damages arising from the suffering and ultimate death of Mr. Buller.

FOURTH CLAIM FOR RELIEF
(State Law Claim for Negligent Hiring, Training, and Supervision)
(Against Defendant CCA)

60. Plaintiff incorporates all other paragraphs of this Complaint for purposes of this claim.

61. Defendant CCA had a duty to exercise reasonable care in the hiring training, and supervision of its employees in a manner that provided the inmates under CCA's care with reasonable medical care and treatment.

62. Defendant CCA knew or should have known that the employees it hired, including Defendants BROWNFIELD, BRIDGES, HENDRICKS, SAULTER, IRBY, PLUNKETT, MILLER, HOLMES, KOONTZ, and LOOMIS, lacked adequate training and experience to provide KCCC inmates with reasonable medical care and treatment.

63. Defendant CCA, because it knew or should have known of the lack of supervision, experience and training among its employees, also had reason to know that its employees were likely to harm KCCC inmates in need of medications and prompt medical treatment, including Mr. Buller.

64. In failing to exercise reasonable care in the hiring, training, and supervision of its employees relative to their ability to provide reasonable medical care and treatment, Defendant CCA was negligent.

65. The negligence of the Defendant CCA proximately caused Mr. Buller significant physical and mental pain and suffering and other damages in the final two weeks of his life.

66. Defendants' negligence has proximately caused Tamara Schlitters significant pain, suffering, grief, loss of comfort and society, and other damages arising from the suffering and ultimate death of Mr. Buller.

FIFTH CLAIM FOR RELIEF
(State Law Claim for Outrageous Conduct)
(Against All Defendants)

67. Plaintiff incorporates all other paragraphs of this Complaint for purposes of this claim.

68. The failure of Defendants BROWNFIELD, BRIDGES, HENDRICKS, SAULTER, IRBY, PLUNKETT, MILLER, HOLMES, KOONTZ, and LOOMIS to provide reasonable

medical care and treatment to Mr. Buller constituted omissions or acts of extreme and outrageous conduct.

69. Defendants BROWNFIELD, BRIDGES, HENDRICKS, SAULTER, IRBY, PLUNKETT, MILLER, HOLMES, KOONTZ, and LOOMIS engaged in such outrageous conduct recklessly or with the intent of causing Mr. Buller's mother, Plaintiff Tamara Schlitters, severe emotional distress.

70. Defendants BROWNFIELD, BRIDGES, HENDRICKS, SAULTER, IRBY, PLUNKETT, MILLER, HOLMES, KOONTZ, and LOOMIS, at all times relevant hereto, were employees of Defendant CCA.

71. Defendants BROWNFIELD, BRIDGES, HENDRICKS, SAULTER, IRBY, PLUNKETT, MILLER, HOLMES, KOONTZ, and LOOMIS acted on their own behalf and on behalf of Defendant CCA when they committed the acts giving rise to the claims against them contained in this Complaint.

72. CCA is legally responsible to claimants for any harm caused by employees acting on its behalf.

73. Because Defendants BROWNFIELD, BRIDGES, HENDRICKS, SAULTER, IRBY, PLUNKETT, MILLER, HOLMES, KOONTZ, and LOOMIS acted not only on their own behalf, but also on behalf of Defendant CCA when they committed wrongful acts against Mr. Buller and the Plaintiff, Defendant CCA is liable to Plaintiff for the harm caused by those actions.

74. Defendants' outrageous conduct caused Plaintiff to suffer severe emotional distress.

SIXTH CLAIM FOR RELIEF
(State Law Claim for Wrongful Death under C.R.S. § 13-21-202)
(Against All Defendants)

75. Plaintiff incorporates all other paragraphs of this Complaint for purposes of this claim.

76. Defendants BROWNFIELD, BRIDGES, HENDRICKS, SAULTER, IRBY, PLUNKETT, MILLER, HOLMES, KOONTZ, and LOOMIS, at all times relevant hereto, were employees of Defendant CCA.

77. Defendants BROWNFIELD, BRIDGES, HENDRICKS, SAULTER, IRBY, PLUNKETT, MILLER, HOLMES, KOONTZ, and LOOMIS acted on their own behalf and on behalf of Defendant CCA when they committed the acts giving rise to the claims against them contained in this Complaint.

78. CCA is legally responsible to claimants for any harm caused by employees acting on its behalf.

79. Because Defendants BROWNFIELD, BRIDGES, HENDRICKS, SAULTER, IRBY, PLUNKETT, MILLER, HOLMES, KOONTZ, and LOOMIS acted not only on their own behalf, but also on behalf of Defendant CCA when they committed wrongful acts against Mr. Buller and the Plaintiff, Defendant CCA is liable to Plaintiff for the harm caused by those actions.

80. Plaintiff, as the mother of Mr. Buller, suffered and continues to suffer economic and non-economic damages due to Defendants' negligent conduct toward her son, including but not limited to economic damages for funeral expenses and financial losses due to the financial benefits she would have reasonably expected to receive from her son had he lived, and non-

economic damages for grief, loss of her son's companionship, impairment in the quality of her life, inconvenience, pain and suffering, and extreme emotional stress.

81. Defendants' negligent conduct, was attended by circumstances of malice, or willful and wanton conduct, which Defendants must have realized was dangerous, was done heedlessly and recklessly, without regard to the consequences to Mr. Buller and the Plaintiff.

82. Defendants' conduct constituted a felonious killing under C.R.S. §§ 13-21-203 and 15-11-803, such that there shall be no statutory limitation on damages available herein to Plaintiff.

SEVENTH CLAIM FOR RELIEF
(State Law Claim for Violation of Colorado Consumer Protection Act)
(Against CCA)

83. Plaintiff incorporates all other paragraphs of this Complaint for purposes of this claim.

84. CCA engaged in deceptive trade practices within the meaning of the Colorado Consumer Protection Act, Colo. Rev. Stat. § 6-1-101, et seq., when it deceptively represented for economic gain: (1) that it complied with all state rules and regulations as to medical treatment; (2) that its standards for medical treatment were equal to or better than that of DOC prisons; (3) that its staff was adequately and fully trained for their positions; and (4) that all CCA prisons were adequately staffed.

85. The deceptive practices alleged herein occurred in the course of CCA's business and significantly impact the public as actual or potential consumers of Defendants' services via CCA's contract with the State of Colorado.

86. Plaintiff Schlitters, in both her individual capacity and as personal representative to

Mr. Buller suffered an injury in fact to her and Mr. Buller's legally protected interest in Mr. Buller's health and safety.

87. Defendant CCA's deceptive trade practices caused Plaintiff significant injury.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in her favor and against the Defendants, and grant:

- (a) Appropriate declaratory and other injunctive and/or equitable relief;
- (b) Compensatory and consequential damages, including damages for emotional distress, humiliation, loss of enjoyment of life, and other pain and suffering on all claims allowed by law in an amount to be determined at trial;
- (c) All economic losses on all claims allowed by law;
- (d) Punitive damages on all claims allowed by law and in an amount to be determined at trial;
- (e) Attorneys fees and the costs associated with this action on all claims allowed by law;
- (f) Pre- and post-judgment interest at the lawful rate.
- (g) Any further relief that this court deems just and proper, and any other relief as allowed by law.

PLAINTIFF REQUESTS A TRIAL TO A JURY ON ALL ISSUES SO TRIABLE.

Dated this ____ day of March, 2003.

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