

IN THE UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

Amy Burt, in her capacity)	
As Administrator and Personal)	
Representative For the Estate of)	
Timothy Burt, deceased)	
Plaintiff,)	JURY DEMAND
)	
VS)	
)	CASE NO. _____
Hamilton County, Tennessee, and)	
Hamilton County Sheriff)	
Jim Hammond (in both his official)	
capacity and individually),)	
Defendants.)	

COMPLAINT

Comes now the Plaintiff, Amy Burt, in her capacity as the Administrator and Personal Representative of the Estate of Timothy Burt (Deceased), by and through counsel, and for her Complaint against the Defendants, Hamilton County, Tennessee ("Hamilton County"), Hamilton County Sheriff, and Jim Hammond (in both his official capacity and individually) states as follows:

PRELIMINARY STATEMENT

Plaintiff brings this lawsuit following the death of Timothy Burt, a 65-year-old resident of Alabama, incarcerated in Silverdale Detention Center (hereafter referred to as "Silverdale"). Mr. Burt died due to the conscious indifference of the Defendants, in violation of his Constitutional rights, while in the custody, care and control of Silverdale, which is owned and operated by Hamilton County, Tennessee and/or Hamilton County Sheriff's Department. Amy Burt has lawfully petitioned the Hamilton County Chancery Court and has been named the Administrator and Personal Representative of the Estate of Timothy Burt.

Plaintiff's claims under 42 U.S.C. §1983, and the United States Constitution, arise out of the Defendants' deliberate indifference to Mr. Burt's rights and failure to provide Constitutionally required care, humane living conditions and adequate medical treatment to Mr. Burt. Mr. Burt was admitted to Erlanger Hospital for severe mental and physical problems. Not being in an appropriate state of mind or being, he left the hospital, got behind the wheel of an unattended ambulance, and drove away. He was stopped shortly thereafter by police and taken to Silverdale. Once incarcerated, his sister, Donna Kling called routinely, often daily, to inform Silverdale of his dire health conditions and requesting that he receive assistance for his basic needs as his ability to perform day to day tasks was waning. Her pleas were often met with snickers, laughter and snide comments. No aid was rendered to her brother. Approximately eight days before his death, Mr. Burt received a mental health evaluation at the request of his public defender. The report made clear that Mr. Burt was deteriorating, was not well, and was in desperate need of serious medical intervention. A request was made for him to be seen for a physical evaluation. It does not appear from medical records that a medical intake was done despite the request. He was not treated, and ultimately died on August 27, 2022, as his systems had been slowly shutting down.

The Defendants deprived him of his clearly established rights guaranteed under the United States Constitution and under the laws of the United States. Plaintiff seeks all damages allowable under the law, including attorney fees and costs in this action pursuant to 18 U.S.C. §1988.

JURISDICTION AND VENUE

1. This action is brought pursuant to 42 U.S.C. §1983. Jurisdiction is founded on 28 U.S.C. §§ 1331 and 1343, and the Eighth Amendment to the Constitution of the United States.
2. Venue is proper in the Eastern District of Tennessee under 28 U.S.C. §1391(b)(2).

PARTIES

3. The Decedent, Timothy Burt, died unmarried on August 27, 2023, in Chattanooga, Tennessee. See the Death Certificate attached hereto as **Exhibit A**.

4. Plaintiff, Amy Burt, is the Administrator of the Estate of Timothy Burt, Deceased, and his Personal Representative. She is also the biological sister of Timothy Burt. Mr. Burt died without being married. See Tennessee Code Annotated §20-5-107. See Letters of Testamentary as **Exhibit B**.

5. Plaintiff is a resident of Alabama and resides at 5464 County Road 445, Fort Payne, AL 35968-4313.

6. Defendant, Hamilton County is the governmental entity ultimately responsible for the care, custody, health and well-being of its ward, Timothy Burt, the Decedent, while he was at Silverdale at all times relevant to this Complaint. Hamilton County is liable for its own conduct and the acts and omissions of its servants, employees, agents and contractors. Such servants, employees, agents and contractors acted in conformity with the policies, practices and customs of Hamilton County. Further, Hamilton County had non-delegable Constitutional duties to ensure that Mr. Burt was safe from harm, received adequate medical care and that its designated contractors, employees and subcontractors, provided him constitutionally adequate medical care.

7. Defendant, Sheriff Jim Hammond (hereafter, "Sheriff Hammond") is the former elected Sheriff of Hamilton County, sued in his individual and official capacity as Sheriff, is an adult citizen of the State of Tennessee, and is domiciled in Hamilton County, Tennessee. Sheriff Hammond oversaw Silverdale and was responsible for the hiring, training, supervision, discipline, and control of the deputies under his command. He was responsible for all actions of the staff at Silverdale and was the final policy maker for Silverdale. He is liable both directly and vicariously

for the actions complained of herein. He can be served through the County Attorney, Rheubin Taylor.

8. Plaintiff demands a jury try all issues so triable in the case.

FACTS

9. Plaintiff adopts all of the allegations of the preceding Paragraphs as if fully set forth herein. The following is a summary of facts necessary to prove the allegations and elements of the alleged causes of action but should not be construed to be a complete statement of facts.

10. On June 29, 2022, Timothy Burt was taken to Erlanger Hospital by family members for severe medical issues believed to be related to alcohol withdrawal including delirium, rib fractures from a fall and severe memory loss. Once admitted, it is believed he was left in his room unattended, and in his delirious state he walked out of the hospital and climbed in an ambulance and drove away. Police were notified, he was stopped, and authorities ultimately returned him to Erlanger.

11. Once stabilized, he was discharged to police custody on July 5, 2023. According to medical records, it was noted that jail was not the ideal place for him, but that doctors were informed he needed to work through his legal situation before long term disposition. It was further noted that ultimately Mr. Burt would need “long term placement in a supervised setting” due to a long-term alcohol abuse disorder.

12. He was held at Silverdale on a monetary bond his family could not afford for the criminal charges of aggravated assault, theft of property, evading arrest, reckless endangerment, and a traffic violation.

13. Despite authorities’ knowledge of his medical condition upon being discharged from Erlanger, Mr. Burt did not receive any medical care while incarcerated.

14. On August 19, 2022, a mental health assessment was finally completed upon request of his attorney employed by the public defender's office.

15. During that interview, Susan Taylor, LSW, noted that Mr. Burt presented emaciated and frail. His cell mate indicated he falls a lot and had lost a lot of weight during his time incarcerated. He appeared to be very weak and could not hold his head up. It was determined that he was not mentally or physically stable enough to go to a treatment center. Ms. Taylor requested a medical intake due to concerns for Mr. Burt's physical health. Tennessee Corrections Institute (TCI) and medical policy at Silverdale requires a medical evaluation within fourteen days. Mr. Burt was in jail almost six weeks before he was seen.

16. Eight days after Ms. Taylor interviewed him and expressed concerns for his mental and physical health, he was found nonresponsive, and died after transport to Parkridge Hospital on August 27, 2022.

17. During his almost two months at Silverdale waiting for his case to be heard and to receive the medical treatment he desperately needed, his sister, Donna Kling, was calling the jail, sometimes daily, requesting that he receive assistance for his condition. She was unable to speak with him because he was unable to use his phone card or the iPads that were accessible for phone calls. Her requests to Silverdale were ignored, and she was even laughed at during one phone conversation with jail employees begging for help. She expressed concerns for his mental and physical health and repeatedly told jail employees, "there was something wrong with Timothy and he needed help."

18. Ms. Kling was working tirelessly at home to find a facility to have Mr. Burt released to in order to provide him the medical attention, which Silverdale refused, but he so desperately needed. On August 29, 2022, she appeared before Judge Gary Starnes in Hamilton County General

Sessions Court and reported that she had found a hospital for Mr. Burt in Alabama and requested that Mr. Burt be released to her custody to receive proper care. Understanding Mr. Burt's need for care, the Court modified Mr. Burt's bond to an own recognizance ("OR") bond, releasing him to the custody of Ms. Kling. It was unknown to the Court and to Ms. Kling why Mr. Burt was not present in Court that day. No one had been notified of his death.

19. Ms. Kling went to Silverdale that same day to pick her brother up upon release to transport him to the hospital.

20. The sisters of Timothy Burt were told upon arrival that Mr. Burt had died two days prior. Hamilton County did not notify any family members, the Court, nor his attorney of his passing. His family was left to track his body down at the morgue to recover it for his funeral.

21. Hamilton County failed to protect Mr. Burt's rights under the Eighth Amendment to the Constitution to be free from cruel and unusual punishment.

22. Timothy Burt was left alone in jail to suffer and slowly die. Hamilton County was aware of his deteriorating condition when the police apprehended him upon his release from Erlanger. He was not seen by a medical authority until over a month later, when it was determined that he was in very poor condition and was rapidly deteriorating. Medical attention was ordered by Susan Taylor, to no avail. Defendants ignored Ms. Taylor's request. Mr. Burt was not treated again medically until he lost consciousness and was finally transported to Parkridge where he was pronounced dead hours later. At the hands of the County, Mr. Burt suffered terrible pain and agony, mental suffering, and injuries due to the conditions and imposed by actions of the Defendants.

**HISTORY OF MEDICAL NEGLECT AND INHUMANE
CONDITIONS AT SILVERDALE**

23. Silverdale has a history of failure to provide proper medical care to inmates, maintaining inhumane living conditions, and inmate on inmate violence in violation of the Eighth Amendment.

24. In December 2020, Hamilton County and Hamilton County Sheriff's Office, took over operations of Silverdale and closed the Hamilton County Jail located in downtown Chattanooga.

25. The jail population at Silverdale doubled overnight in a facility designed more as a workhouse for non-violent defendants serving misdemeanor sentences. Silverdale was ill-equipped and not sufficiently staffed to merge the jail populations. Since the merger, the failure to provide adequate medical care to inmates, failure to care for the safety and well-being of inmates, and the inhumane living conditions have led to multiple lawsuits being filed against Hamilton County and QCHC, among others.¹

26. These conditions led the Federal Judiciary to remove all federal inmates from Silverdale in 2020.

27. On April 23, 2021, multiple Silverdale inmates including, Luster Deloney, were stabbed numerous times by fellow inmates wearing towels over their faces when officers placed them in a new cell despite the victims warning the officers that they would be attacked. Suit has been filed regarding this incident, Docket 1:22-cv-00094.

¹ *Moore v. Hamilton County, et. al.*, 1:23-cv-00007; *Brown v. Hamilton County, et. al.*, 1:23-cv-00045; *Jackson v. Hamilton County, et. al.*, 1:23-cv-00046; *Cornett v. Hamilton County, et. al.*, 1:23-cv-00053; *Miller v. Hamilton County, et. al.*, 1:23-cv-00086; *Ellis v. Hamilton County, et. al.*, 1:23-cv-00099; *Franklin v. Hamilton County, et. al.*, 1:23-cv-00100; *Holt v. Hamilton County, et. al.*, 1:23-cv-00061.

28. On September 5, 2021, inmate Michael Brinkley, was stabbed nine times, including once in the face, when officers failed to lock his cell door and ignored the victim's attempts to alert them to the mistake. Suit has been filed regarding this incident, Docket 1:22-cv-00095.

29. The County has notice of and is aware that in June 2021, an inmate named Donyell DeWayne Holland was beaten by other inmates at Silverdale and was badly injured. Mr. Holland was denied medical care and left on the cell floor for three (3) days. When a nurse finally tried to administer treatment, she was threatened by corrections officers at Silverdale. Mr. Holland has filed a lawsuit, which is still pending in the Eastern District of Tennessee. *Holland v. Booth, et al.*, No. 1:21-cv-00166.

30. The County has notice of and was aware that in September 2021, Silverdale failed an inspection conducted by the Tennessee Corrections Institute with the inspection listing overcrowding, multiple surveillance cameras in need of repair, and an HVAC in need of repair.

31. The County has notice of and is aware that in April 2022, Brandon Cornett, a male inmate, died while in custody at Silverdale. His wife called consistently for weeks leading up to his death insisting that he needed his medicine and was told "it was being handled." On April 24, 2022, Mr. Cornett, was very sick and put on the "provider list" to be seen the following day, sixteen days after staff were alerted to his condition by his wife. He died before he was seen by a doctor. His next of kin filed a lawsuit against Hamilton County and others, which is currently pending in the Eastern District of Tennessee. *Cornett v. Hamilton County, et. al.*, 1:23-cv-053.

32. On May 16, 2022, Carol White, was found dead at Silverdale. She was serving a 45-day sentence for drunk driving and was not provided the medication critical to managing her seizures and thyroid issues. The Court ordered her medication to be delivered to Silverdale and

be administered to her as prescribed. Those orders were ignored, and Ms. White died as a result. *White v. Hamilton County, et. al.*, 1:23-cv-00108.

33. The County has notice of and is aware that in May of 2022, Silverdale failed a health inspection. Inspectors found rat droppings in the food storage area, no sanitizer present in washing buckets, and walls, floors and ceilings that were in hazardous condition.

34. The County has notice of and is aware that DaQuarrious “Jay” Brown, an HIV positive inmate, was denied his HIV medications for two months while he was housed at Silverdale. Without his life-saving HIV medication, Mr. Brown’s health continued to get worse. Inmates in his cell would stage fights just to get the nurses’ attention. Mr. Brown regularly begged the Silverdale staff to administer his medication, yet they refused. By the time he was brought to Erlanger Hospital in March 2022, his HIV had rapidly progressed causing him to develop pneumonia and sepsis. Mr. Brown spent two months fighting for his life and later died. His family filed a lawsuit against Hamilton County and others. *Brown v. Hamilton County, et. al.*, 1:23-cv-00045.

35. The County has notice that on July 23, 2022, four inmates escaped from Silverdale. It took guards almost four (4) hours to notice they were missing.

36. The County has notice of and is aware that on October 16, 2022, Abraham Jackson, Jr., an inmate at Silverdale, died seven months into serving his sentence at Silverdale. He suffered from numerous infections brought on by malnutrition. Inmates told Mr. Jackson’s family that he blacked out on three different occasions, but nurses still would not see or treat him. His family filed a lawsuit against Hamilton County and others. *Jackson v. Hamilton County, et.al.*, 1:23-cv-00046.

37. The County has notice of and is aware that, on December 20, 2022, Marvin Johnston, Jr., an inmate at Silverdale, was found dead in his cell. His cause of death was listed as a fentanyl overdose.

38. Despite their knowledge of multiple documented instances of medical neglect, and inhumane living conditions, most of which have occurred in the last two years, the Defendants have taken no action to prevent further deprivations of civil rights at Silverdale.

39. Hamilton County, through its refusal to correct conditions at Silverdale, has adopted policies and procedures that threaten the lives of its inmates, as evidenced in the above examples.

COUNT I

42 U.S.C. 1983 MONELL LIABILITY (POLICIES, PROCEDURES, CUSTOMS)

40. Plaintiffs hereby incorporate and adopt all the preceding Paragraphs as if fully alleged and set forth herein.

41. Pursuant to the Eighth Amendment and Fourteenth Amendment to the United States Constitution, Mr. Burt, as an inmate at Silverdale, had a Constitutional right to be free from cruel and unusual punishment during his confinement, including a right to be provided with adequate medical care and humane living conditions.

42. The Defendants' acts and omissions, as alleged more specifically herein, breached a Constitutional duty as the Defendants were deliberately, consciously and intentionally indifferent and callous toward Mr. Burt's deteriorating medical condition.

43. The Constitutional violations resulted from the official policies, practices, procedures, regulations or customs adopted by official policy makers or policy making officials for Hamilton County and/or Silverdale Detention Center, and those that are employed thereby.

Plaintiff alleges that the following policies (but not limited to those listed) caused the deprivation of Burt's basic Constitutional right to be provided with adequate medical care and humane conditions:

- a. Tennessee Correctional Institute Regulations -1400-01.12(1)-(33);
- b. Protocols for the Continuing Care of Inmates at the Hamilton County jail;
- c. Manual for Standard Operating Procedures (S.O.P.);
- d. S.O.P. D-110;

44. The institutional policies, procedures, customs, and practices outlined in the preceding paragraphs or lack of appropriate policies, procedures and practices, subjected Mr. Burt to unnecessary and wanton infliction of pain and distress and demonstrated deliberate indifference to his serious medical needs. The specific, deliberately indifferent actions and omissions of the Defendants include but are not limited to, the following:

- a. dismissing the severity of Mr. Burt's condition;
- b. failing to provide adequate medical care for Mr. Burt/inmates;
- c. failing to provide adequate medicine and treatment to Mr. Burt and other inmates;
- d. failing to provide Mr. Burt and other inmates necessary hospital care;
- e. failing to provide appropriate care in correction settings;
- f. ignoring medical information of Mr. Burt as communicated through medical records and family members, as well as other inmates, leading to improper care and treatment;
- g. delaying and failing to appropriately respond to Mr. Burt's emergent need for treatment and to recognize his life-threatening condition, even after he was assessed by Susan Taylor and she notified medical of his dire condition;
- h. failing to adopt policies and procedures that ensure that inmates have timely and adequate medical care from medical personnel qualified to diagnose and treat conditions, including those suffered by Mr. Burt,

- i. failing to adopt policies, procedures and training for jail administration in recognizing emergency conditions,
- j. failing to ensure important calls to the jail regarding inmates from outside sources are properly screened and messages are given to the appropriate authority within the jail;

45. As a direct and proximate result of the violation of his civil rights, as described in other paragraphs herein, and in contravention of 42 U.S.C. §1983, the Defendants allowed Mr. Burt to suffer the following injuries:

- a. days of pain and suffering from lack of care and proper medical condition;
- b. daily deterioration of body and mind to his death;
- c. significant mental and physical suffering;
- d. the loss of enjoyment of life and inability to recover from his illness;
- e. loss of life.

46. The Defendants, through their official acts and omissions were intentionally willful, wanton, reckless, and malicious; and showed a deliberate indifference and reckless disregard for the rights of Mr. Burt and all inmates in custody of Silverdale. Plaintiff is entitled to an award of punitive or exemplary damages in an amount sufficient to punish the Defendants for their actions against Mr. Burt and to prevent such conduct in the future.

47. Plaintiff is entitled to reasonable attorney's fees, costs, and expenses from the Defendants pursuant to 42 U.S.C. §1983.

COUNT II

42 U.S.C. 1983 (FAILURE TO TRAIN)

48. Plaintiff hereby incorporates and adopts all preceding Paragraphs as if fully alleged and set forth herein

49. Silverdale, by and through its policy makers, either by enactment or acquiescence thereto, have adopted or failed to adopt a policy or policies to ensure that inmates are properly cared for when family members, the court, and medical personnel at Silverdale indicate that an inmate needs medical assistance. Silverdale's failure to ensure inmate care is persistent and widespread such that it constitutes an official policy in action. The failure to address inadequate training in policies that protect inmates' health and wellness is alleged in support of the cause of action.

50. Hamilton County's failure to provide any such training not only resulted in the systematic deficiencies of Silverdale outlined in the above paragraphs, but also recklessly posed substantial risk of harm to the health and safety of Mr. Burt and all other inmates at the facility. Failure to train amounted to a deliberate indifference and deprived Mr. Burt and other inmates of their Eighth Amendment right to be free from cruel and unusual punishment and the unnecessary and wanton infliction of pain. Said failure was the moving force behind the violation of Mr. Burt's constitutional rights.

51. But for the failure of Hamilton County and its agents to provide reasonable and adequate training for personnel receiving information regarding inmates in medical and or physical distress, assigned to the facility, Mr. Burt would not have mentally and physically suffered through and including the loss of his life.

52. Mr. Burt was damaged as a proximate and direct result of the conduct of Hamilton County in its failure to provide proper and appropriate training for its staff.

53. Mr. Burt has been damaged as a direct and proximate result of Silverdale's failure in its official acts and omissions.

54. Plaintiff is entitled to reasonable attorney's fees, costs, and expenses pursuant to 42 U.S.C. §1983.

COUNT III

42U.S.C. 1983 (FAILURE TO SUPERVISE)

55. Plaintiff hereby incorporates and adopts all the preceding paragraphs as if fully alleged and set forth herein.

56. Defendants by and through unknown agents and supervisors it employed, via supervisory and management personnel, are vested with the final decision-making authority for Silverdale, as described in the Tennessee Code and local ordinances and resolutions. Customs, policies, and practices were adopted by Silverdale through the acts or omissions of its supervisory and management personnel. The customs, policies, practices and customs were so persistent and widespread as to constitute official policies and actions.

57. Hamilton County, through its supervisory and management personnel at Silverdale, was vested with the duty to exercise reasonable and adequate supervision, direction, and control over medical and nursing personnel assigned to the jail.

58. Silverdale supervisory and management personnel recklessly posed a substantial risk of harm to the health and safety of Mr. Burt and other inmates and deprived them of their Eighth Amendment rights of the United States Constitution to be free from cruel and unusual punishment and unnecessary and wanton infliction of pain and suffering. Its failure, either by acts, or omissions, in overt or tacit approval, was the moving force behind the violation of Mr. Burt's Constitutional rights and his subsequent damages.

59. But for the failure to exercise reasonable and adequate supervision of medical staff, Constitutional rights would not have been violated and Mr. Burt would not have suffered mentally and physically through and including loss of his life.

60. Hamilton County was intentionally wanton, willful, reckless and malicious; and showed a complete and deliberate indifference to the rights of Mr. Burt and other inmates in custody. Plaintiff is entitled to an award of punitive or exemplary damages in an amount sufficient to punish Hamilton County, and to deter Silverdale and others from conduct like this in the future.

61. The Plaintiff is entitled to reasonable attorney's fees, costs, and expenses from Defendants as provided in 42 U.S.C. §1983.

COUNT IV

42 U.S.C. 1983 (INDIFFERENCE TO MEDICAL NEEDS)

62. The Plaintiff adopts and re-alleges all the previous allegations set forth in this Complaint as if set forth and re-alleged herein.

63. The Defendants were deliberately indifferent to Mr. Burt's serious and life-threatening medical needs. The Defendants subjected him to and engaged in conduct to deprive him of his Constitutional rights to be free from cruel and unusual punishment guaranteed by the Eighth Amendment to the United States Constitution as applied through the Fourteenth Amendment.

64. Mr. Burt was left to mentally and physically suffer and ultimately die because of the clear and deliberate indifference to his medical needs, failure of the medical personnel at Silverdale and any offsite special medical providers, to properly diagnose and treat his condition appropriately. When he underwent a medical evaluation and it was determined that he was not healthy enough to go to a treatment center, he did not receive the medical care ordered thereafter.

The jail was made aware of his dire condition and did nothing to render care. When his sister called on numerous occasions begging for someone to assist him with his basic needs, ensure he was eating and receiving his medications, her requests were completely ignored.

65. Specifically, under the Eighth Amendment of the United States Constitution Defendants were deliberately indifferent to Mr. Burt's medical needs in that they failed to provide the following:

- a. proper and timely medical attention for serious medical needs;
- b. referrals to offsite medical and proper diagnostic services;
- c. timely response to serious medical needs;
- d. appropriate treatment methodologies;
- e. timely and appropriate transportation to a hospital or other diagnostic clinic for treatment;
- f. failing to treat medical needs;
- g. failing to respond appropriately to an emergent medical condition.

66. Defendants were deliberately indifferent to Mr. Burt's rights under the Eighth Amendment and failed to hospitalize or admit him for proper medical treatment for his condition.

67. Mr. Burt's suffering and ultimate death was the direct and proximate result of the deliberate indifference of the Defendants to his medical needs.

68. The Defendants, through their acts and omissions, were intentionally willful, wanton, reckless, and malicious and showed a deliberate indifference and reckless disregard for the rights of Mr. Burt and the inmates in custody at Silverdale.

69. Plaintiff is entitled to punitive damages and exemplary damages in an amount sufficient to punish Defendants and to deter said Defendants and others from similar future conduct.

70. Plaintiff is entitled to reasonable attorney's fees, costs and expenses from Defendants as provided by 42 U.S.C. §1983.

PRAYERS FOR RELIEF

The Plaintiff prays for relief as follows:

- a. That process issue;
- b. That a jury be impaneled to hear the controversy before the Court;
- c. That Plaintiff be awarded all of the Constitutional violations, compensatory and actual damages in the amount not less than Two Million Dollars (\$2,000,000.00);
- d. That punitive damages be awarded against the Defendants in the amount of Two Million, five hundred thousand, dollars (\$2,500,000.00);
- e. That the Court order reasonable attorney's fees pursuant to 42 U.S.C. §1983 11 U.S.C. §1988, along with any costs and expenses in the prosecution of this action;
- f. For any other general relief as is required by law.

[Signatures Immediately Following on Next Page]

RESPECTFULLY SUBMITTED:

**MCKOON, WILLIAMS, ATCHLEY
& STULCE, PLLC**

BY: /s/ James R. McKoon

**JAMES R. MCKOON (#009554)
ANDREA D. HAYDUK (#026777)**

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STATE OF TENNESSEE

Office of Vital Records

TENNESSEE DEPARTMENT OF HEALTH CERTIFICATE OF DEATH

STATE FILE NUMBER 2022 063426

1. Decedent's Legal Name TIMOTHY EDWARD BURT		2. Sex MALE	3. Date of Death 08/27/2022
4. Time of Death (Approx) 12:34	5a. Age 86	6. Date of Birth 08/02/1936	7. Birthplace FORT PAYNE, AL
8a. Place of Death INPATIENT			
8b. Facility Name PARKRIDGE MEDICAL CENTER		8c. City or Town CHATTANOOGA	8d. County of Death HAMILTON
9. Marital Status DIVORCED	10. Surviving Spouse (name prior to first marriage)		11a. Decedent's Usual Occupation PRODUCTION
12. Social Security Number 422-82-3424	13a. Residence-State or Foreign Country ALABAMA	13b. County DEKALB	11b. Kind of Business/Industry ELECTRICAL
13d. Street and Number 4982 COUNTY ROAD 121	13e. Inside City Limits? NO	13f. Zip Code 35968	13c. City or Town FORT PAYNE
15. Decedent's Education HIGH SCHOOL GRADUATE OR GED COMPLETED	16. Decedent of Hispanic Origin? NO, NOT SPANISH/HISPANIC/LATINO		14. Was Decedent ever in US Armed Forces? NO
17. Decedent's Race WHITE		18. Father's Name EDWARD HOWARD BURT	
19. Mother's Name Prior to First Marriage JENNIE LEE WILLIAMS		20a. Informant's Name AMY BURT	
20b. Relationship to Decedent DAUGHTER		20c. Mailing Address 5464 COUNTY ROAD 445, FORT PAYNE, AL 35968	
21a. Method of Disposition BURIAL REMOVAL FROM STATE		21b. Place of Disposition WALNUT GROVE CEMETERY	21c. Location FORT PAYNE, AL
22a. Signature of Funeral Director /s/ TOMMY WILSON		22b. License Number 06250	22c. Signature of Embalmer /s/ TOMMY WILSON
23a. Name and Address of Funeral Home W.T. WILSON FUNERAL HOME, 2226 MAIN STREET SHILOH P.O. BOX 1850, RAINSVILLE, AL 35966		22d. License Number 01632	23b. License Number 0596
24. Registrar's Signature /s/ EDWARD G BISHOP III		25. Date Filed 09/27/2022	
26. Certifier 26a. <input type="checkbox"/> PHYSICIAN - TO THE BEST OF MY KNOWLEDGE, DEATH OCCURRED AT THE DATE, TIME, AND PLACE, AND DUE TO THE CAUSE(S) AND MANNER STATED. 26b. <input checked="" type="checkbox"/> MEDICAL EXAMINER - ON THE BASIS OF EXAMINATION, AND/OR INVESTIGATION, IN MY OPINION, DEATH OCCURRED AT THE DATE, TIME, AND PLACE, AND DUE TO THE CAUSE(S) AND MANNER STATED.			
27a. Certifier /s/ STEVEN C COGSWELL		27b. License Number 44497	27c. Date Signed 09/27/2022
27d. Name and Address STEVEN C COGSWELL 3202 AMNICOLA HIGHWAY, CHATTANOOGA, TN 37406			

EXHIBIT

1

I hereby certify the above to be a true and correct representation of the record or document on file in this department. This certified copy is valid only when printed on security paper showing the red embossed seal of the Tennessee Department of Health. Alteration or erasure voids this certification. Reproduction of this document is prohibited.

Tennessee Code Annotated 68-3-101 et seq. Vital Records Act of 1977

Edward G. Bishop III
Edward G. Bishop III
State Registrar

Ralph Alvarado
Ralph Alvarado, MD, FACP
Commissioner

Date Issued: Mar-24-2023



CERTIFICATION OF VITAL RECORD

15155627

REPRODUCTION OF THIS DOCUMENT IS PROHIBITED



Chancery Court for Hamilton County, Tennessee

IN THE MATTER OF THE ESTATE OF

No. 23-P-712

TIMOTHY EDWARD BURT

, DECEASED

PART 2

Date of Death: AUGUST 27, 2022

PROBATE DIVISION

Administrator(s): AMY BURT

Letters of Administration

Whereas, it appearing to the Chancery Court that the above named deceased person left no will, and the said Court having appointed the above named Administrator(s) upon making bond and qualifying as directed by law; it is therefore

Ordered that Letters of Administration are hereby issued to the above named Administrator(s), being now empowered to enter into and take possession of all property rights and credits of this deceased person, and to administer this estate as required by law.

In witness whereof, I have issued these Letters on this 25th day of AUGUST, 2023.

ROBIN L. MILLER, CLERK & MASTER

STATE OF TENNESSEE
COUNTY OF HAMILTON

By Richard Kipperman
DEPUTY PROBATE CLERK

I solemnly swear I will honestly and faithfully discharge the duties imposed on me, including the filing of inventory, settlement, inheritance tax return, and affidavits, as required by law.

Amy Burt

Sworn to and subscribed before me this 25th day of AUGUST, 2023.

ROBIN L. MILLER, CLERK & MASTER

By Richard Kipperman
DEPUTY PROBATE CLERK

>>>>>Certificate<<<<<

I, CLERK & MASTER of this court, certify: i) this is a Court of Record; ii) the above is a true, full, and correct copy of the Letters of Administration issued by this court in this estate; iii) these letters are still in full force and effect as of this date; and iv) these letters appear of record in this court's Administrators' Bonds and Letters Record Book NO. 115, page 92.

Witness my hand and seal this 25th day of AUGUST, 2023.

ROBIN L. MILLER, CLERK & MASTER

By Richard Kipperman
DEPUTY PROBATE CLERK
HAMILTON COUNTY
CHATTANOOGA, TN 37402

2023 AUG 25 AM 8:26
[FORM 089, REV. 2008.02.04]

FILED
HAMILTON COUNTY CLERK

Case 1:23-cv-00192 Document 1-2 Filed 08/28/23 Page 1 of 1 PageID #: 20

EXHIBIT

B

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Amy Burt, in her capacity as Administrator for Estate of Timothy Burt, deceased

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

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

McKoon, Williams, Atchley & Stulce, PLLC 633 Chestnut Street, Suite 1500, Chattanooga, TN 37450 / 423.756.6400

DEFENDANTS

Hamilton County, Tennessee, Hamilton County Sheriff, Jim Hammond, (personally)

County of Residence of First Listed Defendant Hamilton
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC Section 1983

Brief description of cause:

Decedent was denied proper medical treatment while incarcerated

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
\$4,500,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

8-28-23

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

Amy Burt, in her capacity at Administrator and
Personal Representative for the Estate of Timothy
Burt, deceased,

Plaintiff(s)

Y.

**Hamilton County, Tennessee and Hamilton County
Sheriff, Jim Hammond (personally),**

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Hamilton County, Tennessee
c/o Reubin Taylor, County Attorney
204 Courthouse
625 Georgia Avenue
Chattanooga, TN 37402

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: **James R. McKoon**

James R. McKoon
McKoon, Williams, Atchley & Stulce, PLLC
633 Chestnut Street, Suite 1500
Chattanooga, TN 37450

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

Amy Burt, in her capacity at Administrator and
Personal Representative for the Estate of Timothy
Burt, deceased,

Plaintiff(s)

v.

Hamilton County, Tennessee and Hamilton County
Sheriff, Jim Hammond (personally),

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Jim Hammond, Sheriff (personally)
c/o Rheubin Taylor, County Attorney
204 Courthouse
625 Georgia Avenue
Chattanooga, TN 37402

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: James R. McKoon
McKoon, Williams, Atchley & Stulce, PLLC
633 Chestnut Street, Suite 1500
Chattanooga, TN 37450

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

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was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: