

NEW YORK STATE COURT OF CLAIMS

ALEX ALMONTE, CELSO ALVAREZ, ROHAN BENNETT, DERWIN BLANKS, DONALD BRACEY, JAMES BROWN, NOEL BRUNO, VIDAL CARRION, DEREK CLARK, MICHAEL COLE, JERMAINE COX, DWIGHT CROMER, WANDER ESPINAL, MAXIMO ESTRADA, DANIEL EVERETT, MARLON FANN, JOSE FLORES, DENZEL FLOYD, DEMETRIOUS GREENE, LUIS GUZMAN, TYRONE HARRIS, CHRISTOPHER HERON, NAKHEEN LEWIS-BUSH, PERNELL LIEBERT, NAQUAN LOCKWOOD, ROBERT MACIONG, NYRELL MANNING, CLIFFTON MINTON, TEIMEL MORRIS, ARTHUR MURRILLO, SHAWN PEACE, ANGEL QUINONES, HANDSOME RICE, ANDRE ROBINSON, PEDRO ROSARIO, ANTHONY SMITH, JOSE SORIANO, RAOUL SOUTH, KELVIN STICHEL, DONTE THOMAS, FELIX TROCHE, JAMEL UPSON, BRADFORD WASHINGTON, and MATTHEW WULAH,

Claimants,

-against-

THE STATE OF NEW YORK,

Respondent.

VERIFIED CLAIM

Claim No.:

Claimants, appearing through their attorneys at Barket Epstein Kearon Aldea & LoTurco, LLP, hereby allege against the Respondent as follows:

1. This case arises out of the physical and psychological abuse of dozens of incarcerated men at the Green Haven Correctional Facility (“the Prison”) by members of the Correctional Emergency Response Team (“CERT”) and other agents of New York State, which

occurred during the State-ordered lockdown and full facility search of the Prison from October 4, 2023 through October 11, 2023. Forty-four of these incarcerated men have stepped forward through this lawsuit to obtain compensation for the injuries they sustained as a result of this violent, dehumanizing, days-long event. The State is responsible for the physical and psychological injuries inflicted on these men by CERT officers and other State agents, and the State, therefore, should fully resolve their claims.

2. Green Haven Correctional Facility is a maximum-security prison in the State of New York, County of Dutchess.

3. The Claimants were at all relevant times sentenced prisoners, committed to the custody and care of the New York State Department of Corrections and Community Supervision, and housed at Green Haven Correctional Facility. All Claimants are still in State custody as follows:

- a. Claimant Alex Almonte's Departmental Identification Number ("DIN") is 22B0861, and he is presently housed at Bare Hill Correctional Facility.
- b. Claimant Celso Alvarez's DIN is 10A3261, and he is presently housed at Sing Sing Correctional Facility.
- c. Claimant Rohan Bennett's DIN is 21A0629, and he is presently housed at Green Haven Correctional Facility.
- d. Claimant Derwin Blank's DIN is 22B2462, and he is presently housed at Green Haven Correctional Facility.
- e. Claimant Donald Bracey's DIN is 18B1101, and he is presently housed at Green Haven Correctional Facility.
- f. Claimant James Brown's DIN is 18A2931, and he is presently housed at Green Haven Correctional Facility.
- g. Claimant Noel Bruno's DIN is 10A0144, and he is presently housed at Green Haven Correctional Facility.

- h. Claimant Vidal Carrion's DIN is 96A7173, and he is presently housed at Green Haven Correctional Facility.
- i. Claimant Derek Clark's DIN is 22B2013, and he is presently housed at Green Haven Correctional Facility.
- j. Claimant Michael Cole's DIN is 17A0661, and he is presently housed at Green Haven Correctional Facility.
- k. Claimant Jermaine Cox's DIN is 05A3371, and he is presently housed at Green Haven Correctional Facility.
- l. Claimant Dwight Cromer's DIN is 17A4938, and he is presently housed at Green Haven Correctional Facility.
- m. Claimant Wander Espinal's DIN is 18A1403, and he is presently housed at Upstate Correctional Facility.
- n. Claimant Maximo Estrada's DIN is 02B0918, and he is presently housed at Green Haven Correctional Facility.
- o. Claimant Daniel Everett's DIN is 12A2390, and he is presently housed at Orleans Correctional Facility.
- p. Claimant Marlon Fann's DIN is 06A2792, and he is presently housed at Green Haven Correctional Facility.
- q. Claimant Jose Flores's DIN is 20A1550, and he is presently housed at Green Haven Correctional Facility.
- r. Claimant Denzel Floyd's DIN is 22B0731, and he is presently housed at Sing Sing Correctional Facility.
- s. Claimant Demetrious Green's DIN is 09A4591, and he is presently housed at Green Haven Correctional Facility.
- t. Claimant Luis Guzman's DIN is 14A1104, and he is presently housed at Green Haven Correctional Facility.
- u. Claimant Tyrone Harris's DIN is 19A4388, and he is presently housed at Green Haven Correctional Facility.
- v. Claimant Christopher Heron's DIN is 13A2340, and he is presently housed at Green Haven Correctional Facility.

- w. Claimant Nakheen Lewis-Bush's DIN is 19B1871, and he is presently housed at Upstate Correctional Facility.
- x. Claimant Pernell Leibert's DIN is 15A4634, and he is presently housed at Eastern Correctional Facility.
- y. Claimant Naquan Lockwood's DIN is 18A2459, and he is presently housed at Green Haven Correctional Facility.
- z. Claimant Robert Maciong's DIN is 22B4613, and he is presently housed at Orleans Correctional Facility.
- aa. Claimant Nyrell Manning's DIN is 21B0828, and he is presently housed at Green Haven Correctional Facility.
- bb. Claimant Clifton Minton's DIN is 06A6872, and he is presently housed at Green Haven Correctional Facility.
- cc. Claimant Teimel Morris's DIN is 19A1097, and he is presently housed at Sing Sing Correctional Facility.
- dd. Claimant Arthur Murrillo's DIN is 13A1375, and he is presently housed at Green Haven Correctional Facility.
- ee. Claimant Shawn Peace's DIN is 14A2487, and he is presently housed at Green Haven Correctional Facility.
- ff. Claimant Angel Quinones's DIN is 94A1257, and he is presently housed at Green Haven Correctional Facility.
- gg. Claimant Handsome Rice's DIN is 21B1617, and he is presently housed at Green Haven Correctional Facility.
- hh. Claimant Andre Robinson's DIN is 22B0960, and he is presently housed at Greene Correctional Facility.
- ii. Claimant Pedro Rosario's DIN is 94A2927, and he is presently housed at Green Haven Correctional Facility.
- jj. Claimant Anthony Smith's DIN is 17A1093, and he is presently housed at Clinton Correctional Facility.
- kk. Claimant Jose Soriano's DIN is 16A4311, and he is presently housed at Green Haven Correctional Facility.

- ll. Claimant Raoul South's DIN is 02A3832, and he is presently housed at Upstate Correctional Facility.
- mm. Claimant Kelvin Stichel's DIN is 23B2271, and he is presently housed at Elmira Correctional Facility.
- nn. Claimant Donte Thomas's DIN is 22B0429, and he is presently housed at Sing Sing Correctional Facility.
- oo. Claimant Felix Troche's DIN is 15A1132, and he is presently housed at Green Haven Correctional Facility.
- pp. Claimant Jamel Upson's DIN is 11A1855, and he is presently housed at Green Haven Correctional Facility.
- qq. Claimant Bradford Washington's DIN is 08A2586, and he is presently housed at Green Haven Correctional Facility.
- rr. Claimant Matthew Wulah's DIN is 19A1513, and he is presently housed at Green Haven Correctional Facility.

4. On information and belief, the State ordered the lockdown of the Prison, and the activation and deployment of unnamed CERT officers¹ to the facility, on October 4, 2023, as a consequence of a prisoner-on-guard assault, committed by a prisoner who was housed on E-block, 3 Gallery, whose name is known to counsel, and whose initials are R.D.

5. Between October 4, 2023 and October 11, 2023, the date on which the lockdown, on information and belief, concluded, prison guards and CERT officers methodically moved through the Prison executing gang assaults on dozens of incarcerated men. Men housed on G-block, for example, were assaulted on October 5, 2023; men housed on F-block were assaulted on October 6, 2023; men housed on B-block were assaulted on October 7, 2023; and men housed on E-block were assaulted on October 8, 2023.

¹ CERT officers do not wear any insignia identifying them by name. Rather they are identified by four-digit numbers (##-##), which designate from which New York State Correctional Facility they are based and deployed. Some Claimants, after being assaulted, were issued falsified misbehavior reports by their attackers, and some CERT officers, therefore, have been partially identified by last name and first initial.

6. These violent and dehumanizing assaults involved CERT officers forcing prisoners to remove their clothing, beating them with hands and feet, spraying them with Oleoresin Capsicum (“OC spray”), gouging their eyes, unnaturally bending and twisting their hands, fingers, ankles, and toes, striking or fondling their genitals, tightly affixing Flexicuffs on their wrists,² parading them through the Prison in the presence of members of the Office of Special Investigations (“OSI”), cuffed, beaten, and partially clothed in painful, stress positions, leaving them isolated, fearful, and in pain, in filthy conditions, with little if any medical attention (the “Gang Assaults”), and then accusing *them* of engaging in behavior that violated prison rules and regulations.

7. The Gang Assaults were degrading, outrageous, and sadistic, and each constituted an entirely unreasonable and unjustifiable use of force.

8. The Gang Assaults were committed by unnamed agents of New York State acting as officers or employees of the State.

9. As set forth below and in the attached statements, the Claimants were all victims of the Gang Assaults and suffered substantial physical and mental pain and anguish.

- a. **Alex Almonte.** On October 7, 2023, at approximately 8:20 a.m., Mr. Almonte was locked in his cell following all laws, rules, and guidelines when multiple CERT officers, including Officer C. Greene, assaulted him. Wearing only his boxer shorts, slippers, and a tank top, he complied with an order to put his back against his cell gate, and then, he heard an officer yell “Open 32-cell,” at which time an officer grabbed him by his long hair and pulled him down. He was punched twice in the face, and CERT officers bent his fingers backwards and twisted his arms and legs.

² Flexicuffs are physical restraints made of plastic straps. They function as handcuffs but are cheaper and easier to carry than metal handcuffs, and they cannot be reused.

He never resisted. The officers then put Flexicuffs on his wrists, behind his back, stood him up, bent him over, lifted his arms up high behind him, and walked him backwards down the gallery. During the walk, the officers slammed him down to the floor on his face, applied pressure to his back, and punched him again. The officers dragged Mr. Almonte outside across the yard through A-block to the medical unit. He did not receive medical attention. Next, he was taken to the SHU, where he was held for a few hours, and then, he was put on a van with approximately ten other incarcerated men and transported to Upstate Correctional Facility. Mr. Almonte was issued a Tier III ticket falsely alleging that he assaulted staff, engaged in violent conduct, and disobeyed an order. Mr. Almonte suffered damage to the ACL of his right knee, damaged nerves in his fingers, pain to his right shoulder, pain to his left ankle and toes, and marks were left on his wrists from the Flexicuffs. He also suffered mental pain and anguish. *See Exhibit A (Statement of Alex Almonte).*

- b. **Celso Alvarez.** On October 7, 2023, Mr. Alvarez was locked in his cell following all laws, rules, and guidelines when multiple CERT officers, including Officers Montgomery, Caswell, Coleman, and Callahan, assaulted him. The officers entered his cell, struck him repeatedly about his head and body, put Flexicuffs on his wrists, behind his back, and then forcibly dragged him from his cell to the SHU, bent over, with his arms raised up high behind him. Mr. Alvarez did not receive any medical attention. Later that day, Mr. Alvarez was transported to Great Meadow Correctional Facility and again placed in a SHU cell. Mr. Alvarez was issued a Tier III ticket falsely alleging that he assaulted staff, engaged in violent conduct,

interfered with an employee, refused a direct order, and created a disturbance. He suffered pain about his body and a broken left toe. He also suffered mental pain and anguish.

- c. **Rohan Bennett.** On October 7, 2023 at approximately 10:00 a.m., Mr. Bennett was locked in his cell following all laws, rules, and guidelines when multiple CERT officers assaulted him. The officers placed Flexicuffs on his wrists, behind his back, and escorted him through a standing metal detector, which was activated by metal in his ankle due to a prior injury. Mr. Bennett was wearing only his boxers and slippers. The officers then walked him outside across the yard through A-block to a “search room,” where he was shoved against a wall, searched again, and then taken to another cell where he was left for approximately six hours, in his underwear, cold, with the windows open. The following day a gas fume was released in the prison, causing Mr. Bennett to choke and fear for his life. Mr. Bennett suffered soft tissue, and he was denied hot food and access to basic hygiene for approximately four days. He also suffered mental pain and anguish. *See Exhibit C (Statement of Rohan Bennett).*
- d. **Derwin Blanks.** On October 7, 2023, at approximately 8:15 a.m., Mr. Blanks was locked in his cell following all laws, rules, and guidelines when multiple CERT officers, including Officer K. Marsciano, assaulted him. Approximately three CERT officers approached his cell, opened his gate, and told him to open his mouth and remove his shirt. As he lifted his shirt, officers pushed him into the corner of his cell and jumped on his back. He fell face first onto the ground. The officers punched him in the back of the head and told to stop resisting, even though he never

resisted, and they forced his legs into a painful, unnatural position. The officers then placed Flexicuffs on his wrists, behind his back, bent him over, raised his arms up high behind him, and walked him backward to the medical clinic. The officers warned him that if he reported the assault at the clinic, he would be subject to worse abuse. Mr. Blanks was subsequently issued a Tier III ticket falsely alleging that he refused a direct order, created a disturbance, interfered with, refused, and resisted a search, and engaged in violent conduct. He suffered black and blue marks down his spine and substantial pain to his neck and shoulder. He also suffered mental pain and anguish *See* Exhibit D (Statement of Derwin Blanks).

- e. **Donald Bracey.** On October 5, 2023, in the morning, Mr. Bracey was locked in his cell following all laws, rules and guidelines when approximately two CERT officers assaulted him. He complied with the officers' orders to strip down to his underwear and to then turn around, put his back to his cell gate, and put his hands through the door slot. The officers then put Flexicuffs on his wrists and directed him to back out of his cell. He complied as the officers bent his fingers to the point where it felt like they would break, and then walked him down the gallery making comments about his body and genitals. The officers took him to the medical clinic but threatened that he would be hurt further if he reported any injuries. The officers then returned him to his cell, affixed masks to their own faces, and deployed OC spray in his cell, as he listened to the screams and cries of other incarcerated men under attack. The officers also urinated on his clothing and sheets. Mr. Bracey suffered substantial pain and swelling to his fingers, and he also suffered mental pain and anguish.. *See* Exhibit E (Statement of Donald Bracey).

- f. **James Brown.** On October 8, 2023, in the morning, Mr. Brown was locked in his cell following all laws, rules and guidelines when approximately three CERT officers assaulted him. The officers approached his cell, directed him to put his hands on his head, and to turn around and face the wall. He complied. Next, they told him to turn around and face the officers, at which point they opened his cell and told him to open his mouth with his left hand. As he attempted to comply, the officers rushed into his cell, tackled him on to the bed and yelled, “Stop Resisting,” even though he was not resisting. The officers then twisted and bent his arms and legs into painful, unnatural positions demanding to know what he had in his mouth. He did not have anything in his mouth. The officers put Flexicuffs on his wrists, behind his back, and took him to the medical clinic, bent over, arms raised high behind him. He did not receive any medical care. Next, the officers took him to a filthy observation room, where he was left for two or three days. Mr. Brown was issued a Tier III ticket falsely alleging that he engaged in violent conduct. He suffered abrasions and substantial pain to his arms, and he also suffered mental pain and anguish. *See Exhibit F (Statement of James Brown).*
- g. **Noel Bruno.** On October 8, 2023 at approximately 8:20 a.m., Mr. Bruno was locked in his cell following all laws, rules and guidelines when approximately five CERT officers assaulted him. The officers approached Mr. Bruno’s cell and directed him to strip down to his underwear, remove his religious beads, and turn around and put his hands behind his back. He complied. His cell gate was then opened, the officers entered his cell, and one of the five officers punched him in the head so hard that his hearing aid was knocked out of his ear. The others then began to punch and kick

him about the head, face, back, ribs, stomach, and genitals, as he fell on to his bed, face first, fearful for his life. The officers repeatedly screamed “Stop resisting,” even though Mr. Bruno was not resisting. They placed Flexicuffs on his wrists, behind his back, and dragged him to the medical clinic, barefoot in his underwear, bent over, arms raised up high behind him, where he was made to hold up a sign stating that he sustained no injuries. The officers threatened that if he reported his injuries, they would beat him again. Finally, the officers took Mr. Bruno to a SHU cell, where they smacked and punched him, kicked him in the genitals, and left him cold and without any medical care for approximately three days. The officers also destroyed his hearing aid and legal papers. Mr. Bruno was issued a Tier III ticket falsely alleging that he created a disturbance, interfered with an employee, and violated a direct order. He suffered soft tissue injuries to his arms, legs, neck, back, and testicles. He also suffered mental pain and anguish. *See Exhibit G (Statement of Noel Bruno).*

- h. **Vidal Carrion.** On October 8, 2023 at approximately 12:15 p.m., Mr. Carrion was locked in his cell following all laws, rules, and guidelines when approximately three CERT officers, including Officer K. Green, assaulted him. First, he was ordered to take his shirt off. Next, an officer directed him to take off his right shoe using his left hand and to keep his right foot off the ground. As he attempted to comply, an officer screamed, “He moved,” at which point the officer charged him and threw him face-first into the wall. Other officers then ran into the cell, held Mr. Carrion down, beat him, and then put Flexicuffs on his wrists, behind his back. Officers then dragged him to the medical unit, bent over, arms raised up high behind him. A

nurse looked at him but administered no aid, and then the officers took him back to his cell to watch the officers search the cell, at which point an officer asked him, “What did you learn today?” The officers also poured baby oil on his clothing. Mr. Carrion was subsequently issued a Tier III ticket falsely alleging that he assaulted staff and interfered with a cell search. He suffered substantial pain to his neck, shoulders, and back, swelling and knotting to his left leg, and mental pain and anguish. *See* Exhibit H (Statement of Vidal Carrion).

- i. **Derek Clark.** On October 5, 2023, Mr. Clark was locked in his cell following all laws, rules, and guidelines when multiple CERT officers assaulted him. The CERT officers approached his cell and directed him to strip to his boxers, and he complied. An officer then yelled, “He threw something on the bed!” at which point his cell gate opened, and at least two CERT officers entered his cell and struck him repeatedly in his head, neck, and back. He feared for his life. Eventually, the officers placed Flexicuffs on Mr. Clark’s wrists and dragged him to the medical clinic, bent over, arms raised up high behind him. Mr. Clark was issued a Tier III ticket falsely alleging that he created a disturbance, assaulted staff, and committed other infractions. He suffered a swollen left eye, pain to his back, and damage to his ear. He also suffered mental pain and anguish. *See* Exhibit I (Statement of Derek Clark)
- j. **Michael Cole.** On October 8, 2023 at approximately 10:30 a.m., Mr. Cole was locked in his cell following all laws, rules and guidelines when approximately three CERT officers assaulted him. The officers approached his cell and directed him to remove his jewelry and strip to his boxers and slippers. He complied. Next, they

told him to open his mouth and lift his tongue. He complied with this order as well. The officers then directed him to interlace his fingers and place his hands on top of his head, which he did, at which point they opened his cell gate, entered the cell, violently pushed him face-down onto his bed, and beat him. As he screamed, the officers grabbed and stretched his legs, got on top of him and struck him in the back of the head with a forearm, punched him in the back, pinched his leg and slammed their knees on his legs. Next, the officers placed Flexicuffs on his wrists, behind his back. They brought him to his feet, bent him over, raised his arms up high behind him, and walked him to the medical clinic, where he was threatened that if he reported any injuries he would suffer more. He was then placed in a SHU cell for two days and subsequently issued a Tier III ticket falsely alleging that he assaulted staff, interfered with the search, and engaged in violent conduct. The officers also poured baby oil on the clothing in his cell. Mr. Cole suffered painful marks to his wrists from the Flexicuffs and a contusion on the right side of his head. He also suffered mental pain and anguish. *See Exhibit J (Statement of Michael Cole).*

- k. **Jermaine Cox.** On October 7, 2023 between approximately 8:30 and 9:30 a.m., Mr. Cox was locked in his cell following all laws, rules, and guidelines when approximately three CERT officers assaulted him. After he complied with the officers' order to strip to his boxers and slippers and turn around and face the wall, the officers placed Flexicuffs on his wrists, removed him from his cell, walked him through a standing metal detector, and directed a canine to smell his genitals. Mr. Cox was then walked back to his cell, and as he watched the officers search the cell, an officer grabbed him by the back of the head and slammed his face into the

stationary bar on the cell gate. He was then ordered to stand still, hands still tied behind his back, with his face against the bars. Mr. Cox suffered swelling, bruising, and pain to the right side of his head above his eyebrow. His requests for medical attention were all ignored. He also suffered mental pain and anguish. *See Exhibit K (Statement of Jermaine Cox)*

1. **Dwight Cromer.** On October 8, 2023 at approximately 8:15 a.m., Mr. Cromer was locked in his cell following all laws, rules, and guidelines when approximately three CERT officers assaulted him. Mr. Cromer was awoken to the sound of the mirror on his cell bar being smashed, he heard someone call out “41” to have his cell gate opened, and he was directed to sit on his bed. Next, the officers screamed at him to face the back of his cell and remove his robe, and as he attempted to untie his robe, the officers slammed him to the floor face-first. One officer then shoved a knee into his back while another officer put his boot down on Mr. Cromer’s neck and shoulder. The officers then picked him up and allowed him to finish removing his robe. Then they told him to take off his necklace. He complied, shaking, as he could hear other incarcerated men being attacked. The officers then placed Flexicuffs on his wrists, behind his back, and walked him down the gallery, bent over, with his arms raised up high behind him. The officers also destroyed his habeas petition, which was awaiting notarization. Mr. Cromer remained “zip-tied” for approximately eight hours. He suffered swelling and marks to both wrists from the Flexicuffs, and substantial pain to his back.. He also suffered mental pain and anguish. *See Exhibit I (Statement of Dwight Cromer).*

- m. **Wander Espinal.** On October 8, 2023, at approximately 3:40 p.m., Mr. Espinal was locked in his cell following all laws, rules, and guidelines, when he was approached by approximately CERT officers, who, after directing him to strip to his boxers, opened his cell gate, and placed Flexicuffs on his wrists, behind his back. The officers then walked him through a standing metal detector, without incident, and then off the block to a search room on A block. There, he was directed to remove his boxers, bend forward and open his buttocks; he was then directed to pass his index finger on the same hand under his lips; and he was then also told to lift his testicles and roll back the foreskin of his penis. After, the officers returned him to his cell, where he was left for the night without a mattress. Mr. Espinal suffered bruising and pain to his wrists from the Flexicuffs, humiliation, and mental pain and anguish. *See* Exhibit M (Statement of Wander Espinal).
- n. **Maximo Estrada.** On October 8, 2023 at approximately 8:30 a.m., Mr. Estrada was locked in his cell following all laws, rules, and guidelines, when approximately four correction officers approached his cell. First, Officer Vazquez-Felix entered his cell and got very close to his face. Then, three other CERT officers entered his cell as well. Mr. Estrada asked the officers, “How are we doing this?” when Officer Vazquez-Felix punched him in the face, causing him to immediately fall onto his bed. Officer Vazquez-Felix then got on top of Mr. Estrada, put his knee on his back and held his right arm, yelling, “Stop Resisting.” Mr. Estrada at no point resisted, but was repeatedly punched in the face and forehead. Mr. Estrada then gave another officer his left arm, and the officer began bending his wrist, as if he wanted to break it. At this point, another CERT officer deployed OC spray in Mr. Estrada’s eyes.

The officers then put metal handcuffs on his wrists, behind his back, brought him to his feet, bent him over, raised his arms up high behind him and dragged him to the medical clinic, where they replaced his handcuffs with Flexicuffs. He was permitted to decontaminate his face and was then strip searched, at which point Officer Vazquez-Felix took his chain, and told Sergeant Marsar that when he was in Mr. Estrada's cell, Mr. Estrada had something in his hand. From the clinic, the officers took Mr. Estrada to an observation cell in H-Block, where he was left in his boxers, with only a dirty blanket and no medical care until October 10, 2023, at which time he was taken to a SHU cell. Mr. Estrada was issued a Tier III ticket falsely alleging that he interfered with an employee, created a disturbance, smuggled, refused a direct order, and refused a search. In addition to being brazenly robbed of his gold chain, Mr. Estrada suffered a contusion on his forehead, bruising on the right side of his face, a scrape on his right elbow and pain to his right shoulder. He also suffered mental pain and anguish. *See* Exhibit N (Statement of Maximo Estrada).

- o. **Daniel Everett.** On October 8, 2023, at approximately 8:20 or 8:30 a.m., Mr. Everett was locked in his cell following all laws, rules, and guidelines. CERT officers had lined up on the gallery and were chanting and making statements such as, "This is our house." Approximately three CERT officers approached Mr. Everett's cell, and he heard someone yell, "Open 27." The officers directed Mr. Everett to stand up and back up to his cell gate, and as he did, he was immediately hit with OC spray. The officers then opened his cell, and one of them punched him in the cheek area/side of his head, threw him to his bed, and began using what felt

like thumbs to gouge Mr. Everett's eyes. Mr. Everett screamed and was placed in a chokehold, while another CERT officer held his arms behind him and yelled, "Stop Resisting," and another CERT officer stood on his bed and kicked him. Eventually, the officers placed Flexicuffs on Mr. Everett's wrists, behind his back, bent him over, pushed his head down, and walked him to the medical clinic with his arms raised up high behind him. At the clinic, he was directed to remove his boxers with his thumbs, and as he did, he was placed in a chokehold again. The CERT officers kept calling him "DAN," and explained that "DAN" stands for "dumb ass nigger." After the strip search concluded, an officer named "Bull" punched Mr. Everett in the back of the head, and officers then took him to an observation room, where he spent the night in his boxer shorts, without even a blanket. The following night, October 9, 2023, Mr. Everett was placed in a van along with several other prisoners and taken to the SHU in Attica Correctional Facility for two weeks. He was issued a Tier III ticket falsely alleging that he had a weapon in his cell at Green Haven. Mr. Everett suffered a rash from the OC spray all over his body, a swollen eye, a knot on the back of his head, and a laceration to his leg. He also suffered mental pain and anguish. *See Exhibit O (Statement of Daniel Everett).*

- p. **Marlon Fann.** On October 7, 2023, Mr. Fann was locked in his cell following all laws, rules, and guidelines when approximately three CERT officers assaulted him. First, the officers approached his cell and ordered him to strip to his boxers. He complied with this order and with additional orders, but the officers opened his cell, rushed inside and punched him repeatedly about his head and body. The officers then put Flexicuffs on Mr. Fann's wrists, stood him up, bent him over, raised his

arms up high behind him, and took him to the medical clinic. Mr. Fann did not receive medical attention, as the officers threatened him with further injury if he reported that he had been beaten. He was issued a Tier III ticket falsely alleging that he engaged in violent conduct, created a disturbance, refused a search, and interfered with an employee. Mr. Fann suffered pain to his head and body and a bump on his head. He also suffered mental pain and anguish. *See Exhibit P (Statement of Marlon Fann).*

- q. **Jose Flores.** On October 8, 2023 at approximately 10:40 a.m., Mr. Flores was locked in his cell following all laws, rules, and guidelines when he heard CERT officers directing other prisoners on his gallery to strip to their boxers and slippers. Mr. Flores, therefore, removed his clothing as well. Approximately five CERT officers approached his cell and directed him to stand up and rub his pinkies around his mouth. He complied and showed his dentures. Officers then told him to face the wall and interlace his fingers, and place his hands behind his head. Next, he heard, “Crack 3 cell,” at which point an officer yelled, “What’s that?” and grabbed his waist. Multiple CERT officers then rushed into Mr. Flores’s cell and yelled, “Stop Resisting.” An officer then struck him repeatedly in the face and head. Mr. Flores yelled that he was not resisting, and was then pinned on his bed, his face mushed against the bedframe, with a knee on his back. The officers eventually placed Flexicuffs on his wrists behind his back and walked him to the medical clinic in his boxers, bent over, head pushed down, and arms raised up high behind him. He did not receive medical care. He was then brought back to his cell to watch CERT officers search the cell. The officers threw away a new food package he had

received the previous day. Mr. Flores was issued a Tier III ticket falsely alleging that he engaged in violent conduct. He suffered a black right eye, swelling and bruising to his forehead and face, lacerations to the inside of his lip, pain to his left shoulder, and a knot on the back of his head. He also suffered mental pain and anguish. *See Exhibit Q (Statement of Jose Flores).*

- r. **Denzel Floyd.** On October 9, 2023, between approximately 8:00 and 9:00 a.m., Mr. Floyd was locked in his cell following all laws, rules, and guidelines when approximately seven CERT officers approached his cell, issued direct orders to him, which he followed, and then nevertheless tackled him, forced him into a corner of his cell, pinned him down, and punched and kicked him repeatedly. Next, the officers dragged him out of his cell with his wrists behind his back in Flexicuffs, and kicked and punched him several more times. Mr. Floyd feared for his life. He was issued a Tier III ticket falsely alleging that he engaged in violent conduct. Mr. Floyd suffered painful, visible marks on his wrists from the Flexicuffs. He also suffered mental pain and anguish. *See Exhibit R (Statement of Denzel Floyd).*
- s. **Demetrious Greene.** On October 7, 2023, sometime during the morning, Mr. Greene was locked in his cell following all laws, rules, and guidelines when approximately four CERT officers approached his cell and directed him to strip to his boxers and slippers. He complied. He had heard CERT officers on the gallery, before they arrived at his cell, chanting, “cuff ‘em up, rough ‘em up, beat ‘em up, break ‘em up” and “Whose house? Our house.” The officers directed him to back up to his cell gate, and then put Flexicuffs on his wrists and walked him down the gallery to an area where there were no cameras, bent over, head pushed down, with

his arms raised high above him, a position he heard one of the officers describe as a “stress position.” A CERT officer kned Mr. Greene in the groin/testicles, and then tried to knee him a second time, at which point Mr. Greene turned his body to protect himself. The CERT officer then punched him in the ribs in a series of “rabbit punches.” After, the officers walked him back to his cell, past a female OSI member, who stated to Mr. Greene, “You would have made a great slave. You are well hung, but need to work out more.” When Mr. Greene returned to his cell, a CERT officer slammed his face against the bars of his cell gate. After, officers walked him across the yard in his underwear to the medical clinic, but he did not receive any medical care. Mr. Greene was issued a Tier III ticket falsely alleging that he assaulted staff. He suffered pain and bruising to his ribs, pain to his shoulders, which caused limited mobility, and pain and swelling to his testicles. He also suffered mental pain and anguish. *See Exhibit S (Statement of Demetrious Greene).*

- t. **Luis Guzman.** On October 7, 2023, at approximately 8:20 a.m., Mr. Guzman was locked in his cell following all laws, rules, and guidelines when three CERT officers directed him to stand up and put his back against his cell gate. The numbers 16-23, 16-35, and 16-50 were displayed, respectively, on the officers’ arms. Mr. Guzman heard someone yell, “Open 33 cell,” at which time an officer put a hand on his shoulder and pushed him forward, as another offer punched him in the back of the head. Mr. Guzman fell to his bed, and the officers punched him repeatedly all over his head and body, yelling, “Stop Resisting!” even though Mr. Guzman never resisted. Mr. Guzman tried to curl his body to cover his face and genitals, as he also

felt kicks to his back and sides. Next, the officers put Flexicuffs on Mr. Guzman's wrists, behind his back, and made him walk backwards, barefoot, outside and across the yard to the medical clinic, while he was bent over and his arms were raised up high behind him. He asked for shoes and was told to keep his head down and shut up. At the clinic, a CERT officer advised the nurse that he was not injured even though Mr. Guzman suffered pain and bruising to his ribs, and bruises and lacerations on his feet. Mr. Guzman was enrolled in college courses through Bard College at the time, and his books were thrown in the toilet. He received a Tier III ticket falsely accusing him of violent conduct, interference, creating a disturbance, and refusing a direct order. He also suffered mental pain and anguish. *See Exhibit T (Statement of Luis Guzman).*

- u. **Tyrone Harris.** On October 6, 2023, Mr. Harris was locked in his cell following all laws, rules, and guidelines when approximately four to five CERT officers assaulted him. The officers opened his cell gate and rushed inside, while he was dressed in only his underwear, and punched him repeatedly about his head and body. The officers placed Flexicuffs on Mr. Harris's wrists and walked him to the medical clinic, bent over, with his arms raised up high behind him. At the medical clinic, the officers told the nurse that Mr. Harris was not injured. Mr. Harris was issued a Tier III ticket falsely alleging that he engaged in violent conduct and disobeyed a direct order. Mr. Harris suffered substantial pain, scrapes and scratches about his body, he has since had difficulty sleeping, and he has suffered mental pain and anguish. *See Exhibit U (Statement of Tyrone Harris).*

v. **Christopher Heron.** On October 8, 2023, Mr. Heron was locked in his cell following all laws, rules, and guidelines when approximately three CERT officers assaulted him. The officers approached his cell and he followed their orders, and placed his hands on the back wall of his cell. He then heard his cell door open, at which point an officer or officers yelled, “Stop Resisting!,” and three officers rushed in his cell and started punching him in his back and neck area. One officer then grabbed and twisted his ankle, as if he was trying to break it, and another officer struck him hard in the lower back. Eventually, the officers put Flexicuffs on his wrists, behind his back, and walked him to the medical clinic, bent over, head down, arms raised up high behind him. He struggled to walk. The CERT officers prevented him from getting any medical attention at the clinic. Mr. Heron was issued a Tier III ticket falsely alleging that he engaged in violent conduct, created a disturbance, refused a cell search, and interfered with an employee. He suffered substantial, ongoing pain to his back and neck, as well as mental pain and anguish. *See Exhibit V (Statement of Christopher Heron)*

w. **Nakheen Lewis-Bush.** On October 7, 2023, Mr. Lewis-Bush was locked in his cell following all laws, rules, and guidelines when multiple CERT officers, including Officer S. Crowe and Officer R. Montross, assaulted him. He knew CERT officers were coming because he heard them marching on the gallery. CERT officers stopped in front of his cell and directed him to strip to his boxers and slippers and turn around and put his back to his cell gate. He complied. He then heard his cell gate open, at which point multiple officers entered his cell, and an officer hit him in the back of the head. The officers then joined together and struck him repeatedly

about his head and body, shouting, “Stop Resisting,” even though he was not resisting and pleaded that he was not resisting. The officers wrestled him to the floor and continued striking him. At one point his feet were in his sink, it felt like the officers were trying to break his ankle, and he felt a kick to his face. Eventually, the officers put Flexicuffs on his wrists, behind his back, and walked him outside through the A-block yard to the medical clinic in his boxers, with his body bent forward, his head forced down, and his arms raised up high behind him. At the clinic, he heard an officer tell the nurse not to document his injuries. He received no medical care. He was then placed in a cell in the SHU, and within hours, Mr. Lewis-Bush, wearing a bloodstained shirt, was placed on a bus with other incarcerated men who had also been beaten, and transported to Upstate Correctional Facility. Mr. Lewis-Bush was issued a Tier III ticket falsely alleging that weapons were found in his cell and that he engaged in violent conduct, assaulted staff, created a disturbance, refused a direct order, refused a search and interfered with an employee. Mr. Lewis-Bush two lost bottom left front teeth as a result of the beating, he suffered a laceration to the top of his head, which he believes was caused when his head was hit against the side of his bed, he suffered bruising to his right elbow, pain and scrapes to the sides of his torso, and pain and markings to his wrists from the Flexicuffs. Mr. Lewis-Bush also suffered and continues to suffer mental pain and anguish. *See Exhibit W (Statement of Nakheen Lewis-Bush).*

- x. **Pernell Leibert.** On the morning of October 8, 2023, Mr. Leibert was locked in his cell following all laws, rules, and guidelines when multiple CERT Officers assaulted him. Prior to the officers reaching his cell, he heard them marching, and

he saw other beaten men being dragged out of their cells. When the CERT officers approached his cell, they directed him to face the back wall, to take his shirt off and pass it back to the officers, and to take off his wedding ring and pass it back to the officers. He was then told to let his pants fall to the floor, to step out of his pants, and to take off his socks. He complied with each order. Next, the officers told him to turn around and face them and to use his index fingers to run them through his mouth. As Mr. Leibert attempted to comply, multiple CERT officers rushed him, elbowed him, and pulled his arms behind his back. As his legs and arms were being restrained, dressed only in briefs, he then felt a sharp pain to his testicles. Next, the officers placed Flexicuffs on his wrists, behind his back, and walked him to the medical clinic, bent over, head down, with his arms raised up high behind him. At the clinic, the officers told the nurse that he had something in his mouth and swallowed it. He was then taken to a filthy observation room, with no running water, and left there with a dirty blanket. After he defecated twice in a bucket, he was placed in a SHU cell and then transferred out of the Prison. Mr. Leibert was issued a Tier III ticket falsely alleging that he disobeyed a direct order, created a disturbance, refused a search or frisk, and engaged in violent conduct. Mr. Leibert suffered substantial pain to his shoulder and wrists, and swelling and pain to his testicles. In the days following his attack, he urinated blood. He also suffered mental pain and anguish. And he never got his wedding ring back. *See Exhibit X (Statement of Pernell Leibert).*

- y. **Naquan Lockwood.** On October 7, 2023, Mr. Lockwood was locked in his cell following all laws, rules, and guidelines when approximately five CERT officers

approached his cell and told him to strip to his underwear and step backwards out of his cell. As he complied, he was pushed against the cell bars, and the officers put Flexicuffs on his wrists behind his back. Mr. Lockwood tried to explain to the officers that he had previously had shoulder surgery, but they instructed him to be quiet and then lifted his arms up higher behind his back. After searching and tossing his cell, an officer took his pain, seizure, and blood pressure medicine and left. As a result of the actions of the CERT officers, Mr. Lockwood's left shoulder was reinjured, and he could not lift his arm up. He suffered substantial shoulder pain, and he also suffered mental pain and anguish.

- z. **Robert Maciong.** On October 7, 2023, Mr. Maciong was locked in his cell following all laws, rules, and guidelines. He heard CERT officers chanting, "Whose house? Our house" throughout the day. At approximately 4:00 p.m., multiple CERT officers approached his cell and ordered him to strip to his boxers and slippers. He complied. The officers then told him to show them his mouth, and he complied, as he had nothing in his mouth. The officers then asked him to show his mouth again, and before he did, he spit in his toilet. At this point, the officers rushed into his cell, grabbed him, and pushed him down into the corner of the cell, where they kicked and stomped him repeatedly, yelling, "Stop Resisting!" as he tried to cover his face. Eventually, the officers put Flexicuffs on his wrists, behind his back, stood him up and walked him to the medical clinic wearing only his boxers, bent over, with his head forced down, and his arms raised up high behind him. Mr. Maciong felt like the officers were trying to pull his arms out as they walked him past members of OSI, who looked the other way and did nothing. At the clinic, a CERT officer

grabbed Mr. Maciong's testicles and accused him of trying to get rid of contraband. A CERT officer also told him that if he made a statement to the nurse, the officers would kill him. Mr. Maciong did not receive medical care. He was then taken to an observation room and left there for three days, in his boxers, with the windows open. He was given a dirty blanket and mat. There were feces and urine in the toilet. Mr. Maciong was issued a Tier III ticket, falsely alleging that he refused a direct order and interfered with a cell frisk. As a result of the beating, he suffered pain for two weeks. He was unable to lift his arms over his head, his left knee was swollen, making it painful to walk, and he had scrapes, cuts and bruises on his back and ribs. Mr. Maciong also suffered mental pain and anguish. He feared for his life and has since had nightmares.

- aa. **Nyrell Manning.** On October 8, 2023 at approximately 9:30 a.m., Mr. Manning was locked in his cell following all laws, rules, and guidelines when approximately three CERT officers approached his cell. Mr. Manning was wearing only his underwear and shower shoes, as he had heard CERT officers directing other incarcerated men to strip. The officers told him to remove his du-rag, and he complied. Next, they directed him to put his back to the gate and put his hands through the slot in the cell gate, at which time they put Flexicuffs on his wrists, walked him to an empty cell, and left him, wearing only his underwear, for approximately eleven hours. The next morning, Mr. Manning was taken to the infirmary for suspected hypothermia. Mr. Manning suffered injuries to his wrist from the Flexicuffs, pain from being so cold, and mental pain and anguish. *See* Exhibit AA (Statement of Nyrell Manning).

bb. **Cliffton Minton.** On October 6, 2023, at approximately 8:00 a.m., Mr. Minton was locked in his cell following all laws, rules, and guidelines, sitting on his bed, when approximately three to five CERT officers opened his cell gate without saying a word, rushed inside, and attacked him. Mr. Minton had heard the officers marching and chanting on the gallery before they reached his cell. Immediately, multiple officers struck him repeatedly on his head, arms, and legs with feet, fists, and batons. Mr. Minton curled up on his bed, and tried to protect his face as the officers beat him. Next, the officers pulled him off his bed onto the floor at which point one of the officers picked up his locker and slammed it against the back of his head. He heard an officer yell, “Stop Resisting,” even though he never resisted. Next, the officers put Flexicuffs on his wrists, behind his back. They then lifted him up and banged his head against the wall twice. Next, the officers took Mr. Minton out of his cell, forced him to the gallery floor, and checked his mouth. They then took him to the medical clinic and strip searched him, and then they took him to an observation cell on the flats on H-Block, and left him cold and in pain in his boxer shorts for approximately 48 hours without any medical care. Mr. Minton was enrolled in college courses through Bard College, and when he was returned to his cell, he observed all of his books, as well as some personal photographs, in the toilet. Mr. Minton was issued a Tier III ticket falsely alleging that he engaged in violent conduct, interfered with an employee, and created a disturbance. He suffered pain to his head, and experienced headaches; he suffered pain to his right hand and to his wrists from the Flexicuffs; and he also suffered lacerations to the

inner parts of his lips. Mr. Minton further suffered mental pain and anguish and has had trouble sleeping. *See* Exhibit BB (Statement of Clifton Minton).

cc. **Teimel Morris.** On October 8, 2023 between approximately 8:00 a.m. and 9:00 a.m., Mr. Morris was locked in his cell following all laws, rules, and guidelines when approximately three CERT officers assaulted him. When the officers approached his cell, he heard someone yell, “Open 32,” at which time his cell gate opened, and the officers directed him to strip to his boxers and socks. He complied. The officers then told Mr. Morris that they were going to take him out of his cell, but as they started to put Flexicuffs on his wrists, they accused him of being non-compliant, pushed in his cell, and began punching him about the head and body. Mr. Morris fell face first onto his bed, and the officers continued to strike him. He then fell to the floor, and they continued beating him as he lay on his stomach, using punches, kicks, and elbows about his face, the back of his head, his back, and his arms. Mr. Morris pleaded that he was not resisting as an officer twisted his right ankle. Eventually, the officers put the Flexicuffs on his wrists, behind his back, stood him up, and walked him out of his cell, bent over, with his head forced down and his arms raised up high behind him. An officer grabbed the thumb on his right hand and bent it back in an unnatural way toward his wrist. The officers then took Mr. Morris to the medical clinic and told staff that he was not injured. He was strip searched and then cuffed back up and walked back to his cell in his boxers and socks. He did not receive any medical care. Mr. Morris was issued a Tier III ticket falsely alleging that he refused a direct order, created a disturbance, and interfered with an employee, even though he never resisted. Mr. Morris suffered pain in his

shoulder, ankle, head, and all over his body, he is still experiencing pain in the right thumb the officer bent backward, and he also suffered mental pain and anguish.

dd. **Arthur Murillo.** On the morning of October 7, 2023, Mr. Murillo was locked in his cell following all laws, rules, and guidelines when two to three CERT officers assaulted him. The officers approached his cell, told him to strip to his boxers and slippers, and then told him to face the back wall of his cell. He complied. An officer then told him to stick his hand in his mouth. He asked for a glove because the water had been turned off and his hands were dirty, at which point an officer grabbed his hand, and put Flexicuffs on his wrists, behind his back. The officer pulled Mr. Murillo's left hand so hard that he heard his pinky finger pop. He was then led through a standing metal detector and directed to face the wall, at which point a canine started licking his upper legs and groin area. CERT officers then searched Mr. Murillo's cell, broke his glasses, and destroyed his family photographs. Mr. Murillo asked for medical attention and his request was denied. Mr. Murillo suffered a painful injury to his left pinky, leaving the finger strikingly disfigured. He cannot move his left pinky and is still experiencing substantial pain. His repeated pleas for medical attention have been ignored. He also suffered mental pain and anguish. *See Exhibit DD (Statement of Arthur Murrillo).*

ee. **Shawn Peace.** On October 5, 2023 between approximately 7:00 and 9:00 a.m., Mr. Peace was locked in his cell following all laws, rules, and guidelines when approximately seven CERT officers approached his cell and ordered him to turn around and put his back to the gate. He complied, and the officers put Flexicuffs on his wrists, behind his back. The officers escorted Mr. Peace to the standing metal

detector and then walked him back to his cell to observe CERT officers search the cell. Mr. Peace observed the officers break his fan and hot pot, and when he spoke up, another officer stated, “Put him in the shower.” He was taken to the shower, where OC spray was deployed. He asked for medical attention immediately, and his request was denied. After about ten minutes, officers approached him and accused him of having something in his boxers. Four to six officers then rushed into the shower room, dragged him off the gallery, and ran his head into a wall. They bent his arms unnaturally upward and twisted his fingers, all the while dragging him past members of OSI, who were present and did nothing. The officers took Mr. Peace to a strip frisk room, where he was kicked in the leg, and hit on the side of his head. He fell to the floor, and was then kicked in his back, head, and shoulder area by at least three officers. The officers urinated on Mr. Peace’s clothing and ripped his Bible and legal materials. Mr. Peace suffered back and shoulder pain, shooting pain down his legs, and pain to his wrists from the Flexicuffs. He also has suffered mental pain and anguish. *See Exhibit EE (Statement of Shawn Peace).*

ff. **Angel Quinones.** On October 8, 2023, between approximately 4:00 and 5:00 p.m., Mr. Quinones was locked in his cell following all laws, rules, and guidelines, when approximately three CERT officers approached his cell, directed him to strip to his boxers, and ordered him to back up to his cell gate. He complied. Mr. Quinones was housed on the Honor Block. He is almost 50 years old, and has been incarcerated for nearly 30 years. The officers put Flexicuffs on his wrists, behind his back, and took him through a standing metal detector. He was then taken back

to his cell, which was being searched. Next, he was told to turn around, away from his cell. A member of OSI approached him and told him the CERT officers found contraband. He protested that he did not have any contraband, at which point he was dragged to the shower room, arms raised up high behind him, and left there for approximately an hour. Next, he was taken to the medical clinic, where a canine sniffed him and he was strip searched. Mr. Quinones was issued a Tier III ticket falsely accusing him of possessing contraband, refusing a direct order, and creating a disturbance. He suffered pain to his shoulders as a result of the way he was dragged to the shower and significant mental pain and anguish. *See* Exhibit FF (Statement of Angel Quinones).

gg. **Handsome Rice.** On October 11, 2023, at approximately 2:00 p.m., Mr. Rice was locked in his cell following all laws, rules, and guidelines when approximately five CERT officers assaulted him. The officers approached his cell and told him to stand up and turn around. He did as he was told. The officers then opened his cell gate and entered his cell, and an officer grabbed him and slammed him onto and over his bed, into the gap between the bed and the wall. The officers then piled on top of him, pulled his dreadlocks so hard that they ripped one from his head, and then put Flexicuffs on his wrists, behind his back. Next, the officers stood him up, directed a canine to sniff him, and took him to the medical clinic, bent over, arms raised up high behind him. At the clinic, he was strip searched. An officer then accused him of swallowing something, and took him to an observation room and left him there for 72 hours. Mr. Rice was issued a Tier III ticket falsely alleging that he interfered with an employee and refused a direct order. He suffered pain to his

head from where his dreadlock was ripped out, and pain to his face from being elbowed. He also suffered mental pain and anguish. *See Exhibit GG (Statement of Handsome Rice).*

hh. **Andrew Robinson.** On October 8, 2023 at approximately 10:40 a.m., Mr. Robinson was locked in his cell following all laws, rules, and guidelines when multiple CERT officers assaulted him. Mr. Robinson heard the CERT officers on the gallery, as they were marching and chanting, “Whose house? Our house.” He also heard what sounded like other incarcerated men being beaten, including his neighbor, Jose Flores. Approximately five or six officers stopped in front of Mr. Robinson’s cell and told him to stand up. Next, they opened his cell gate and directed him to remove his shirt and run his hands around his mouth. He complied. The officer then directed him to turn around and take his shorts off. He again attempted to comply, but as he was removing his shorts, officers rushed at him from behind and struck him in the head and back. He fell to his bed, and the officers struck him repeatedly with fists about his head and body. They yelled, “Stop Resisting,” as he cried out that he was not resisting. At one point during the attack, an officer had his finger or fingers in Mr. Robinson’s eye, and at another point, as his body was hanging off his bed, an officer had his knee on Mr. Robinson’s head, pressing his head against the floor. Eventually, the officers pulled his arms behind his back and put Flexicuffs on his wrists, behind his back. Then they hit him again. The officers walked Mr. Robinson to the medical clinic wearing only his boxers and slippers, bent over, with his arms raised up high above him. He did not receive any medical attention at the clinic. He was not even given ibuprofen. He was then

taken to a SHU cell and issued a Tier III ticket falsely alleging that he engaged in violent conduct and possessed a weapon. The officers also destroyed the new food package he had just received. Mr. Robinson suffered a swollen lip, a knot on his head, and significant head pain. He also suffered mental pain and anguish. *See* Exhibit HH (Statement of Andre Robinson).

- ii. **Pedro Rosario.** On October 6, 2023, at approximately 8:30 a.m., Mr. Rosario was locked in his cell following all laws, rules, and guidelines when four to five CERT officers assaulted him. The officers approached his cell and began yelling “He’s trying to get rid of something.” His cell was then immediately opened, and the CERT officers rushed in, punched him repeatedly, and yelled, “Stop Resisting,” even though Mr. Rosario never resisted. An officer twisted his fingers, wrist, and arm and then placed Flexicuffs on his wrists behind his back. Next, he was removed from his cell, barefoot and wearing only boxers and a shirt, and directed to face the gallery wall, while an officer continued twisting and pulling his wrist against the Flexicuffs. Members of OSI were present and did nothing. The officers damaged his Timex-Expedition watch, took his radio, and placed one of his shirts in the toilet, and urinated on it. Officers then escorted Mr. Rosario to the medical clinic, where they removed his cuffs and directed him to place his hands high on the wall. Mr. Rosario informed the officer that he had had surgery on his shoulders and was in pain, and one of the CERT officers told him to raise his palms higher on the wall and that lowering his palms would be considered an act of aggression. A CERT officer then dug his finger into Mr. Rosario’s right ear, curled it, and pulled it, causing him to scream. After what felt like approximately one hour, Mr. Rosario

lowered his arms and was beaten more. After, he was locked in the shower room for hours while his cell was searched. Mr. Rosario was issued a Tier III ticket falsely alleging that he created a disturbance, refused a direct order, interfered with an employee, and engaged in violent conduct. Mr. Rosario suffered an injury to his right shoulder and bruising to his neck and head, his wrists were swollen, he experienced numbness due to the Flexicuffs, and he cannot hear out of his right ear. He has also suffered mental pain and anguish. *See Exhibit II (Statement of Pedro Rosario).*

jj. **Anthony Smith.** On the morning of October 7, 2023, Mr. Smith was locked in his cell, following all laws, rules, and guidelines when he heard CERT officers marching and chanting “This is our house, fuck around and you will find out.” He also heard other incarcerated men screaming. By the time the CERT officers stopped in front of Mr. Smith’s cell, he had already stripped to his boxers and slippers. The officers, including Officer K. Marsciano, directed him to face the back wall of his cell and then back up to the gate. He complied. Next, they put Flexicuffs on his wrists, behind his back, opened his gate, and forcibly removed him from his cell. The officers pushed his head down and directed him to look at the floor. The officers then walked Mr. Smith through a standing metal detector, ran a wand over his body, and then took him to a search room, where he was directed first to place his hands against the wall, and then to remove his underwear. Mr. Smith complied, but as he was taking his boxers down, an officer punched him in the back of his head and body. He fell to the floor and officers then kicked, punched, and stomped him. Mr. Smith also felt something forcibly penetrate his anus. He started

screaming, but was told to shut up, at which point an officer gouged his eyes. Eventually, the officers stood him up, pulled his boxers up and handcuffed him. They then walked him to the medical unit, but told him that if he reported what had occurred, they would kill him. Mr. Smith did not get any medical attention. From the clinic, Mr. Smith was dragged in his boxers and slippers to a filthy observation room in H-Block and left there for approximately four days. The windows were open and there were feces in the toilet and on the wall and floor. Mr. Smith's nose was bleeding, and he was freezing and in pain. Mr. Smith was issued a Tier III ticket falsely alleging that he engaged in violent conduct, created a disturbance, possessed contraband, and violated a direct order. He suffered pain to his ribs and bruising to his legs, face, and arms. He is also suffering psychologically, as he is experiencing depression and anxiety, mental pain and anguish. *See Exhibit JJ (Statement of Anthony Smith).*

kk. **Jose Soriano.** On October 7, 2023, at approximately 8:25 a.m., Mr. Soriano was locked in his cell following all laws, rules, and guidelines when approximately three CERT officers assaulted him. The officers' badge numbers were 16-11, 16-49, and 16-54, and one officer, on information and belief, was Officer M. Dorman. The officers approached Mr. Soriano's cell and directed him to stand up, put his back to the gate, and interlock his hands behind his head. He complied, and the officers opened his cell gate. Next, they told him to use his thumbs to lift his tank top off and to then also use his thumbs to take his shorts off, which he did. At this point, the officers pushed him onto his bed. One officer put his knee on Mr. Soriano's back, while another officer grabbed his arm and bent it in a painful unnatural

position, causing pain and injury to his wrist. The officers then put Flexicuffs on his wrists, behind his back, stood him up, and walked him out of his cell, bent over, arms raised up high above him, across the yard in his underwear to the medical clinic. Mr. Soriano understood that he was not permitted to report his injuries. He was then taken back to his cell. Mr. Soriano was issued a Tier III ticket falsely alleging that he refused a direct order, refused a search, interfered with an employee and created a disturbance. He suffered a wrist injury and pain about his body, and the assault also exacerbated his hernia. He also suffered mental pain and anguish. *See Exhibit KK (Statement of Jose Soriano).*

11. **Raoul South.** On October 6, 2023, Mr. South was locked in his cell following all laws, rules, and guidelines when multiple CERT officers assaulted him. When the CERT officers approached his cell, an officer said, “Put it down,” even though Mr. South had nothing in his hands. CERT officers then rushed into his cell, told him to put his hands on the wall and jumped on top of him. The officers struck him all over his body with a baton, including the back of his head and left temple. He fell to the floor, and an officer then used his knee to press on Mr. South’s neck. Next, the officers placed Flexicuffs on Mr. South’s wrists, behind his back, as an officer bent his fingers back in an unnatural position. Mr. South was subsequently transferred to Upstate Correctional Facility and issued a Tier III ticket falsely alleging that he possessed a weapon. The officers also smeared mayonnaise and mustard inside his clothing and sneakers. He suffered painful injuries to his left pinkie finger and right middle finger, which has limited mobility, ongoing pain to

his neck, head, and fingers, head pain and headaches, and bruises to his thigh and temple. He has also suffered mental pain and anguish.

mm. **Kelvin Stichel.** On October 8, 2023, at approximately 8:00 a.m., Mr. Stichel was locked in his cell following all laws, rules, and guidelines when approximately three CERT officers assaulted him. Mr. Stichel was in his bed wearing his boxers when he heard officers yell for the incarcerated men on the gallery to turn on the lights. CERT officers then approached his cell and told him to use his right hand to show them his mouth. He complied. Next, they told him to turn around as if they were going to handcuff him, but, instead, they ran into his cell, grabbed him, threw him on the bed, and punched him in the head multiple times. He felt an officer try to snap his ankle while another officer twisted his toe. The officers then threw him on the floor, face down, and an officer got on top of him, grabbed his head, and banged his head and the side of his face against the floor multiple times. The officers then put Flexicuffs on his wrists, behind his back, dragged him out of his cell, and took him to the medical clinic. Subsequently, Mr. Stichel was issued a Tier III ticket falsely alleging that he refused a direct order and violated other rules, and he was transferred to Upstate Correctional Facility. Mr. Stichel suffered a bleeding laceration above his right eyebrow, and his right eye was swollen shut for approximately one week. The Flexicuffs were so tight on his wrists that his hands turned blue. Mr. Stichel experienced significant physical pain as well as mental pain and anguish.

nn. **Donte Thomas.** On October 4, 2023, Mr. Thomas was locked in his cell following all laws, rules, and guidelines when approximately four CERT officers assaulted

him. Mr. Thomas was in a SHU cell, when CERT officers stopped in front of his cell and directed him to strip to his boxers. He complied. He recognized the officers from the facility lockdown and facility search of Sing Sing Correctional Facility in November of 2022, and one of the officers indicated that the officer also remembered Mr. Thomas. Mr. Thomas was beaten so badly at Sing Sing that he defecated on himself. The officers directed him to face the wall of his cell and place his hands on his head. He complied, but almost immediately, the officers opened his cell, someone yelled, "Stop resisting," and the CERT officers rushed him. Mr. Thomas turned around and was punched in the face with such force that he fell back into his sink. He was then pulled to the floor, and with his back on the floor, he was kicked in the ribs. At this point, he struggled and tried to fight back, but an officer bent his fingers backwards, stomped his legs and ankles, and spread his legs and kicked him in the genitals. Mr. Thomas began to cry, as he felt like he was going to die. The officers then placed Flexicuffs on his wrists, behind his back, and dragged him out of his cell. He could barely walk. After being taken through a standing metal detector, he was taken to an observation room, stripped, and asked if he wanted another round, and then later that night he was taken back to his SHU cell, directed to pack up, and transported to Upstate Correctional facility. During the transport, he was not wearing shoes and he could not feel his fingers. Mr. Thomas suffered pain and swelling to his genitals, pain and bruising to his ribs, and a black eye. His fingers are crooked and he is still experiencing numbness and difficulty writing. He never received medical attention. He has also suffered significant mental pain and anguish.

- oo. **Felix Troche.** On October 8, 2023 at approximately 11:30 a.m., Mr. Troche was locked in his cell following all laws, rules, and guidelines when approximately three CERT officers approached his cell and placed Flexicuffs on his wrists. The officers then removed Mr. Troche from his cell, pushed and struck him repeatedly and dragged him around and tossed his cell. Mr. Troche never resisted and at all times complied with the officers' directives. Mr. Troche suffered hyperextended elbows, and bruising to his face and wrists, and he also experienced mental pain and anguish. *See Exhibit OO (Statement of Felix Troche).*
- pp. **Jamel Upson.** On October 8, 2023, at approximately 9:00 a.m., Mr. Upson was locked in his cell following all laws, rules, and guidelines when approximately four to six CERT officers approached his cell and told him not to move. One of the officers asked if he understood and then slapped him in the face. He was then told to turn around with his hands behind his back, and an officer placed Flexicuffs on his wrists. Next, he was escorted down the gallery and through a standing metal detector. He was then returned to his cell, and as his cell was being searched, an officer accused him of having something in his mouth and attempting to swallow it. The officers destroyed Mr. Upson's trial transcripts and his wrists were bruised for several days. He also suffered mental pain and anguish. *See Exhibit PP (Statement of Jamel Upson).*
- qq. **Bradford Washington.** On October 7, 2023 Mr. Washington was locked in his cell following all laws, rules, and guidelines when he was assaulted by approximately four CERT officers, including Officer D. Lopez. The officers approached his cell and asked him what was in his mouth, even though he had nothing in his mouth.

The officers then rushed into his cell and punched him repeatedly. Next, they dragged him to H-Block, barefoot, wearing only boxers. Mr. Washington was issued a Tier III ticket falsely alleging that he committed various infractions, including violent conduct, refusing a direct order, interference, and possessing a weapon. He suffered bruises and cuts on his face, pain to his chest, and burning on the bottoms of his feet. He also suffered mental pain and anguish. *See* Exhibit QQ (Statement of Bradford Washington).

rr. **Matthew Wulah.** On October 8, 2023 at approximately 8:20 a.m., Mr. Wulah was locked in his cell following all laws, rules, and guidelines when approximately three CERT officers, including Officer T. Simmes, assaulted him. The officers approached his cell, first directed him to sit on his bed, and then told him to get up and put his hands behind his head. He complied. The officers opened his cell gate and directed him to strip. As he was taking his pants down, and officer yelled, “Stop reaching forward!” at which point an officer punched him in the back of his head and knocked down on his bed. Mr. Wulah immediately curled up in the fetal position to protect his face, as the officers punched him repeatedly about his body, waist up. The officers then dragged him off the bed and continued beating him while he was on the floor. One of the officers pressed a knee on his jaw as his face was pressed against the floor. Another officer twisted his ear, and another officer pressed/poke a finger into his right eye. Eventually, the officers placed Flexicuffs on Mr. Wulah’s wrists, behind his back. He was punched several more times, even after he was cuffed. The officers then removed Mr. Wulah from his cell and walked to the medical clinic, bent over, head down, arms raised up high behind him. Mr.

Wulah suffered a small chip to his left front tooth, a swollen, bloodshot eye, and throbbing pain to his head. He also suffered significant mental pain and anguish, as he felt dehumanized and emasculated. *See* Exhibit RR (Statement of Matthew Wulah).

**FIRST CAUSE OF ACTION:
BATTERY as to ALEX ALMONTE**

10. Claimant realleges and incorporates by reference all preceding paragraphs.

11. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

12. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

13. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

14. The force used on Claimant violated Corrections Law §137(5).

15. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

16. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**SECOND CAUSE OF ACTION:
BATTERY as to CELSO ALVAREZ**

17. Claimant realleges and incorporates by reference all preceding paragraphs.

18. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

19. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

20. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

21. The force used on Claimant violated Corrections Law §137(5).

22. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

23. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**THIRD CAUSE OF ACTION:
BATTERY as to ROHAN BENNETT**

24. Claimant realleges and incorporates by reference all preceding paragraphs.

25. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

26. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

27. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

28. The force used on Claimant violated Corrections Law §137(5).

29. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

30. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**FOURTH CAUSE OF ACTION:
BATTERY as to DERWIN BLANKS**

31. Claimant realleges and incorporates by reference all preceding paragraphs.

32. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

33. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

34. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

35. The force used on Claimant violated Corrections Law §137(5).

36. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

37. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**FIFTH CAUSE OF ACTION:
BATTERY as to DONALD BRACEY**

38. Claimant realleges and incorporates by reference all preceding paragraphs.

39. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

40. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

41. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

42. The force used on Claimant violated Corrections Law §137(5).

43. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

44. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**SIXTH CAUSE OF ACTION:
BATTERY as to JAMES BROWN**

45. Claimant realleges and incorporates by reference all preceding paragraphs.

46. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

47. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

48. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

49. The force used on Claimant violated Corrections Law §137(5).

50. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

51. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**SEVENTH CAUSE OF ACTION:
BATTERY as to NOEL BRUNO**

52. Claimant realleges and incorporates by reference all preceding paragraphs.

53. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

54. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

55. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

56. The force used on Claimant violated Corrections Law §137(5).

57. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

58. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**EIGHTH CAUSE OF ACTION:
BATTERY as to VIDAL CARRION**

59. Claimant realleges and incorporates by reference all preceding paragraphs.

60. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

61. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

62. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

63. The force used on Claimant violated Corrections Law §137(5).

64. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

65. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**NINTH CAUSE OF ACTION:
BATTERY as to DEREK CLARK**

66. Claimant realleges and incorporates by reference all preceding paragraphs.

67. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

68. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

69. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

70. The force used on Claimant violated Corrections Law §137(5).

71. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

72. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**TENTH CAUSE OF ACTION:
BATTERY as to MICHAEL COLE**

73. Claimant realleges and incorporates by reference all preceding paragraphs.

74. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

75. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

76. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

77. The force used on Claimant violated Corrections Law §137(5).

78. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

79. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**ELEVENTH CAUSE OF ACTION:
BATTERY as to JERMAINE COX**

80. Claimant realleges and incorporates by reference all preceding paragraphs.

81. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

82. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

83. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

84. The force used on Claimant violated Corrections Law §137(5).

85. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

86. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**TWELFTH CAUSE OF ACTION:
BATTERY as to DWIGHT CROMER**

87. Claimant realleges and incorporates by reference all preceding paragraphs.

88. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

89. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

90. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

91. The force used on Claimant violated Corrections Law §137(5).

92. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

93. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**THIRTEENTH CAUSE OF ACTION:
BATTERY as to WANDER ESPINAL**

94. Claimant realleges and incorporates by reference all preceding paragraphs.

95. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

96. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

97. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

98. The force used on Claimant violated Corrections Law §137(5).

99. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

100. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**FOURTEENTH CAUSE OF ACTION:
BATTERY as to MAXIMO ESTRADA**

101. Claimant realleges and incorporates by reference all preceding paragraphs.

102. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

103. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

104. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

105. The force used on Claimant violated Corrections Law §137(5).

106. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

107. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**FIFTEENTH CAUSE OF ACTION:
BATTERY as to DANIEL EVERETT**

108. Claimant realleges and incorporates by reference all preceding paragraphs.

109. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

110. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

111. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

112. The force used on Claimant violated Corrections Law §137(5).

113. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

114. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**SIXTEENTH CAUSE OF ACTION:
BATTERY as to MARLON FANN**

115. Claimant realleges and incorporates by reference all preceding paragraphs.

116. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

117. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

118. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

119. The force used on Claimant violated Corrections Law §137(5).

120. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

121. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**SEVENTEENTH CAUSE OF ACTION:
BATTERY as to JOSE FLORES**

122. Claimant realleges and incorporates by reference all preceding paragraphs.

123. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

124. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

125. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

126. The force used on Claimant violated Corrections Law §137(5).

127. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

128. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**EIGHTEENTH CAUSE OF ACTION:
BATTERY as to DENZEL FLOYD**

129. Claimant realleges and incorporates by reference all preceding paragraphs.

130. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

131. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

132. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

133. The force used on Claimant violated Corrections Law §137(5).

134. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

135. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**NINETEENTH CAUSE OF ACTION:
BATTERY as to DEMERIOUS GREENE**

136. Claimant realleges and incorporates by reference all preceding paragraphs.

137. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

138. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

139. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

140. The force used on Claimant violated Corrections Law §137(5).

141. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

142. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**TWENTIETH CAUSE OF ACTION:
BATTERY as to LUIS GUZMAN**

143. Claimant realleges and incorporates by reference all preceding paragraphs.

144. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

145. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

146. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

147. The force used on Claimant violated Corrections Law §137(5).

148. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

149. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**TWENTY-FIRST CAUSE OF ACTION:
BATTERY as to TYRONE HARRIS**

150. Claimant realleges and incorporates by reference all preceding paragraphs.

151. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

152. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

153. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

154. The force used on Claimant violated Corrections Law §137(5).

155. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

156. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**TWENTY-SECOND CAUSE OF ACTION:
BATTERY as to CHRISTOPHER HERON**

157. Claimant realleges and incorporates by reference all preceding paragraphs.

158. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

159. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

160. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

161. The force used on Claimant violated Corrections Law §137(5).

162. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

163. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**TWENTY-THIRD CAUSE OF ACTION:
BATTERY as to NAKHEEN LEWIS-BUSH**

164. Claimant realleges and incorporates by reference all preceding paragraphs.

165. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

166. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

167. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

168. The force used on Claimant violated Corrections Law §137(5).

169. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

170. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**TWENTY-FOURTH CAUSE OF ACTION:
BATTERY as to PERNELL LIEBERT**

171. Claimant realleges and incorporates by reference all preceding paragraphs.

172. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

173. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

174. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

175. The force used on Claimant violated Corrections Law §137(5).

176. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

177. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**TWENTY-FIFTH CAUSE OF ACTION:
NAQUAN LOCKWOOD**

178. Claimant realleges and incorporates by reference all preceding paragraphs.

179. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

180. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

181. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

182. The force used on Claimant violated Corrections Law §137(5).

183. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

184. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**TWENTY-SIXTH CAUSE OF ACTION
BATTERY as to ROBERT MACIONG**

185. Claimant realleges and incorporates by reference all preceding paragraphs.

186. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

187. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

188. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

189. The force used on Claimant violated Corrections Law §137(5).

190. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

191. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**TWENTY-SEVENTH CAUSE OF ACTION:
BATTERY as to NYRELL MANNING**

192. Claimant realleges and incorporates by reference all preceding paragraphs.

193. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

194. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

195. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

196. The force used on Claimant violated Corrections Law §137(5).

197. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

198. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**TWENTY-EIGHTH CAUSE OF ACTION:
BATTERY as to CLIFFTON MINTON**

199. Claimant realleges and incorporates by reference all preceding paragraphs.

200. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

201. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

202. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

203. The force used on Claimant violated Corrections Law §137(5).

204. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

205. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**TWENTY-NINTH CAUSE OF ACTION:
BATTERY as to TEIMEL MORRIS**

206. Claimant realleges and incorporates by reference all preceding paragraphs.

207. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

208. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

209. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

210. The force used on Claimant violated Corrections Law §137(5).

211. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

212. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**THIRTIETH CAUSE OF ACTION:
BATTERY as to ARTHUR MURILLO**

213. Claimant realleges and incorporates by reference all preceding paragraphs.

214. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

215. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

216. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

217. The force used on Claimant violated Corrections Law §137(5).

218. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

219. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**THIRTY-FIRST CAUSE OF ACTION:
BATTERY as to SHAWN PEACE**

220. Claimant realleges and incorporates by reference all preceding paragraphs.

221. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

222. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

223. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

224. The force used on Claimant violated Corrections Law §137(5).

225. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

226. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**THIRTY-SECOND CAUSE OF ACTION:
BATTERY as to ANGEL QUINONES**

227. Claimant realleges and incorporates by reference all preceding paragraphs.

228. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

229. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

230. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

231. The force used on Claimant violated Corrections Law §137(5).

232. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

233. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**THIRTY-THIRD CAUSE OF ACTION:
BATTERY as to HANDSOME RICE**

234. Claimant realleges and incorporates by reference all preceding paragraphs.

235. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

236. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

237. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

238. The force used on Claimant violated Corrections Law §137(5).

239. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

240. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**THIRTY-FORTH CAUSE OF ACTION:
BATTERY as to ANDRE ROBINSON**

241. Claimant realleges and incorporates by reference all preceding paragraphs.

242. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

243. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

244. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

245. The force used on Claimant violated Corrections Law §137(5).

246. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

247. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**THIRTY-FIFTH CAUSE OF ACTION:
BATTERY as to PEDRO ROSARIO**

248. Claimant realleges and incorporates by reference all preceding paragraphs.

249. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

250. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

251. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

252. The force used on Claimant violated Corrections Law §137(5).

253. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

254. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**THIRTY-SIXTH CAUSE OF ACTION:
BATTERY as to ANTHONY SMITH**

255. Claimant realleges and incorporates by reference all preceding paragraphs.

256. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

257. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

258. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

259. The force used on Claimant violated Corrections Law §137(5).

260. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

261. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**THIRTY-SEVENTH CAUSE OF ACTION:
BATTERY as to JOSE SORIANO**

262. Claimant realleges and incorporates by reference all preceding paragraphs.

263. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

264. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

265. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

266. The force used on Claimant violated Corrections Law §137(5).

267. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

268. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**THIRTY-EIGHTH CAUSE OF ACTION:
BATTERY as to RAOUL SOUTH**

269. Claimant realleges and incorporates by reference all preceding paragraphs.

270. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

271. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

272. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

273. The force used on Claimant violated Corrections Law §137(5).

274. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

275. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**THIRTY-NINTH CAUSE OF ACTION:
BATTERY as to KELVIN STICHEL**

276. Claimant realleges and incorporates by reference all preceding paragraphs.

277. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

278. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

279. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

280. The force used on Claimant violated Corrections Law §137(5).

281. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

282. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**FORTIETH CAUSE OF ACTION:
BATTERY as to DONTE THOMAS**

283. Claimant realleges and incorporates by reference all preceding paragraphs.

284. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

285. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

286. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

287. The force used on Claimant violated Corrections Law §137(5).

288. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

289. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**FORTY-FIRST CAUSE OF ACTION:
BATTERY as to FELIX TROCHE**

290. Claimant realleges and incorporates by reference all preceding paragraphs.

291. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

292. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

293. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

294. The force used on Claimant violated Corrections Law §137(5).

295. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

296. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**FORTY-SECOND CAUSE OF ACTION:
BATTERY as to JAMEL UPSON**

297. Claimant realleges and incorporates by reference all preceding paragraphs.

298. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

299. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

300. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

301. The force used on Claimant violated Corrections Law §137(5).

302. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

303. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**FORTY-THIRD CAUSE OF ACTION:
BATTERY as to BRADFORD WASHINGTON**

304. Claimant realleges and incorporates by reference all preceding paragraphs.

305. Claimant realleges and incorporates by reference all preceding paragraphs.

306. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

307. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

308. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

309. The force used on Claimant violated Corrections Law §137(5).

310. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

311. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**FORTY-FORTH CAUSE OF ACTION:
BATTERY as to MATTHEW WULAH**

312. Claimant realleges and incorporates by reference all preceding paragraphs.

313. In perpetrating these Gang Assaults, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

314. The Claimant did not consent to being assaulted or battered; nor did he at any time resist or refuse any direct order.

315. The force used by State agents on Claimant was not commensurate with the force necessary under the circumstances.

316. The force used on Claimant violated Corrections Law §137(5).

317. Claimant's battery involved bodily touching of Claimant that was offensive, harmful, and painful, and caused damages as set forth above.

318. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**FORTY-FIFTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to ALEX ALMONTE**

319. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

320. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

321. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

322. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

323. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

324. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

325. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

326. Claimant suffered substantial conscious physical and emotional pain and anguish.

327. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**FORTY-SIXTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to CELSO ALVAREZ**

328. Claimant realleges and incorporates by reference all preceding paragraphs.

329. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

330. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

331. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

332. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

333. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

334. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

335. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

336. Claimant suffered substantial conscious physical and emotional pain and anguish.

337. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**FORTY-SEVENTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to ROHAN BENNETT**

338. Claimant realleges and incorporates by reference all preceding paragraphs.

339. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

340. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

341. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

342. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

343. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

344. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

345. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

346. Claimant suffered substantial conscious physical and emotional pain and anguish.

347. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**FORTY-EIGHTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to DERWIN BLANKS**

348. Claimant realleges and incorporates by reference all preceding paragraphs.

349. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

350. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

351. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

352. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

353. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

354. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

355. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

356. Claimant suffered substantial conscious physical and emotional pain and anguish.

357. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**FORTY-NINTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to DONALD BRACEY**

358. Claimant realleges and incorporates by reference all preceding paragraphs.

359. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

360. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

361. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

362. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

363. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

364. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

365. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

366. Claimant suffered substantial conscious physical and emotional pain and anguish.

367. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**FIFTIETH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to JAMES BROWN**

368. Claimant realleges and incorporates by reference all preceding paragraphs.

369. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

370. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

371. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

372. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

373. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

374. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

375. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

376. Claimant suffered substantial conscious physical and emotional pain and anguish.

377. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**FIFTY-FIRST CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to NOEL BRUNO**

378. Claimant realleges and incorporates by reference all preceding paragraphs.

379. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

380. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

381. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

382. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

383. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

384. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

385. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

386. Claimant suffered substantial conscious physical and emotional pain and anguish.

387. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**FIFTY-SECOND CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to VIDAL CARRION**

388. Claimant realleges and incorporates by reference all preceding paragraphs.

389. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

390. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

391. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

392. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

393. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

394. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

395. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

396. Claimant suffered substantial conscious physical and emotional pain and anguish.

397. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**FIFTY-THIRD CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to DEREK CLARK**

398. Claimant realleges and incorporates by reference all preceding paragraphs.

399. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

400. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

401. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

402. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

403. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

404. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

405. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

406. Claimant suffered substantial conscious physical and emotional pain and anguish.

407. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**FIFTY-FOURTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to MICHAEL COLE**

408. Claimant realleges and incorporates by reference all preceding paragraphs.

409. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

410. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

411. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

412. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

413. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

414. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

415. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

416. Claimant suffered substantial conscious physical and emotional pain and anguish.

417. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**FIFTY-FIFTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to JERMAINE COX**

418. Claimant realleges and incorporates by reference all preceding paragraphs.

419. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

420. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

421. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

422. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

423. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

424. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

425. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

426. Claimant suffered substantial conscious physical and emotional pain and anguish.

427. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**FIFTY-SIXTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to DWIGHT CROMER**

428. Claimant realleges and incorporates by reference all preceding paragraphs.

429. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

430. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

431. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

432. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

433. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

434. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

435. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

436. Claimant suffered substantial conscious physical and emotional pain and anguish.

437. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**FIFTY-SEVENTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to WANDER ESPINAL**

438. Claimant realleges and incorporates by reference all preceding paragraphs.

439. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

440. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

441. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

442. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

443. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

444. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

445. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

446. Claimant suffered substantial conscious physical and emotional pain and anguish.

447. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**FIFTY-EIGHTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to MAXIMO ESTRADA**

448. Claimant realleges and incorporates by reference all preceding paragraphs.

449. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

450. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

451. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

452. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

453. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

454. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

455. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

456. Claimant suffered substantial conscious physical and emotional pain and anguish.

457. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**FIFTY-NINTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to DANIEL EVERETT**

458. Claimant realleges and incorporates by reference all preceding paragraphs.

459. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

460. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

461. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

462. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

463. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

464. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

465. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

466. Claimant suffered substantial conscious physical and emotional pain and anguish.

467. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**SIXTIETH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to MARLON FANN**

468. Claimant realleges and incorporates by reference all preceding paragraphs.

469. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

470. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

471. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

472. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

473. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

474. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

475. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

476. Claimant suffered substantial conscious physical and emotional pain and anguish.

477. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**SIXTY-FIRST CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to JOSE FLORES**

478. Claimant realleges and incorporates by reference all preceding paragraphs.

479. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

480. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

481. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

482. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

483. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

484. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

485. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

486. Claimant suffered substantial conscious physical and emotional pain and anguish.

487. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**SIXTY-SECOND CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to DENZEL FLOYD**

488. Claimant realleges and incorporates by reference all preceding paragraphs.

489. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

490. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

491. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

492. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

493. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

494. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

495. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

496. Claimant suffered substantial conscious physical and emotional pain and anguish.

497. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**SIXTY-THIRD CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to DEMETRIOUS GREENE**

498. Claimant realleges and incorporates by reference all preceding paragraphs.

499. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

500. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

501. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

502. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

503. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

504. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

505. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

506. Claimant suffered substantial conscious physical and emotional pain and anguish.

507. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**SIXTY-FOURTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to LUIS GUZMAN**

508. Claimant realleges and incorporates by reference all preceding paragraphs.

509. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

510. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

511. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

512. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

513. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

514. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

515. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

516. Claimant suffered substantial conscious physical and emotional pain and anguish.

517. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**SIXTY-FIFTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to TYRONE HARRIS**

518. Claimant realleges and incorporates by reference all preceding paragraphs.

519. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

520. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

521. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

522. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

523. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

524. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

525. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

526. Claimant suffered substantial conscious physical and emotional pain and anguish.

527. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**SIXTY-SIXTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to CHRISTOPHER HERON**

528. Claimant realleges and incorporates by reference all preceding paragraphs.

529. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

530. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

531. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

532. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

533. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

534. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

535. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

536. Claimant suffered substantial conscious physical and emotional pain and anguish.

537. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**SIXTY-SEVENTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to NAKHEEN LEWIS-BUSH**

538. Claimant realleges and incorporates by reference all preceding paragraphs.

539. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

540. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

541. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

542. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

543. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

544. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

545. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

546. Claimant suffered substantial conscious physical and emotional pain and anguish.

547. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**SIXTY-EIGHTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to PERNELL LIEBERT**

548. Claimant realleges and incorporates by reference all preceding paragraphs.

549. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

550. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

551. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

552. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

553. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

554. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

555. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

556. Claimant suffered substantial conscious physical and emotional pain and anguish.

557. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**SIXTY-NINTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to NAQUAN LOCKWOOD**

558. Claimant realleges and incorporates by reference all preceding paragraphs.

559. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

560. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

561. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

562. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

563. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

564. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

565. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

566. Claimant suffered substantial conscious physical and emotional pain and anguish.

567. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**SEVENTIETH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to ROBERT MACIONG**

568. Claimant realleges and incorporates by reference all preceding paragraphs.

569. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

570. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

571. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

572. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

573. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

574. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

575. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

576. Claimant suffered substantial conscious physical and emotional pain and anguish.

577. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**SEVENTY-FIRST CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to NYRELL MANNING**

578. Claimant realleges and incorporates by reference all preceding paragraphs.

579. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

580. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

581. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

582. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

583. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

584. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

585. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

586. Claimant suffered substantial conscious physical and emotional pain and anguish.

587. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**SEVENTY-SECOND CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to CLIFFTON MINTON**

588. Claimant realleges and incorporates by reference all preceding paragraphs.

589. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

590. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

591. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

592. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

593. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

594. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

595. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

596. Claimant suffered substantial conscious physical and emotional pain and anguish.

597. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**SEVENTY-THIRD CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to TEIMEL MORRIS**

598. Claimant realleges and incorporates by reference all preceding paragraphs.

599. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

600. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

601. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

602. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

603. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

604. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

605. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

606. Claimant suffered substantial conscious physical and emotional pain and anguish.

607. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**SEVENTY-FOURTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to ARTHUR MURILLO**

608. Claimant realleges and incorporates by reference all preceding paragraphs.

609. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

610. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

611. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

612. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

613. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

614. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

615. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

616. Claimant suffered substantial conscious physical and emotional pain and anguish.

617. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**SEVENTY-FIFTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to SHAWN PEACE**

618. Claimant realleges and incorporates by reference all preceding paragraphs.

619. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

620. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

621. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

622. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

623. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

624. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

625. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

626. Claimant suffered substantial conscious physical and emotional pain and anguish.

627. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**SEVENTY-SIXTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to ANGEL QUINONES**

628. Claimant realleges and incorporates by reference all preceding paragraphs.

629. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

630. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

631. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

632. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

633. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

634. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

635. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

636. Claimant suffered substantial conscious physical and emotional pain and anguish.

637. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**SEVENTY-SEVENTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to HANDSOME RICE**

638. Claimant realleges and incorporates by reference all preceding paragraphs.

639. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

640. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

641. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

642. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

643. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

644. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

645. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

646. Claimant suffered substantial conscious physical and emotional pain and anguish.

647. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**SEVENTY-EIGHTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to ANDRE ROBINSON**

648. Claimant realleges and incorporates by reference all preceding paragraphs.

649. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

650. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

651. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

652. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

653. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

654. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

655. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

656. Claimant suffered substantial conscious physical and emotional pain and anguish.

657. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**SEVENTY-NINTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to PEDRO ROSARIO**

658. Claimant realleges and incorporates by reference all preceding paragraphs.

659. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

660. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

661. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

662. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

663. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

664. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

665. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

666. Claimant suffered substantial conscious physical and emotional pain and anguish.

667. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**EIGHTIETH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to ANTHONY SMITH**

668. Claimant realleges and incorporates by reference all preceding paragraphs.

669. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

670. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

671. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

672. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

673. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

674. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

675. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

676. Claimant suffered substantial conscious physical and emotional pain and anguish.

677. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**EIGHTY-FIRST CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to JOSE SORIANO**

678. Claimant realleges and incorporates by reference all preceding paragraphs.

679. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

680. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

681. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

682. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

683. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

684. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

685. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

686. Claimant suffered substantial conscious physical and emotional pain and anguish.

687. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**EIGHTY-SECOND CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to RAOUL SOUTH**

688. Claimant realleges and incorporates by reference all preceding paragraphs.

689. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

690. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

691. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

692. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

693. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

694. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

695. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

696. Claimant suffered substantial conscious physical and emotional pain and anguish.

697. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**EIGHTY-THIRD CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to KELVIN STICHEL**

698. Claimant realleges and incorporates by reference all preceding paragraphs.

699. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

700. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

701. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

702. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

703. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

704. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

705. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

706. Claimant suffered substantial conscious physical and emotional pain and anguish.

707. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**EIGHTY-FOURTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to DONTE THOMAS**

708. Claimant realleges and incorporates by reference all preceding paragraphs.

709. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

710. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

711. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

712. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

713. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

714. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

715. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

716. Claimant suffered substantial conscious physical and emotional pain and anguish.

717. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**EIGHTY-FIFTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to FELIX TROCHE**

718. Claimant realleges and incorporates by reference all preceding paragraphs.

719. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

720. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

721. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

722. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

723. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

724. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

725. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

726. Claimant suffered substantial conscious physical and emotional pain and anguish.

727. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**EIGHTY-SIXTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to JAMEL UPSON**

728. Claimant realleges and incorporates by reference all preceding paragraphs.

729. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

730. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

731. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

732. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

733. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

734. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

735. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

736. Claimant suffered substantial conscious physical and emotional pain and anguish.

737. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**EIGHTY-SEVENTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to BRADFORD WASHINGTON**

738. Claimant realleges and incorporates by reference all preceding paragraphs.

739. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

740. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

741. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

742. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

743. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

744. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

745. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

746. Claimant suffered substantial conscious physical and emotional pain and anguish.

747. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**EIGHTY-EIGHTH CAUSE OF ACTION:
NEGLIGENT FAILURE TO INTERVENE as to MATTHEW WULAH**

748. Claimant realleges and incorporates by reference all preceding paragraphs.

749. Employees of the State owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody. Having assumed physical custody of incarcerated men and women, State employees owe a duty to safeguard incarcerated individuals against reasonably foreseeable violence from other State employees.

750. On information and belief, unnamed employees of the State, including OSI representatives and other State actors, knew of the violent propensities of the State employees and agents who assaulted Claimant.

751. On information and belief, unnamed employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate Claimant's battery.

752. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate Claimant's battery.

753. On information and belief, if there had been such intervention, Claimant's Battery would have been stopped or significantly mitigated.

754. Claimant's injuries were a reasonably foreseeable consequence of the failure by State agents and employees to intervene and stop other State agents from harming him.

755. The unnamed employees of the State were at all relevant times acting as officers and employees of the State and within the scope of their employment.

756. Claimant suffered substantial conscious physical and emotional pain and anguish.

757. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for the psychological anguish he experienced.

**EIGHTY-NINTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to ALEX
ALMONTE**

758. Claimant realleges and incorporates by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

759. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

760. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

761. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

762. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

763. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

764. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

765. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

766. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

767. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

768. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

769. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

770. Claimant suffered substantial conscious physical and emotional pain and anguish.

771. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**NINETIETH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to CELSO
ALVAREZ**

772. Claimant realleges and incorporates by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

773. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

774. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

775. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

776. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

777. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

778. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

779. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

780. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

781. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

782. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

783. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

784. Claimant suffered substantial conscious physical and emotional pain and anguish.

785. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**NINETY-FIRST CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to ROHAN
BENNETT**

786. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

787. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

788. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

789. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

790. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

791. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

792. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

793. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

794. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

795. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

796. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

797. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

798. Claimant suffered substantial conscious physical and emotional pain and anguish.

799. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**NINETY-SECOND CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to DERWIN
BLANKS**

800. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

801. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

802. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

803. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

804. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

805. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

806. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

807. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

808. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

809. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

810. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

811. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

812. Claimant suffered substantial conscious physical and emotional pain and anguish.

813. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**NINETY-THIRD CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to DONALD
BRACEY**

814. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

815. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

816. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

817. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

818. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

819. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

820. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

821. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

822. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

823. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

824. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

825. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

826. Claimant suffered substantial conscious physical and emotional pain and anguish.

827. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**NINETY-FOURTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to JAMES
BROWN**

828. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

829. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

830. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

831. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

832. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

833. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

834. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

835. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

836. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

837. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

838. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

839. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

840. Claimant suffered substantial conscious physical and emotional pain and anguish.

841. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**NINETY-FIFTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to NOEL
BRUNO**

842. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

843. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

844. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

845. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

846. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

847. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

848. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

849. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

850. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

851. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

852. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

853. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

854. Claimant suffered substantial conscious physical and emotional pain and anguish.

855. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**NINETY-SIXTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to VIDAL
CARRION**

856. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

857. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

858. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

859. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

860. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

861. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

862. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

863. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

864. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

865. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

866. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

867. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

868. Claimant suffered substantial conscious physical and emotional pain and anguish.

869. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**NINETY-SEVENTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to DEREK
CLARK**

870. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

871. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

872. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

873. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

874. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

875. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

876. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

877. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

878. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

879. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

880. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

881. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

882. Claimant suffered substantial conscious physical and emotional pain and anguish.

883. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**NINETY-EIGHTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to MICHAEL
COLE**

884. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

885. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

886. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

887. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

888. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

889. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

890. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

891. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

892. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

893. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

894. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

895. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

896. Claimant suffered substantial conscious physical and emotional pain and anguish.

897. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**NINETY-NINTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to JERMAINE
COX**

898. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

899. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

900. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

901. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

902. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

903. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

904. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

905. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

906. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

907. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

908. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

909. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

910. Claimant suffered substantial conscious physical and emotional pain and anguish.

911. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE HUNDREDTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to DWIGHT
CROMER**

912. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

913. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

914. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

915. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

916. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

917. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

918. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

919. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

920. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

921. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

922. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

923. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

924. Claimant suffered substantial conscious physical and emotional pain and anguish.

925. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE HUNDRED-AND-FIRST CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to WANDER
ESPINAL**

926. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

927. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

928. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

929. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

930. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

931. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

932. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

933. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

934. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

935. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

936. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

937. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

938. Claimant suffered substantial conscious physical and emotional pain and anguish.

939. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-SECOND CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to MAXIMO
ESRADA**

940. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

941. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

942. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

943. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

944. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

945. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

946. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

947. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

948. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

949. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

950. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

951. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

952. Claimant suffered substantial conscious physical and emotional pain and anguish.

953. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-THIRD CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to DANIEL
EVERETT**

954. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

955. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

956. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

957. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

958. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

959. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

960. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

961. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

962. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

963. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

964. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

965. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

966. Claimant suffered substantial conscious physical and emotional pain and anguish.

967. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-FOURTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to MARLON
FANN**

968. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

969. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

970. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

971. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

972. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

973. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

974. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

975. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

976. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

977. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

978. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

979. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

980. Claimant suffered substantial conscious physical and emotional pain and anguish.

981. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-FIFTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to JOSE
FLORES**

982. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

983. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

984. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

985. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

986. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

987. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

988. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

989. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

990. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

991. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

992. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

993. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

994. Claimant suffered substantial conscious physical and emotional pain and anguish.

995. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-SIXTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to DENZEL
FLOYD**

996. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

997. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

998. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

999. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

1000. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

1001. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

1002. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

1003. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

1004. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

1005. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

1006. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

1007. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

1008. Claimant suffered substantial conscious physical and emotional pain and anguish.

1009. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-SEVENTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to
DEMETRIOUS GREENE**

1010. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

1011. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

1012. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

1013. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

1014. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

1015. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

1016. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

1017. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

1018. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

1019. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

1020. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

1021. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

1022. Claimant suffered substantial conscious physical and emotional pain and anguish.

1023. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-EIGHTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to LUIS
GUZMAN**

1024. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

1025. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

1026. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

1027. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

1028. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

1029. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

1030. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

1031. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

1032. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

1033. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

1034. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

1035. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

1036. Claimant suffered substantial conscious physical and emotional pain and anguish.

1037. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-NINTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to TYRONE
HARRIS**

1038. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

1039. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

1040. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

1041. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

1042. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

1043. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

1044. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

1045. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

1046. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

1047. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

1048. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

1049. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

1050. Claimant suffered substantial conscious physical and emotional pain and anguish.

1051. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-TENTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to
CHRISTOPHER HERON**

1052. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

1053. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

1054. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

1055. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

1056. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

1057. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

1058. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

1059. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

1060. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

1061. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

1062. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

1063. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

1064. Claimant suffered substantial conscious physical and emotional pain and anguish.

1065. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-ELEVENTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to NAKHEEN
LEWIS-BUSH**

1066. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

1067. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

1068. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

1069. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

1070. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

1071. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

1072. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

1073. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

1074. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

1075. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

1076. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

1077. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

1078. Claimant suffered substantial conscious physical and emotional pain and anguish.

1079. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE HUNDRED-AND-TWELFTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to PERNELL
LIEBERT**

1080. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

1081. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

1082. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

1083. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

1084. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

1085. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

1086. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

1087. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

1088. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

1089. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

1090. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

1091. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

1092. Claimant suffered substantial conscious physical and emotional pain and anguish.

1093. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-THIRTEENTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to NAQUAN
LOCKWOOD**

1094. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

1095. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

1096. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

1097. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

1098. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

1099. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

1100. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

1101. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

1102. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

1103. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

1104. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

1105. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

1106. Claimant suffered substantial conscious physical and emotional pain and anguish.

1107. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-FOURTEENTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to ROBERT
MACIONG**

1108. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

1109. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

1110. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

1111. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

1112. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

1113. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

1114. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

1115. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

1116. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

1117. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

1118. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

1119. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

1120. Claimant suffered substantial conscious physical and emotional pain and anguish.

1121. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-FIFTEENTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to NYRELL
MANNING**

1122. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

1123. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

1124. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

1125. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

1126. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

1127. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

1128. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

1129. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

1130. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

1131. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

1132. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

1133. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

1134. Claimant suffered substantial conscious physical and emotional pain and anguish.

1135. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-SIXTEENTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to CLIFFTON
MINTON**

1136. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

1137. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

1138. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

1139. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

1140. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

1141. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

1142. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

1143. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

1144. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

1145. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

1146. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

1147. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

1148. Claimant suffered substantial conscious physical and emotional pain and anguish.

1149. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-SEVENTEENTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to TEIMEL
MORRIS**

1150. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

1151. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

1152. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

1153. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

1154. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

1155. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

1156. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

1157. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

1158. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

1159. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

1160. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

1161. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

1162. Claimant suffered substantial conscious physical and emotional pain and anguish.

1163. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-EIGHTEENTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to ARTHUR
MURILLO**

1164. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

1165. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

1166. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

1167. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

1168. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

1169. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

1170. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

1171. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

1172. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

1173. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

1174. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

1175. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

1176. Claimant suffered substantial conscious physical and emotional pain and anguish.

1177. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-NINETEENTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to SHAWN
PEACE**

1178. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

1179. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

1180. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

1181. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

1182. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

1183. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

1184. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

1185. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

1186. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

1187. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

1188. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

1189. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

1190. Claimant suffered substantial conscious physical and emotional pain and anguish.

1191. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-TWENTIETH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to ANGEL
QUINONES**

1192. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

1193. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

1194. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

1195. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

1196. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

1197. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

1198. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

1199. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

1200. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

1201. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

1202. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

1203. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

1204. Claimant suffered substantial conscious physical and emotional pain and anguish.

1205. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-TWENTY-FIRST CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to
HANDSOME RICE**

1206. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

1207. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

1208. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

1209. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

1210. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

1211. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

1212. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

1213. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

1214. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

1215. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

1216. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

1217. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

1218. Claimant suffered substantial conscious physical and emotional pain and anguish.

1219. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-TWENTY-SECOND CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to ANDRE
ROBINSON**

1220. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

1221. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

1222. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

1223. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

1224. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

1225. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

1226. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

1227. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

1228. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

1229. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

1230. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

1231. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

1232. Claimant suffered substantial conscious physical and emotional pain and anguish.

1233. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-TWENTY-THIRD CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to PEDRO
ROSARIO**

1234. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

1235. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

1236. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

1237. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

1238. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

1239. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

1240. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

1241. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

1242. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

1243. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

1244. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

1245. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

1246. Claimant suffered substantial conscious physical and emotional pain and anguish.

1247. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-TWENTY-FOURTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to ANTHONY
SMITH**

1248. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

1249. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

1250. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

1251. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

1252. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

1253. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

1254. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

1255. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

1256. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

1257. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

1258. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

1259. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

1260. Claimant suffered substantial conscious physical and emotional pain and anguish.

1261. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-TWENTY-FIFTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to JOSE
SORIANO**

1262. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

1263. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

1264. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

1265. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

1266. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

1267. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

1268. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

1269. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

1270. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

1271. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

1272. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

1273. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

1274. Claimant suffered substantial conscious physical and emotional pain and anguish.

1275. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-TWENTY-SIXTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to RAOUL
SOUTH**

1276. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

1277. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

1278. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

1279. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

1280. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

1281. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

1282. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

1283. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

1284. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

1285. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

1286. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

1287. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

1288. Claimant suffered substantial conscious physical and emotional pain and anguish.

1289. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-TWENTY-SEVENTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to KELVIN
STICHEL**

1290. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

1291. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

1292. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

1293. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

1294. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

1295. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

1296. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

1297. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

1298. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

1299. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

1300. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

1301. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

1302. Claimant suffered substantial conscious physical and emotional pain and anguish.

1303. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-TWENTY-EIGHTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to DONTE
THOMAS**

1304. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

1305. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

1306. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

1307. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

1308. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

1309. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

1310. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

1311. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

1312. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

1313. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

1314. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

1315. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

1316. Claimant suffered substantial conscious physical and emotional pain and anguish.

1317. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-TWENTY-NINTH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to FELIX
TROCHE**

1318. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

1319. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

1320. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

1321. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

1322. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

1323. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

1324. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

1325. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

1326. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

1327. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

1328. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

1329. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

1330. Claimant suffered substantial conscious physical and emotional pain and anguish.

1331. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-THIRTIETH CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to JAMEL
UPSON**

1332. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

1333. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

1334. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

1335. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

1336. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

1337. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

1338. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

1339. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

1340. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

1341. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

1342. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

1343. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

1344. Claimant suffered substantial conscious physical and emotional pain and anguish.

1345. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-THIRTY-FIRST CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to BRADFROD
WASHINGTON**

1346. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

1347. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

1348. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

1349. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

1350. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

1351. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

1352. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

1353. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

1354. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

1355. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

1356. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

1357. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

1358. Claimant suffered substantial conscious physical and emotional pain and anguish.

1359. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

**ONE-HUNDRED-AND-THIRTY-SECOND CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION as to MATTHEW
WULAH**

1360. Claimant realleges and incorporate by reference all preceding paragraphs except as to those allegations below that specifically make allegations in the alternative to prior allegations.

1361. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

1362. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

1363. On information and belief, the officers and employees of the State who brutalized Claimant during the Gang Assaults had violent propensities, having battered, assaulted, and used unconstitutional degrees of force against other incarcerated individuals in the past.

1364. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Gang Assaults.

1365. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

1366. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of the Gang Assaults, and yet nevertheless hired and allowed them to remain employees of the State.

1367. Unnamed agents of the State failed to institute reasonable training and discipline at its correctional facilities to punish, deter, and prevent the mistreatment and abuse of incarcerated individuals by guards.

1368. As a consequence of these training and disciplinary lapses, guards, CERT officers, and other State agents felt above the law with respect to their treatment of Claimant, completely unrestrained by any notion that they could be held accountable for their violent, inhumane conduct.

1369. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who battered Claimant during the Gang Assaults were acting outside the scope of their employments in their brutalization of Claimant, but engaged in such behavior as a consequence of the hiring, training, disciplinary, and retention failures of the State.

1370. The Gang Assaults were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

1371. In failing to promote appropriate training, discipline, and retention practices, unnamed employees and agents of the State were at all relevant times acting with the State's assent, for its benefit and under its control, in the scope of their employment for the State.

1372. Claimant suffered substantial conscious physical and emotional pain and anguish.

1373. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

DAMAGES

1374. Claimants reallege and incorporate by reference the preceding paragraphs.

1375. The wrongful acts and omissions of the State caused and cause Claimants' conscious pain and suffering, fear of imminent death, and emotional anguish and distress.

1376. Each Claimant is entitled to \$500,000 in compensatory damages.

1377. Claimants' injuries did not result from any negligence or fault on the part of Claimants.

WHEREFORE, Claimants request the following relief:

1378. An award of full and fair compensatory damages of at least \$22,000,000; and

1379. Any such other and further relief the Court may find to be just and proper.

Dated: Garden City, New York
January 2, 2024

Respectfully submitted;

**BARKET EPSTEIN KEARON ALDEA
& LOTURCO, LLP**



By: _____

Danielle Muscatello, Esq.
Alexander Klein, Esq.
666 Old Country Road, Suite 700
Garden City, NY 11530
(516) 745-1500
dmuscatello@barketepstein.com
aklein@barketepstein.com

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Alex Almonte, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

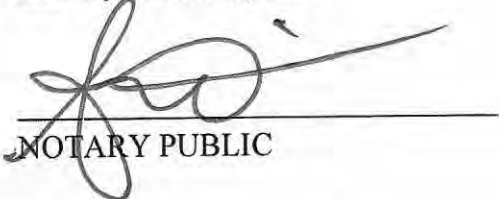
I am providing this Verification because the Claimant is not within the County in which my office is located.

Dated: Garden City, New York
January 2, 2024



Danielle Muscatello, Esq.
666 Old Country Road, Suite 700
Garden City, New York 11530
(516) 745-1500
dmuscatello@barketepstein.com

Sworn to before me this
2nd day of January 2024



NOTARY PUBLIC

Scott G. Cerbin, Esq., PLLC
254 36th Street, Suite C659
Brooklyn, NY 11232
(718) 596-1829 mail@cerbinlaw.com

SCOTT G. CERBIN
NOTARY PUBLIC-STATE OF NEW YORK
No. 02CE6099623
Qualified in Richmond County
My Commission Expires September 29, 20²⁷

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Celso Alvarez, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.


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Dated: Garden City, New York
January 2, 2024



Danielle Muscatello, Esq.
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2nd day of January 2024



NOTARY PUBLIC

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No. 02CE6099623
Qualified in Richmond County
My Commission Expires September 29, 2027

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Rohan Bennett, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

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Dated: Garden City, New York
January 2, 2024



Danielle Muscatello, Esq.
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Garden City, New York 11530
(516) 745-1500
dmuscatello@barketepstein.com

Sworn to before me this
2nd day of January 2024



NOTARY PUBLIC

SCOTT G. CERBIN
NOTARY PUBLIC-STATE OF NEW YORK
No. 02CE6099623
Qualified in Richmond County
My Commission Expires September 29, 2027

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Derwin Blanks, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

I am providing this Verification because the Claimant is not within the County in which my office is located.

Dated: Garden City, New York
January 2, 2024



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dmuscatello@barketepstein.com

Sworn to before me this
2nd day of January 2024



NOTARY PUBLIC

SCOTT G. CERBIN
NOTARY PUBLIC-STATE OF NEW YORK
No. 02CE6099623
Qualified in Richmond County
My Commission Expires September 29, 2027

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Donald Bracey, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

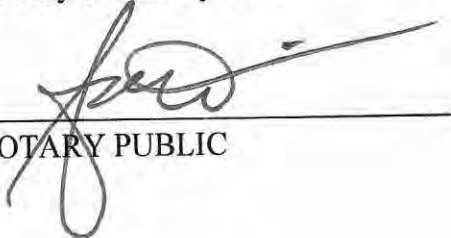
I am providing this Verification because the Claimant is not within the County in which my office is located.

Dated: Garden City, New York
January 2, 2024



Danielle Muscatello, Esq.
666 Old Country Road, Suite 700
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(516) 745-1500
dmuscatello@barketepstein.com

Sworn to before me this
2nd day of January 2024



NOTARY PUBLIC

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NOTARY PUBLIC-STATE OF NEW YORK
No. 02CE6099623
Qualified in Richmond County
My Commission Expires September 29, 20__27

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, James Brown, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

I am providing this Verification because the Claimant is not within the County in which my office is located.

Dated: Garden City, New York
January 2, 2024



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Garden City, New York 11530
(516) 745-1500
dmuscatello@barketepstein.com

Sworn to before me this
2nd day of January 2024



NOTARY PUBLIC

SCOTT G. CERBIN
NOTARY PUBLIC-STATE OF NEW YORK
No. 02CE6099623
Qualified in Richmond County
My Commission Expires September 29, 2025

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Noel Bruno, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.


I am providing this Verification because the Claimant is not within the County in which my office is located.

Dated: Garden City, New York
January 2, 2024



Danielle Muscatello, Esq.
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Garden City, New York 11530
(516) 745-1500
dmuscatello@barketepstein.com

Sworn to before me this
2nd day of January 2024



NOTARY PUBLIC

SCOTT G. CERBIN
NOTARY PUBLIC-STATE OF NEW YORK
No. 02CE6099623
Qualified in Richmond County
My Commission Expires September 29, 20____

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Vidal Carrion, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

I am providing this Verification because the Claimant is not within the County in which my office is located.

Dated: Garden City, New York
January 2, 2024



Danielle Muscatello, Esq.
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Garden City, New York 11530
(516) 745-1500
dmuscatello@barketepstein.com

Sworn to before me this
2nd day of January 2024



NOTARY PUBLIC

SCOTT G. CERBIN
NOTARY PUBLIC-STATE OF NEW YORK
No. 02CE6099623
Qualified in Richmond County
My Commission Expires September 29, 2027

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Derek Clark, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

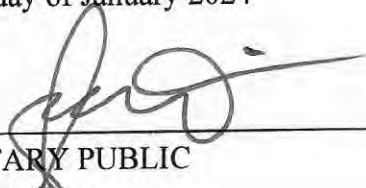
I am providing this Verification because the Claimant is not within the County in which my office is located.

Dated: Garden City, New York
January 2, 2024



Danielle Muscatello, Esq.
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Garden City, New York 11530
(516) 745-1500
dmuscatello@barketepstein.com

Sworn to before me this
2nd day of January 2024



NOTARY PUBLIC

SCOTT G. CERBIN
NOTARY PUBLIC-STATE OF NEW YORK
No. 02CE6099623
Qualified in Richmond County
My Commission Expires September 29, 2027

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Michael Cole, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

I am providing this Verification because the Claimant is not within the County in which my office is located.

Dated: Garden City, New York
January 2, 2024



Danielle Muscatello, Esq.
666 Old Country Road, Suite 700
Garden City, New York 11530
(516) 745-1500
dmuscatello@barketepstein.com

Sworn to before me this
2nd day of January 2024



NOTARY PUBLIC

SCOTT G. CERBIN
NOTARY PUBLIC-STATE OF NEW YORK
No. 02CE6099623
Qualified in Richmond County 27
My Commission Expires September 29, 20...

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Jermaine Cox, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

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January 2, 2024



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ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Dwight Cromer, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

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Dated: Garden City, New York
January 2, 2024



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ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Wander Espinal, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

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Dated: Garden City, New York
January 2, 2024



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2nd day of January 2024



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My Commission Expires September 29, 2022

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Maximo Estrada, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

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Dated: Garden City, New York
January 2, 2024



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2nd day of January 2024



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My Commission Expires September 29, 2027

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Daniel Everett, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

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Dated: Garden City, New York
January 2, 2024



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2nd day of January 2024



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My Commission Expires September 29, 2027


2027

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Marlon Fann, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

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Dated: Garden City, New York
January 2, 2024



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ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Jose Flores, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

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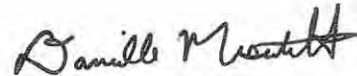
ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Denzel Floyd, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

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ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Demetrious Greene, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

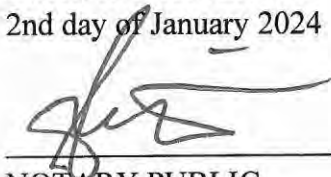
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Dated: Garden City, New York
January 2, 2024



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ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Luis Guzman, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

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ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Tyrone Harris, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

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January 2, 2024



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2nd day of January 2024



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My Commission Expires September 29, 2027

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Christopher Heron, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

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Dated: Garden City, New York
January 2, 2024



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2nd day of January 2024



NOTARY PUBLIC

SCOTT G. CERBIN
NOTARY PUBLIC-STATE OF NEW YORK
No. 02CE6099623
Qualified in Richmond County
My Commission Expires September 29, 2027

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Nakheen Lewis-Bush, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

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Dated: Garden City, New York
January 2, 2024



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Sworn to before me this
2nd day of January 2024



NOTARY PUBLIC

SCOTT G. CERBIN
NOTARY PUBLIC-STATE OF NEW YORK
No. 02CE6099623
Qualified in Richmond County
My Commission Expires September 29, 20__L)

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Pernell Liebert, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

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Dated: Garden City, New York
January 2, 2024



Danielle Muscatello, Esq.
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Sworn to before me this
2nd day of January 2024



NOTARY PUBLIC

SCOTT G. CERBIN
NOTARY PUBLIC-STATE OF NEW YORK
No. 02CE6099623
Qualified in Richmond County
My Commission Expires September 29, 20²³

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Naquan Lockwood, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

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January 2, 2024



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2nd day of January 2024



NOTARY PUBLIC

SCOTT G. CERBIN
NOTARY PUBLIC-STATE OF NEW YORK
No. 02CE6099623
Qualified in Richmond County
My Commission Expires September 29, 2024)

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Robert Maciong, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

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Dated: Garden City, New York
January 2, 2024



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2nd day of January 2024



NOTARY PUBLIC

SCOTT G. CERBIN
NOTARY PUBLIC-STATE OF NEW YORK
No. 02CE6099623
Qualified in Richmond County
My Commission Expires September 29, 20__

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Nyrell Manning, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

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Dated: Garden City, New York
January 2, 2024



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Sworn to before me this
2nd day of January 2024



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NOTARY PUBLIC-STATE OF NEW YORK
No. 02CE6099623
Qualified in Richmond County
My Commission Expires September 29, 2027

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Clifton Minton, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

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Dated: Garden City, New York
January 2, 2024



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2nd day of January 2024



NOTARY PUBLIC

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NOTARY PUBLIC-STATE OF NEW YORK
No. 02CE6099623
Qualified in Richmond County
My Commission Expires September 29, 2021

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Teimel Morris, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.


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Dated: Garden City, New York
January 2, 2024



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2nd day of January 2024



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My Commission Expires September 29, 2027

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Arthur Murillo, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

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Dated: Garden City, New York
January 2, 2024



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NOTARY PUBLIC

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No. 02CE6099623
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My Commission Expires September 29, 20__22

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Shawn Peace, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.


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ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant Angel Quinones, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

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January 2, 2024



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2nd day of January 2024



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ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Handsome Rice, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

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January 2, 2024



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NOTARY PUBLIC

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My Commission Expires September 20, 2027

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Andre Robinson, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

I am providing this Verification because the Claimant is not within the County in which my office is located.

Dated: Garden City, New York
January 2, 2024



Danielle Muscatello, Esq.
666 Old Country Road, Suite 700
Garden City, New York 11530
(516) 745-1500
dmuscatello@barketepstein.com

Sworn to before me this
2nd day of January 2024



NOTARY PUBLIC

SCOTT G. CERBIN
NOTARY PUBLIC-STATE OF NEW YORK
No. 02CE6099623
Qualified in Richmond County
My Commission Expires September 29, 2027

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Pedro Rosario, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

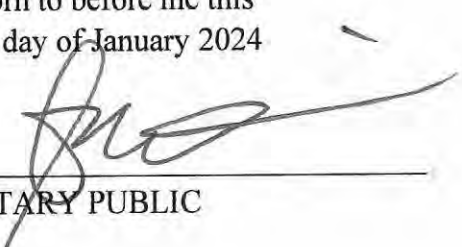
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January 2, 2024



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ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Anthony Smith, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

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January 2, 2024



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ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Jose Soriano, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

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January 2, 2024



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2nd day of January 2024



NOTARY PUBLIC

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NOTARY PUBLIC-STATE OF NEW YORK
No. 02CE6099623
Qualified in Richmond County
My Commission Expires September 29, 2027

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Raoul South, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

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Dated: Garden City, New York
January 2, 2024



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dmuscatello@barketepstein.com

Sworn to before me this
2nd day of January 2024



NOTARY PUBLIC

SCOTT G. CERBIN
NOTARY PUBLIC-STATE OF NEW YORK
No. D2CE6099623
Qualified in Richmond County
My Commission Expires September 29, 2027

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Kelvin Stichel, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.


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Dated: Garden City, New York
January 2, 2024



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No. 02CE6099623
Qualified in Richmond County
My Commission Expires September 29, 2025

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Donte Thomas, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

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Dated: Garden City, New York
January 2, 2024



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2nd day of January 2024



NOTARY PUBLIC

SCOTT G. CERBIN
NOTARY PUBLIC-STATE OF NEW YORK
No. 02CE6099823
Qualified in Richmond County
My Commission Expires September 29, 2027

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Felix Troche, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

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NOTARY PUBLIC

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NOTARY PUBLIC-STATE OF NEW YORK
No. 02CE6099623
Qualified in Richmond County
My Commission Expires September 29, 20 27

ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Jamel Upson, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

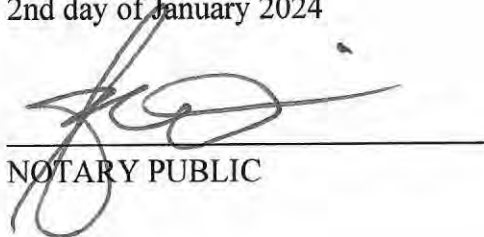
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ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Bradford Washington, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

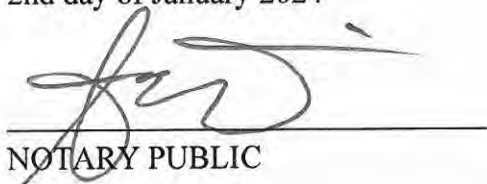
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Dated: Garden City, New York
January 2, 2024



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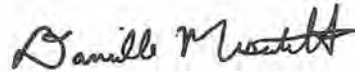
ATTORNEY VERIFICATION

DANIELLE MUSCATELLO, ESQ., duly admitted to practice law in the State of New York and an attorney at Barket Epstein Kearon Aldea & LoTurco, LLP, the firm of record for the Claimant, Matthew Wulah, being duly sworn, states the following under penalty of perjury:

I have read the foregoing Claim, know its contents, and they are true to my knowledge, except those matters that constitute legal argument or are alleged on information and belief, and as to those matters I believe them to be true. I am familiar with the facts and circumstances surrounding this action. And the bases for all matters alleged herein, unless otherwise stated, are an inspection of the record of this case, internal correspondences, independent investigation and research, and other relevant materials.

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Dated: Garden City, New York
January 2, 2024



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NOTARY PUBLIC-STATE OF NEW YORK
No. 02CE6099623
Qualified in Richmond County
My Commission Expires September 29, 20 27

EXHIBIT A

EXHIBIT A

STATEMENT OF ALEX ALMONTE
DIN: 22B0861

STATE OF NEW YORK)
 ss.:
COUNTY OF FRANKLIN)

Alex Almonte, being duly sworn, deposes and says:

1. My name is Alex Almonte, and I am currently incarcerated at Bare Hill Correctional Facility, located at 181 Brand Road, Caller Box #20, Malone, NY 12953-0020.

2. My DIN: is 22B0861. My date of birth is November 9, 1986.

3. On October 7, 2023, I was incarcerated at Green Haven Correctional Facility, located 594 Route 216, Stormville, New York 12582-0010. My cell number at Green Haven was 32, on 3 gallery, B Block.

4. On the morning of October 7, 2023, I was locked in my cell following all laws, rules, and guidelines. I was not in possession of any contraband or other prohibited items, nor had I been involved in any fighting, illegal conduct, or other disturbance.

5. Members of what I believe to be the Correctional Emergency Response Team were in the prison, they were dressed all in black and wearing tactical equipment, and I could hear them marching and chanting.

6. By the time CERT officers approached my cell at approximately 8:20 a.m., I had already stripped down to my boxers and slippers. I was also wearing a tank top.

7. One CERT officer yelled at me to put my tablet and headphones down, and then directed me to put my back against the gate. I did as I was told.

8. I then heard one of the officers yell, "Open 32-cell," and an officer immediately grabbed me by my long hair and pulled down. I was then picked up, slammed on my bed, and

punched twice in the face. There were three CERT officers in my cell, and they were bending my fingers and twisting my arms and legs.

9. Eventually, the officers put zip ties or flexicuffs on my wrists behind my back, stood me up, bent me over, lifted my arms up high, and walked me backwards down the gallery. It felt like my wrists were breaking.

10. During the walk, they slammed me down on my face, applied pressure to my back, and punched me again. It felt like I lost air.

11. Next, they picked me up, pulled up my boxers, and dragged me outside across the yard, through A block to the medical unit. I told the nurse that I was hurt, but no one did anything. I did not get any medical attention.

12. From the medical unit, the officers took me to the SHU. I was there for a few hours and then put on a van with approximately ten other incarcerated men and transported to Upstate Correctional Facility. I could not lift up my right arm, and I was feeling pain in my right knee and my left ankle.

13. I was given a ticket for assault on staff, violent conduct, and disobeying a direct order even though I never assaulted anyone, resisted, or refused any order. I was studying for GED and just trying to serve my sentence.

14. At my hearing, I requested the camera footage from the block but the hearing officer told me it did not work. I was found guilty for assaulting staff and confined to a filthy SHU cell for 30 days.

15. As a result of what happened on October 7, 2023, I suffered damage to the ACL of my right knee, damaged nerves in fingers on both hands, an injury to my right shoulder, and pain and swelling to my left ankle and toes. I also have marks on my wrists from the zip ties.

16. I did not get any medical attention until I was transferred out of Upstate Correctional Facility to Bare Hill Correctional Facility, where I am now.

17. All my property, including my legal paperwork is missing.

18. I filed a grievance about my experience with the CERT officers.

10. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 14th day of Dec., 23, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Alex, Almonte
Print


Signature

* 22B0861
DIN: _____

EXHIBIT B

EXHIBIT B

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EXHIBIT C

EXHIBIT C

STATEMENT OF Rohan Bennett,
DIN: 21A0629

STATE OF NEW YORK)
 ss.:
COUNTY OF DUTCHESS)

Rohan Bennett, being duly sworn, deposes and says:

1. My name is Rohan Bennett, and I am currently incarcerated at Green Haven Correctional Facility, located at 594 Rt. 216, Stormville, New York 12582.

2. My DIN: is 21A0629. My date of birth is 10/1/71.

3. My current cell number is 355 and is located in the 6 Gallery, B Block.

4. On October 7, 2023, at/between approximately 10 AM, I was locked in my cell following all laws, rules, and guidelines. I was not in possession of any contraband or other prohibited items, nor had I been involved in any fighting, illegal conduct, or other disturbance.

5. Approximately four members of what I believe to be the Correctional Emergency Response Team and/or other correction officers approached my cell and asked me to show my razor and identification, which I supplied. I was then told to strip down to my underwear. They came into my cell and handcuffed me behind my back while I stood in my boxers and slippers. They told me to walk with them out of my cell across the compound to the front of the compound toward a metal ~~det~~ detector - i.e. the "Tower." I informed them of metal in my ankle due

to a prior injury. The ankle then triggered the metal detector and they walked me downstairs and then outside in my underwear - particularly egregious because it violated my Muslim faith. They took me to the A Block, to the "Search Room."

In the Search Room I am violently shoved against the wall. They then performed a search and took me to a new cell - still in my underwear - and left me there with the windows open for at least six hours, unfed and cold.

The original cell was 76; the new one was 55. Approximately the next day a gas flame was released in the facility. It felt like I was choking and the end of the world.

6. The following property was either destroyed or taken by the officers that searched my cell for no reason. No.

7. I suffered the following injuries: soft tissue and emotional distress. No hot food or showers for at least few days.

8. I received / did not receive a ticket for: No.

¶ 14. I filed grievances complaining about the following: Yes, on 10/19. Pending.

15. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 6 day of Nov., 2023 under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.


Rohan Bennett
DIN: 21A0629

EXHIBIT D

EXHIBIT D

into a highly painful and unnatural position. A guard then said to me that if I said anything then I would suffer even worse when we got out of the medical clinic. They made me walk backward all the way to the medical clinic in just my sweat pants and socks. At medical, they made me hold up a sign and took my photo - I don't know what the sign said. One officer's name was Marsicano. I also have two shield numbers: 16-52 and 16-14.

6. The following property was either destroyed or taken by the officers that searched my cell for no reason. Tablet, watch

7. I suffered the following injuries: Black and blue down spine, neck was sore, shoulder (r) was sore.

8. I received / did not receive a ticket for: Tier III, refusing search, refusing direct order, creating a disturbance, violent conduct, interference

9 ~~14~~. I filed grievances complaining about the following: Yes, on Oct 10, 2023.
It's pending.

10 ~~15~~. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 7 day of Nov., 2023 under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

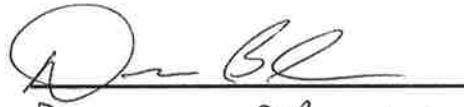

Derwin Blanks
DIN: 22B2462

EXHIBIT E

EXHIBIT E

STATEMENT OF Donald Bracey,
DIN: 18A4383

STATE OF NEW YORK)
 ss.:
COUNTY OF DUTCHESS)

Donald Bracey, being duly sworn, deposes and says:

1. My name is Donald Bracey, and I am currently incarcerated at Green Haven Correctional Facility, located at 594 Rt. 216, Stormville, New York 12582.

2. My DIN: is 18A4383. My date of birth is 1/1/87.

3. My current cell number is 205 and is located in the 2 Gallery, G Block.

4. On October 5, 2023, at ~~between~~ approximately MORNING, I was locked in my cell following all laws, rules, and guidelines. I was not in possession of any contraband or other prohibited items, nor had I been involved in any fighting, illegal conduct, or other disturbance.

5. Approximately two members of what I believe to be the Correctional Emergency Response Team and/or other correction officers approached my cell and told me to strip naked, which I did. They then told me to put on my underwear, which I did. They told me to put my hands through the door slot behind my back so they could cuff me. I complied and then followed their instruction to walk backward out of the cell. (same cell as now).

When I reached the exit they began bending my fingers into an unnatural position until they felt like they were going to break. They then paraded me

throughout the floor in the block in my underwear while making comments about my body and genitals. They then brought me to a medical practitioner of some sort and instructed me to tell her that I was not injured, implying I would face consequences if I did not comply. They then took me back to my cell, put on masks, and sprayed the area with mace.

All the while, I could hear the sounds of screaming and crying from other incarcerated men under attack, plus repeated sounds of men asking "Why."

6 11. The following property was either destroyed or taken by the officers that searched my cell for no reason. clothes, including some of which was urinated on. Sheets were urinated on. Radios, chargers, lamps, fan - destroyed and discarded.

7 12. I suffered the following injuries: fingers, which ~~swore~~ ^{swelled} up like golf balls. Tremendous emotional injuries as well.

8 13. I received / did not receive a ticket for: None.

9.14. I filed grievances complaining about the following: Yes, on or about
Oct. 11, 2023.

10.15. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 6 day of Nov., 2023 under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Donald Bracey
DONALD Bracey
DIN: 18A4383

EXHIBIT F

EXHIBIT F

STATEMENT OF James Brown
DIN: 18B1101

STATE OF NEW YORK)
 ss.:
COUNTY OF DUTCHESS)

James Brown, being duly sworn, deposes and says:

1. My name is James Brown, and I am currently incarcerated at Green Haven Correctional Facility, located at 594 Rt. 216, Stormville, New York 12582.

2. My DIN: is 18B1101. My date of birth is 9/29/91.

3. My current cell number is 21 and is located in the 3 Gallery, E Block.

4. On October 8, 2023, at/between approximately Morning I was locked in my cell following all laws, rules, and guidelines. I was not in possession of any contraband or other prohibited items, nor had I been involved in any fighting, illegal conduct, or other disturbance.

5. Approximately 3 members of what I believe to be the Correctional Emergency Response Team and/or other correction officers approached my cell and they told me to put my hands on my head, which I did. They told me to turn around and face the wall, then to turn around again and face them. They then opened the cell and told me to open my mouth with my left hand. They then rushed me, tackled me onto my bed, and told me to "stop resisting" even though I wasn't. They began bending my arms and legs into painful positions and asking me what I had in my mouth

but I didn't have anything.

Eventually they stood me up and took me to medical. I had abrasions on my arms. They also had me hold up a sign and take my photo. Then they took me to the "spit room" for 2-3 days, then took me to an extremely dirty cell that was not mine and kept me there for another (approximately) 2 days before returning me to my cell.

6. The following property was either destroyed or taken by the officers that searched my cell for no reason. None.

7. I suffered the following injuries: Abrasions to arms and remains tender.

8. I received / did not receive a ticket for: violence, interference, and others. All dismissed.

9 ~~14~~. I filed grievances complaining about the following: NC.

10 ~~18~~. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 7 day of Nov, 2023 under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.



James Brown
DIN: 18BU01

EXHIBIT G

EXHIBIT G

STATEMENT OF Noel Bruno
DIN: 10A0144

STATE OF NEW YORK)
 ss.:
COUNTY OF DUTCHESS)

Noel Bruno, being duly sworn, deposes and says:

1. My name is Noel Bruno, and I am currently incarcerated at Green Haven Correctional Facility, located at 594 Rt. 216, Stormville, New York 12582.

2. My DIN: is 10A0144. My date of birth is 9/24/78.

3. My current cell number is 237 and is located in the 2 Gallery, E Block.

4. On October 8, 2023, at/between approximately 8:20am, I was locked in my cell following all laws, rules, and guidelines. I was not in possession of any contraband or other prohibited items, nor had I been involved in any fighting, illegal conduct, or other disturbance.

5. Approximately 5 members of what I believe to be the Correctional Emergency Response Team and/or other correction officers approached my cell and told me to take my clothes off, which I did down to my underwear. They then told me to remove my religious beads, which I did. They then told me to put my hands behind my back, which I did. They then had my cell gate opened and entered. One of the five CERT men punched me in the back of my head so hard that it knocked out my hearing aid. The others then

joined in beating me. I fell onto ~~to~~
my bed face first while the assault continued.
I felt like I was going to die.

After, they took me to the clinic. While
I was injured and had bruising to my arms,
legs, neck and back, they made me hold
up a sign claiming that I had sustained
no injuries. They said if I did not hold
up the sign they would beat me again.

611. The following property was either destroyed or taken by the officers that searched my
cell for no reason. hearing aid; legal papers


712. I suffered the following injuries: soft tissue injuries to
arms, legs, neck, back, and testicles.

813. I received / did not receive a ticket for: disturbance, interference,
and violating a direct order.

9. I filed grievances complaining about the following: Yes, complaining
of the whole ordeal. (filed on 10.27.23.)

10. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 6 day of Nov., 2023 under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.


Joel Bruno Jr.

DIN: 10A0144

EXHIBIT H

EXHIBIT H

STATEMENT OF Dereck Clark
DIN: 22 B2013

STATE OF NEW YORK)
 ss.:
COUNTY OF Dutchess)

Dereck Clark, being duly sworn, deposes and says:

1. My name is Dereck Clark, and I am currently incarcerated at Green Haven Correctional Facility, located at ~~200~~ _____.

2. My DIN: is 22 B2013. My date of birth is 6-27-1990.

3. My current cell number is 31 and is located in the 3 Gallery, G Block.

4. On the morning of October 5, 2023, I was locked in my cell following all laws, rules, and guidelines. I was not in possession of any contraband or other prohibited items, nor had I been involved in any fighting, illegal conduct, or other disturbance.

5. Members of what I believe to be the Correctional Emergency Response Team ("CERT") were on my gallery. I could hear them marching, and saw other men who had been beaten being dragged out of their cells.

6. When CERT Officers approached my cell, I followed all direct orders. While my cell was locked, the officers directed me to undress and I complied. At one point, an officer yelled "He threw something on the bed." Then my cell opened and I was verbally assaulted by at least 2 officers. I was struck in my head, neck & back area. Eventually, zip ties were placed on my wrists and I was taken to medical. I was dragged to medical by

3 officers. At medical, photos were taken. I was told by security staff not to write a statement. I was returned to my cell. Later that night, I was sick and in pain. I was then taken to medical and gave a statement at that time. I felt as though the officers were going to kill me.

7. I suffered the following injuries: left eye swollen shut, upper & lower back trauma, face & ear damage, I have been denied all medical care.

8. I filed ~~one~~ a grievance about the assault, but I was told that it was filed out of time.

9. I was given ~~an~~ given a Tier III ticket: 10610, creating a disturbance, assault on staff and other. I was found not guilty of all charges.

10. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 20 day of Dec, 2023 under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Sworn to before me this
20th day of December, 2023
M. J.

Notary Public.



Derek Clark

Print

Derek Clark

Signature

DIN: 22 B 2013

EXHIBIT I

EXHIBIT I

dragged to the Clinic. While there, I was examined by a nurse. She only saw my neck was red. From medical, I was dragged back to the front of my cell. I was searched and was told, "Shut the fuck up." One officer even said, "What did you learn today? Direct Order!" They took my fan even though I had a permit. They unscrewed the light and claimed they found a laptop fan.

I still have not seen a medical provider to determine what's wrong with my foot/leg.

OSI came to see me last week.

6. The following property was either destroyed or taken by the officers that searched my cell for no reason. My fan was taken, my glove was also taken. My legal work was thrown everywhere.

7. I suffered the following injuries: back of my neck, shoulders and back discomfort & pain. My left leg is still injured and swollen - feels like a knot.

8. I received / did not receive a ticket for: 2 tickets. One for the assault and one after a cell search. I will

provide copies. I pled guilty to the Arjiv pan to avoid being found guilty of the serious charges.

9. I filed grievances complaining about the following: on the assault.
I also filed a claim. I will provide copies

10. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 16th day of Nov., 2023, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Vidal Carron

Print

Vidal Carron

Signature

DIN: 9647173

Sworn to before me this
16th day of November, 2023.

Martin Tankleff
NOTARY PUBLIC



EXHIBIT J

EXHIBIT J

STATEMENT OF Michael Cole
DIN: 17A0661

STATE OF NEW YORK)
 ss.:
COUNTY OF DUTCHESS)

Michael Cole, being duly sworn, deposes and says:

1. My name is Michael Cole, and I am currently incarcerated at Green Haven Correctional Facility, located at 594 Rt. 216, Stormville, New York 12582.

2. My DIN: is 17A0661. My date of birth is 5/31/81

3. My current cell number is 344 and is located in the 6 Gallery, E Block.

4. On October 8, 2023, at/between approximately 1030am, I was locked in my cell following all laws, rules, and guidelines. I was not in possession of any contraband or other prohibited items, nor had I been involved in any fighting, illegal conduct, or other disturbance.

5. Approximately 3 members of what I believe to be the Correctional Emergency Response Team and/or other correction officers approached my cell and asked me to take off my jewelry. I complied. Then they asked me to strip down to my boxers and slippers. I complied. They then asked me to open my mouth and lift my tongue, which I did. They then asked me to step back, interlace my fingers and put them on top of my head. I did. Then they opened the door. Once inside, they pushed me violently toward the head board of my bed. Other men then grabbed

my legs to stretch them out while I was face-first on the bed. Then they get on top of me and began slamming his forearm in the back of my head while another was punching me in my back. I started screaming, and another guard started pinching my leg and slamming his knee down on it. Then they cuffed me.

Then they walked me to the medical clinic bent, my arms all the way behind me to the point of extreme pain, while I was screaming.

When we got to medical, they told me not to complain or claim injury, or I would suffer. After, they took ~~me~~ me to the box for two days.

The only guard whose name I know who did this to me was "Carrel".

6 ~~X~~. The following property was either destroyed or taken by the officers that searched my cell for no reason. They poured baby oil on my clothes, and they took my hot pots.

7 ~~X~~. I suffered the following injuries: Both wrists; contusion on right side of my head.

8 ~~X~~. I received / did not receive a ticket for: assault, violence, interference.
All thrown out.

914. I filed grievances complaining about the following: Yes, within 21 days.

1015. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 7 day of Nov., 2028 under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.



Michael Cole

DIN: 17A0661

EXHIBIT K

EXHIBIT K

STATEMENT OF JERMAINE COX,
DIN: 05A3371

STATE OF NEW YORK)
 ss.:
COUNTY OF DUTCHESS)

Jermaine Cox, being duly sworn, deposes and says:

1. My name is Jermaine Cox, and I am currently incarcerated at Green Haven Correctional Facility, located at 594 Rt. 216, Stormville, New York 12582.

2. My DIN: is 05A3371. My date of birth is 12/29/76.

3. My current cell number is 269 and is located in the 5 Gallery, B Block.

4. On October 7, 2023, at/between approximately 8:30-9:00 am, I was locked in my cell following all laws, rules, and guidelines. I was not in possession of any contraband or other prohibited items, nor had I been involved in any fighting, illegal conduct, or other disturbance.

5. Approximately 3 members of what I believe to be the Correctional Emergency Response Team and/or other correction officers approached my cell and

directed me to step to my boxes and slippers. They then
directed me to turn around and face the wall and they put
flexicuffs on my wrists. They were already in my cell. I
was taken down the company and put through the metal
detector and a dog smelled ~~to~~ my private area.
I was then walked back to my cell, as CERT officers
searched my cell. An officer grabbed me by the back
of the head and slammed my face into the stationary
bar. I was told to stand there, ziptied, with my

face against the glass trying not to move.
Before CERT got to me, I had heard CERT yell for Maximo Estrada's cell to be he. opened. I heard the cell open, and I heard officers yell "stop resisting" I heard Maximo yell in pain and scream that he was not resisting. I saw Maximo led away by CERT officers bent over crying.

~~Maximo Estrada was taken to the hospital and I was taken to the hospital.~~

11. The following property was either destroyed or taken by the officers that searched my cell for no reason. all of my legal work

12. I suffered the following injuries: swelling, bruising, and pain on the right side of my face/head about my eye blew. I asked for medical attention repeatedly and got none.

13. I received did not receive a ticket for: _____

14. I filed grievances complaining about the following: I did not yet.

I intend to

15. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 8th day of November, 2023, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

DANIELLE M. MUSCATELLO
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02MU6295756
Qualified in Richmond County
Commission Expires 05/01/20 26

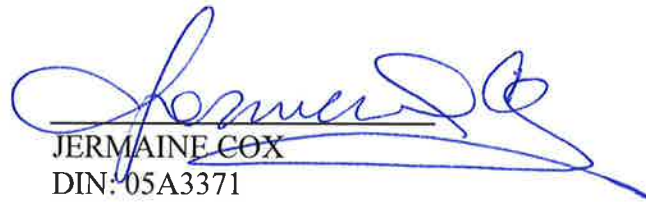

JERMAINE COX
DIN: 05A3371

EXHIBIT L

EXHIBIT L

STATEMENT OF Dwight Cromer
DIN: 17A4938

STATE OF NEW YORK)
 ss.:
COUNTY OF DUTCHESS)

Dwight Cromer, being duly sworn, deposes and says:

1. My name is Dwight Cromer, and I am currently incarcerated at Green Haven Correctional Facility, located at 594 Rt. 216, Stormville, New York 12582.

2. My DIN: is 17A4938. My date of birth is 7/30/88.

3. My current cell number is 41 and is located in the 3 Gallery, E Block.

4. On October 8, 2023, at/between approximately 8:15am, I was locked in my cell following all laws, rules, and guidelines. I was not in possession of any contraband or other prohibited items, nor had I been involved in any fighting, illegal conduct, or other disturbance.

5. Approximately 3 members of what I believe to be the Correctional Emergency Response Team and/or other correction officers approached my cell and I was sleeping until being awakened by the sound of them smashing my mirror from the cell bar onto the ground. Then they called out "41" to have my cell door opened, while telling me, "sit down on your fucking bed." Then they came in.

They screamed at me to face the back of the cell and "take your fucking robe off." Once I went to untie it, I get slammed onto the floor

face-first, hard. While I was on the floor, one guard shoved his knee into my back. This caused tremendous pain. Then another officer put his boot down hard on my neck/shoulder. Eventually they picked me up, I finished taking off my robe upon request, and they told me to take off my necklace. It seemed like they were trying to get me to react. I was overhearing violence and screaming all over the block, and I was so nervous my hands were shaking. I eventually got my necklace off and they zip-tied ~~me~~ my wrists. They walked me half-naked down the company with my hands bent all the way up behind my back in an unnatural position. I commented on the pain and the officer said, "I'm not here to give a fuck about you." I remained zip-tied for about eight hours.

611. The following property was either destroyed or taken by the officers that searched my cell for no reason. Three or four full cases of water, a photo of my daughter, and my habeas petition which had been awaiting a notary.

712. I suffered the following injuries: Swelling in both wrists, and back pain to this day. I have been denied medical. Also tremendous damage to my mental health.

813. I received / did not receive a ticket for: None.

91A. I filed grievances complaining about the following: Yes, soon afterward.

1018. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 7 day of Nov., 2023 under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.



Dwight Cromer
DIN: 17A4938

EXHIBIT M

EXHIBIT M

STATEMENT OF Wander Espinel
DIN: 10A6000

STATE OF NEW YORK)
 ss.:
COUNTY OF DUTCHESS)

Wander Espinel, being duly sworn, deposes and says:

1. My name is Wander Espinel, and I am currently incarcerated at Green Haven Correctional Facility, located at 594 Rt. 216, Stormville, New York 12582.

2. My DIN: is 10A6000. My date of birth is 5-12-83

3. My current cell number is 12 and is located in the 2 Gallery, C Block.

4. On October 8th, 2023, at/between approximately 3:40 PM, I was locked in my cell following all laws, rules, and guidelines. I was not in possession of any contraband or other prohibited items, nor had I been involved in any fighting, illegal conduct, or other disturbance.

5. Approximately 3 members of what I believe to be the Correctional Emergency Response Team and/or other correction officers approached my cell and I followed all direct orders. Instead of frisking me in my cell, they opened my cell and put the zip cuffs on me. I was escorted off the tier by 3 officers. I was scanned for metal in my body. Nothing was discovered. The officers then took me out of the block and I was scared to death because this has never happened to me and I didn't have any contraband on or in me. I heard the officers asking if they had

a strip room for me. I was dragged from C block to A block while only wearing my boxers. I will never forget the officers face who threw his body against me while I was on the wall and hand cuffed. He gave me orders which were not consisted with or according to the policy regarding strip lists. (See my grievance) After the strip list, I was brought back to my cell. I stood in front of my cell and watched them search and destroyed my cell - throw items everywhere. After the cell search, I was placed back in my cell. They took my mattress & I didn't get a replacement till the next day. This was the most aggressive search ever.

6. The following property was either destroyed or taken by the officers that searched my cell for no reason. For me nothing was destroyed or taken.

7. I suffered the following injuries: my wrists were bruised & injured from the zip cuffs.

8. I received / did not receive a ticket for: Did Not. I
have been at Green Haven for 12 years

I also heard officers tell men "If you tell the nurses what we did, we will come back and it will be worse."

without a ticket.

9. I filed grievances complaining about the following: what happened to me. Grievance # 1901-23. Grievance is attached and incorporated by reference to this statement.

10. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 16th day of Nov., 2023 under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Wander Espinal
Print

[Signature]
Signature

DIN: 10A6000

Sworn to before me this
16th day of November, 2023.

[Signature]
NOTARY PUBLIC



EXHIBIT N

EXHIBIT N

STATEMENT OF MAXIMO ESTRADA, DIN: 02B0918

STATE OF NEW YORK)
 ss.:
COUNTY OF DUTCHESS)

MAXIMO ESTRADA, being duly sworn, deposes and says:

1. My name is Maximo Estrada, and I am currently incarcerated at Green Haven Correctional Facility, located at 594 Rt. 216, Stormville, New York 12582.

2. My DIN: is 02B0918. My date of birth is October 10, 1977.

3. My current cell number is 242 and is located in the 2 Gallery, F Block. On October 8, 2023, my cell number E-5-272.

4. On October 8, 2023, at/between approximately 8:30 a.m., I was locked in my cell following all laws, rules, and guidelines. I was not in possession of any contraband or other prohibited items, nor had I been involved in any fighting, illegal conduct, or other disturbance.

5. Approximately 4 members of what I believe to be the Correctional Emergency Response Team and/or other correction officers approached my cell and Officer Vazquez-Felix came into my cell and got close to my face. 3 other CERT officers came in behind him. I asked "how are we doing this" and Vazquez-Felix punched me in my face. I immediately fell to my bed. He got on top of me and was holding my right arm with his knee on my back, telling me "Stop Resisting". I did not resist. I gave another officer on my left arm. This officer began bending my wrist as if to break it. At this point, another CERT officer

5. sprayed OC spray in my eyes. Next they put handcuffs on my my wrists (behind my back).

7. They bent me over and raised my arms high and dragged me to the clinic in my socks. In the clinic, they replaced the regular cuffs with flexicuffs. I was pat

8. searched. I was permitted then to decontaminate my face. After, the officers strip searched me and Vazquez-Felix took my chain and told Sgt. Messer that in my cell, I had something in my hand. They then took me to H-Block - 4 carrying 156 cell in my boxers and left me there from 10/8/23 @ 9:45 am until 10/10/23 @ 1:00 pm. I was given only

10. a dirty blanket. I got no medical care. From the observation room, I was taken to SHU. I had a hearing and was given 12 days for interference (107.10). I never resisted I complied.

11. The following property was either destroyed or taken by the officers that searched my cell for no reason. My gold chain was taken off my neck by Officer Vazquez-Felix and handed to CERT Sgt. Messer; my sneakers were taken as well. I was robbed.

12. I suffered the following injuries: contusion on my head/forehead, bruising on right side of my face, scrape on right elbow, pain to right shoulder. I feel violated, abused, and angry.

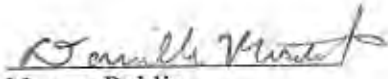
13. I filed grievances complaining about the following: the physical injuries and pain I suffered at the hands of CERT officers

I have been in care 20 years, and I never experienced anything like this.

14. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.


MAXIMO ESTRADA, DIN: 02B0918

Sworn to before me this
1st day of November 2023


Notary Public

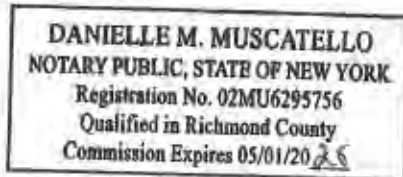


EXHIBIT O

EXHIBIT O

STATEMENT OF DANIEL EVERETT,
DIN: 12A2390

STATE OF NEW YORK)
 ss.:
COUNTY OF ORLEANS)

Daniel Everett, being duly sworn, deposes and says:

1. My name is Daniel Everett, and I am currently incarcerated at Orleans Correctional Facility, located at 3531 Gaines Basin Road, Albion, NY 14411-9199.

2. My DIN: is 12A2390. My date of birth is June 22, 1991.

3. Prior to being transferred here, I was incarcerated at Green Haven Correctional Facility, located at 594 Rt. 216, Stormville, New York 12582. My cell number at Green Haven was 327 and was located in the 3 Gallery, E Block.

4. On October 8, 2023, between approximately 8:20 a.m. and 8:30 a.m., I was locked in my cell at Green Haven Correctional Facility following all laws, rules, and guidelines. I was not in possession of any contraband or other prohibited items, nor had I been involved in any fighting, illegal conduct, or other disturbance.

5. CERT officers were in the facility, they had lined up on the gallery, and they were marching and chanting, "This is our house."

6. Approximately three CERT officers approached my cell, and I heard an officer yell, "Open 27." I was told to stand up and back up to the gate, which I did, and I was then immediately sprayed with OC spray.

7. Next, my cell opened, and an officer punched me in my cheek/head, threw me to the bed, and began trying to gouge my eyes, placing what felt like thumbs in my eyes.

8. I started screaming and an officer put me in a chokehold. At the same time, another officer was holding my arms behind me, yelling, "Stop Resisting," and there was also an officer standing on my bed who kicked me a few times.

9. Eventually, the officers put flexicuffs on my wrists, behind my back, bent me over and pushed my head down, and walked me to the medical unit with my arms up high behind me.

10. At the medical unit I was directed to strip, using two thumbs to pull my boxer shorts down. As I did, an officer put me in a chokehold again. After, once I was dressed, Officer Bull punched me in the back of my head.

11. While I was in medical, the CERT officers kept calling me "Dan." When I asked them why, they told me that "DAN" stands for "dumb ass nigger."

12. Photographs were taken of me. I had a swollen eye, a knot on the back of my head, and a laceration on my leg. I was in pain and I felt traumatized.

13. Next, the officers took me to an observation room, where I spent the night in my boxer shorts. I got a blanket the next morning.

14. I had a rash and irritation from the OC spray that the officers sprayed all over my body.

15. On the night of October 9, 2023, I was put in a van along with several other men and taken to Attica Correctional Facility. I was held there in the SHU for two weeks and then I was taken to Orleans Correctional Facility, where I currently am housed.

16. I was ticketed for violent conduct, refusing a direct order, interference, and possessing a weapon even though I did what I was told, never resisted, and was not in possession of a weapon or any other contraband. The officers falsely claimed that they found a weapon in my cell. Nevertheless, I was found guilty after my Tier III hearing, and given 270 days in the SHU. During the hearing, Officer Bull could be seen covering his body-worn camera.

15. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 21 day of NOVEMBER, 2023, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Daniel Everett

Signature

DANIEL EVERETT

Print

DIN: 12A2390

11/21/23

Mary Grose

MARY L. GROSE
Notary Public - State of New York
No. 01GR6026657
Qualified in Orleans County
My Commission Expires Sept. 04, 2025

EXHIBIT P

EXHIBIT P

STATEMENT OF Marlon Fann,
DIN: 06A2792

STATE OF NEW YORK)
 ss.:
COUNTY OF _____)

Marlon Fann, being duly sworn, deposes and says:

1. My name is Marlon Fann, and I am currently incarcerated at Coram Haven Correctional Facility, located at ~~000~~ _____.

2. My DIN: is 06A2792. My date of birth is 12/3/70.

3. My current cell number is 40 and is located in the 3 Gallery, B Block.

4. On the morning of October 7, 2023, I was locked in my cell following all laws, rules, and guidelines. I was not in possession of any contraband or other prohibited items, nor had I been involved in any fighting, illegal conduct, or other disturbance.

5. Members of what I believe to be the Correctional Emergency Response Team ("CERT") were on my gallery. I could hear them marching, and saw other men who had been beaten being dragged out of their cells.

6. When CERT Officers approached my cell, I was given ~~off~~ orders and I complied. Cert opened my cell and beat me up. I was threaten and told not to say anything. Approx. 3 officers entered my cell. All were wearing black clothing. When I was brought to medical, I was threatened not to tell anyone about what happened. This was the worst and most

Violent facility lock down I have ever been through. At one point, I felt my life was in danger.

7. I suffered the following injuries: A bump on my head. I got no medical.

8. I filed/~~did not file~~ a grievance about a grievance about gettins beat up

9. I was given/~~not given~~ a Tier III ticket I beat it. Charges were: 106.10, 104.13, 107.10, 115.10

10. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 20th day of Dec., 2023, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Sworn to before me this
20th day of December, 2023

Martin
Notary Public.

Merlon Fann

Print

Merlon Fann

Signature

DIN: 06A2792



EXHIBIT Q

EXHIBIT Q

STATEMENT OF JOSE FLORES, DIN: 20A1550

STATE OF NEW YORK)
 ss.:
COUNTY OF DUTCHESS)

JOSE FLORES, DIN: 20A1550, being duly sworn, deposes and says:

1. My name is Jose Flores, and I am currently incarcerated at Green Haven Correctional Facility, located at 594 Rt. 216, Stormville, New York 12582.

2. My DIN: is 20A1550. My date of birth is February 11, 1988.

3. My current cell number is 303 and is located in the 3 Gallery, E Block. On October 8, 2023, my cell was the same.

4. On October 8, 2023, at/between approximately 10:40 am, I was locked in my cell following all laws, rules, and guidelines. I was not in possession of any contraband or other prohibited items, nor had I been involved in any fighting, illegal conduct, or other disturbance.

5. Approximately 5 members of what I believe to be the Correctional Emergency Response Team and/or other correction officers approached my cell and direct me to stand up. I was wearing boxers and slippers because I heard the officers directing others to strip to boxers and slippers. I complied. I was directed to rub my pinkies around my mouth and I complied I showed my dentures. I was told to face wall and lock my hands behind my head. I heard "crack 3 cell." An officer then yelled, "What's that" and grabbed my wrist, and multiple officers ~~not~~ then rushed in. They yelled "stop resisting." ~~then officers~~ I believe a large white male officer struck me repeatedly in the face and head.

I kept saying I was not resisting. I was pinned on my bed. They pushed my face against the bed frame where the mattress moved. There was a knee on my back. They put flexicuffs on wrists behind my back. They then walked me down stairs in boxers, bent over, head down. They took me outside but were then called back and I was taken to the medical clinic. Pictures were taken of me. After, I was brought back to my cell to watch ~~and~~ other CERT officers search my cell. I was told to shut the fuck up. I received a food package 10/7/23 and they threw ~~it~~ it away. They destroyed or threw away sneakers, radio, hat pot, and other clothing.

10. A day or two later, I got a ticket for violent conduct, and other related offenses. I had a hearing and was found guilty and I got 75 days of lost privileges. I never resisted. I complied.

11. The following property was either destroyed or taken by the officers that searched my cell for no reason. food package, sneakers, radio, clothing, hat pot

12. I suffered the following injuries: black right eye, swelling and bruising to right forehead and face, lacerations to inside of my right lip, pain to left shoulder, knot on back of my head.

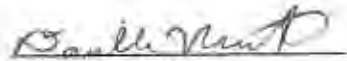
13. I filed grievances complaining about the following: my assault, the destruction of my property, and the denial of medical attention

14. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.



JOSE FLORES, DIN: 20A1550

Sworn to before me this
1st day of November 2023



Notary Public

DANIELLE M. MUSCATELLO
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02MU6295756
Qualified in Richmond County
Commission Expires 05/01/20 26

EXHIBIT R



EXHIBIT R

STATEMENT OF Denzel Floyd
DIN: 22B0731

STATE OF NEW YORK)
 ss.:
COUNTY OF DUTCHESS)

Denzel Floyd, being duly sworn, deposes and says:

1. My name is Denzel Floyd, and I am currently incarcerated at Green Haven Correctional Facility, located at 594 Rt. 216, Stormville, New York 12582.

2. My DIN: is 22B0731. My date of birth is 5-9-1997

3. My current cell number is 51 and is located in the 6 Gallery, F Block.

4. On October 9th, 2023, at/between approximately 8-9 AM, I was locked in my cell following all laws, rules, and guidelines. I was not in possession of any contraband or other prohibited items, nor had I been involved in any fighting, illegal conduct, or other disturbance.

5. Approximately 7 members of what I believe to be the Correctional Emergency Response Team and/or other correction officers approached my cell and pushed me screaming out direct orders that I followed to A T, Then they proceeded to tackle and punch me into to A corner of my cell with 7 officers standing on me or my bed. They drag me out then brought me to the Hallway As seen on video. I was kicked and punched with several closed fist punches.

After being in Jail for Almost 7 years I have never been scared of A search or regularly Proceedings until the day cert officers showed up chanting to Kill us. I never been scared in my life of the LAW enforcement before this cert.

6. The following property was either destroyed or taken by the officers that searched my cell for no reason. My fan and hot pot were destroyed.

7. I suffered the following injuries: my wrist were injured from the zip cuffs and the injuries are still visible

8. I received / did not receive a ticket for: Violent conduct, disruption, Search procedures, 106.10, etc. - I was found not

guilty on all charges

9. I filed grievances complaining about the following: the assault on me

10. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 17 day of Nov., 2023, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Denzel Floyd
Print

Denzel Floyd
Signature

DIN: 22B0731

Sworn to before me this
17 day of November, 2023.

Martin Harold Tankleff
NOTARY PUBLIC



EXHIBIT S

EXHIBIT S

STATEMENT OF DEMETRIOS GREEN,
DIN: 09A4591

STATE OF NEW YORK)
 ss.:
COUNTY OF DUTCHESS)

Demetrios Green, being duly sworn, deposes and says:

1. My name is Demetrios Green, and I am currently incarcerated at Green Haven Correctional Facility, located at 594 Rt. 216, Stormville, New York 12582.

2. My DIN: is 09A4591. My date of birth is July 6, 1976.

3. My current cell number is 229 and is located in the 2 Gallery, B Block.

4. On October 7, 2023, at/between approximately 8am-12:30pm, I was locked in my cell following all laws, rules, and guidelines. I was not in possession of any contraband or other prohibited items, nor had I been involved in any fighting, illegal conduct, or other disturbance.

5. Approximately 4 members of what I believe to be the Correctional Emergency Response Team and/or other correction officers approached my cell and directed me to strip down to my boxers and slippers. I complied. I was then told to back up to the gate and they put flexicuffs on wrists. I was then told to step out of my gate backwards. I was taken to an area down the gallery where there were no cameras. I was bent over with my arms high behind me. A CERT officer made a comment that I was in a stress position. There were 2 cert officers I believe and three greenhaven officers. I was pushed back and forth between them, and then a CERT officer kneeed me

in my groin / testicles. He tried to knee me again, but I turned and he punched me in the ribs (rabbit punches). I was then walked back down the gallery and as I passed a female OSI member said, "You would have made a great stall. You are well hung, but need to work out more." When I got back to my cell, I complained that the search was undecent, and a CERT officer slammed my face ~~against~~ against the bars on my cell gate. I was then taken across the yard in my underwear to medical but I did not get any care.

Before CERT got to my cell, I could hear them marching and chanting, "cuff em up, rough em up, beat em up, break em up." After, I heard, "Whose House? Our house."

11. The following property was either destroyed or taken by the officers that searched my cell for no reason. all electronic items, c-pap machine destroyed, all my medications were taken, mattress cut up

12. I suffered the following injuries: pain and bruising to my ribs, limited mobility and pain to shoulders ~~and~~ ^{& swelling}, pain to my testicles. My ribs were bandaged. pinched nerve to shoulder/neck

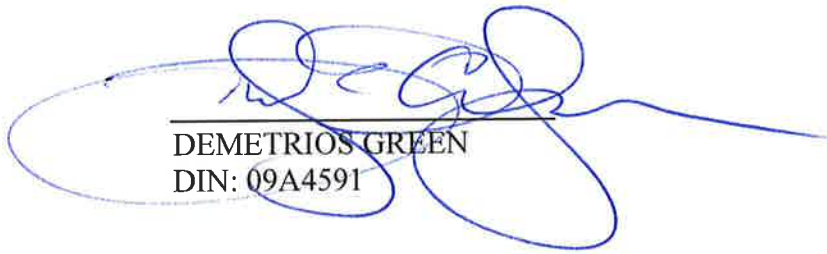
13. I received / did not receive a ticket for: assault on staff but was never called for a hearing

14. I filed grievances complaining about the following: everything that happened during the lock down and what specifically happened to me of October 7, 2023

15. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 8 day of Nov, 2023 under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

DANIELLE M. MUSCATELLO
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02N115295756
Qualified in Richmond County
Commission Expires 05/01/20 26



DEMETRIOS GREEN
DIN: 09A4591

EXHIBIT T

EXHIBIT T

STATEMENT OF LUIS GUZMAN,
DIN: 14A1104

STATE OF NEW YORK)
 ss.:
COUNTY OF DUTCHESS)

Luis Guzman, being duly sworn, deposes and says:

1. My name is Luis Guzman, and I am currently incarcerated at Green Haven Correctional Facility, located at 594 Rt. 216, Stormville, New York 12582.

2. My DIN: is 14A1104. My date of birth is 2/7/92.

3. My current cell number is 33 and is located in the 3 Gallery, B Block.

4. On October 7, 2023, at/between approximately 8:20 am I was locked in my cell following all laws, rules, and guidelines. I was not in possession of any contraband or other prohibited items, nor had I been involved in any fighting, illegal conduct, or other disturbance.

5. Approximately 3 members of what I believe to be the Correctional Emergency Response Team and/or other correction officers approached my cell and

told me to stand up and put my back to the gate. I
complied. I heard someone say open 33 cell, an officer
put a hand on my shoulder pushing me forward, and an officer
then punched me in the back of the head. I fell to my back
and the officers kept punching me about my head and
body-everywhere. I was curled up trying to cover
my face and genitals. I also felt ~~hand~~ kicks
to my back and sides. Eventually, they put
flexicuffs on me behind my back. They bent me over

- They yelled "stop resisting" but I never resisted

and made me walk backwards. I walked past members of OSI. They then walked me outside barefoot across the yard. I was escorted inside to the medical clinic. The whole time I asked for shoes and they told me to shut up, keep my head down, and stop resisting. They yelled "stop resisting" in my cell too. I never resisted. In the clinic, I was unclipped and directed to put my hands on the wall. Eventually, a nurse took my vitals and asked me if I had any injuries. A CERT officer answered for me and said "No." I was told if I would wrong, I would get more "fucked up." Finally, I was taken back to my cell to watch the search of my cell. Some CERT officers were with me the whole time. 16-23, 16-35, and 16-50 were the numbers on the CERT officers' arms.

6. The following property was either destroyed or taken by the officers that searched my cell for no reason. My college books (I am taking classes at Bowd) were thrown in the toilet

12. I suffered the following injuries: pain and bruising to my ribs, bruises (lacerations), and cuts on my feet from being stepped on and walking barefoot outside.

13. I (received) did not receive a ticket for: violent conduct, interference, creating a disturbance, and refusing a direct order. All charges were

dismissed after my T12S III hearing

9. I filed grievances complaining about the following: my assault, the
denial of medical care, and being denied hot water and
food

10. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 8th day of Nov., 2023, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

DANIELLE M. MUSCATELLO
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02MU6295756
Qualified in Richmond County
Commission Expires 05/01/20 26



LUIS GUZMAN
DIN: 14A1104

EXHIBIT U

EXHIBIT U

happened to me. The officers told the nurse that there was nothing wrong with me.

I will supplement this statement with a statement I wrote up right after I was assaulted.

After medical, I was brought back to my cell. My cell was destroyed.

6. The following property was either destroyed or taken by the officers that searched my cell for no reason. Nothing.

7. I suffered the following injuries: full body injuries, scrapes & scratches, can't sleep, PTSD, soreness, etc.

8. I received / did not receive a ticket for: Unident conduct, disobeying direct order, and other charges - all were dismissed

as I was found not guilty

9. I filed grievances complaining about the following: I have filed
one about me being assaulted.

10. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 17 day of Nov., 2023 under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Tyrene Harris
Print

Tyrene Harris
Signature

DIN: 19 A 4309

Sworn to before me this

17 day of November, 2023.

[Signature]
NOTARY PUBLIC



8 continued - during my hearing, the medical records showed that I was examined before I was assaulted.

~~DD~~ DSS La Combe (SP) did my hearing.
La Comay (SP)

#9a - I saw a list of prisoners who were targeted.

Jyone Harris

Sworn to before
me this 17th day
of November, 2023

Martin Tankleff
Notary Public



EXHIBIT V

EXHIBIT V

STATEMENT OF Christopher Houn
DIN: 13A2340

STATE OF NEW YORK)
 ss.:
COUNTY OF Dutchess)

Christopher Houn, being duly sworn, deposes and says:

1. My name is Christopher Houn and I am currently incarcerated at Green Haven Correctional Facility, located at ~~100~~ _____.

2. My DIN: is 13A2340. My date of birth is 10-6-75.

3. My current cell number is 17 and is located in the SHU Gallery, ___ Block.

4. On the morning of October 8, 2023, I was locked in my cell following all laws, rules, and guidelines. I was not in possession of any contraband or other prohibited items, nor had I been involved in any fighting, illegal conduct, or other disturbance.

5. Members of what I believe to be the Correctional Emergency Response Team ("CERT") were on my gallery. I could hear them marching, and saw other men who had been beaten being dragged out of their cells.

6. When CERT Officers approached my cell, I followed all direct orders. I complied and put my hands on the back wall of the cell. Then I heard my cell door open and officers were yelling "Stop resisting" as about 3 officers ran in my cell. The officers started to punch me in and about my back and neck area. One officer tried to break my ankle.

Another officer hit me in my lower back. At medical, the officers refused to allow medical staff to fully evaluate me. I was struggling to walk to the Clinic. I was beaten brutally and am still suffering. This was the worst facility risk I have ever been involved in. I am still traumatized.

7. I suffered the following injuries: to my back, my neck-
for which I have pain to this day. I still have pain in

8. I filed ~~was~~ file a grievance about what happened to me in my back.
and it is still pending.

9. I was given ~~was~~ given a Tier III ticket with 5 charges. I was
found not guilty of all the charges. The
ticket was dismissed.

10. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 20 day of Dec., 2023, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Sworn to before me this
20th day of December, 2023
Martin Tankleff
Notary Public



Christopher Henon
Print

C. Henon
Signature

DIN: 13A2340

EXHIBIT W

EXHIBIT W

STATEMENT OF NAKHEEN LEWIS-BUSH

STATE OF NEW YORK)
 ss.:
COUNTY OF FRANKLIN)

NAHKEEN LEWIS-BUSH, being duly sworn, deposes and says:

1. My name is Nahkeen Lewis-Bush. My DIN is 19B1871. My date of birth is June 13, 1990.

2. I am currently incarcerated at Upstate Correctional Facility, located at 309 Bare Hill Road, P.O. Box 2000, Malone, New York 12953. I arrived at this facility on October 8, 2023 at approximately 1:40 a.m.

3. Prior to arriving at Upstate Correctional Facility, I was housed at Green Haven Correctional Facility located at 594 NY-216, Stormville, New York 12582.

4. In the early morning of October 7, 2023, I was locked in 69-Cell, B Block, 3rd Deck. The facility had been locked down since October 2, 2023.

5. I was following all laws, rules, and guidelines. I was not in possession of any contraband or other prohibited items, nor had I been involved in any fighting, illegal conduct, or other disturbance.

6. I heard the sound of Correctional Emergency Response Team (CERT) officers marching on the gallery. These officers were dressed in all black and were wearing equipment, including vests, and helmets.

7. The officers made their way down the gallery, beginning at 84-Cell and then stopped in front of my cell. They directed me to produce my razor and my identification, and I complied. They then told me to strip down to my boxer shorts and slippers and turn around and put my back to the gate. I complied with this order as well.

8. Next, I heard the gate to my cell open, multiple CERT officers entered my cell, and an officer hit me in the back of the head. The officers struck me repeatedly about my head and body and kept yelling, "Stop Resisting!" even though I was not resisting. I shouted back that I was not resisting.

9. At one point, the officers wrestled me to the floor, and continued to strike me while my upper body was under the bed. At another point, my feet were in the sink in my cell, and it felt as if the officers were trying to break my ankle. And at some point, it felt like I got kicked in the face.

10. Ultimately, the officers put flexicuffs on my wrists, behind my back, bent my body forward and forced my head down, and raised my arms up high, as they walked me out outside through the A block yard in my boxers. I believe the officers purposely positioned this way and walked me outside to avoid walking past facility cameras.

11. The officers walked me to the facility medical clinic, where I heard one or more officers tell the nurse not to document anything.

12. As a result of being beaten, I am missing two bottom left front teeth, and I suffered a laceration to the top of my head, which I believe resulted from my head hitting against the side of the bed. My right elbow was bruised, I suffered pain and scraping to the sides of my torso, and pain and markings to my wrists from the flexicuffs.

13. I also suffered, and am continuing to suffer, mentally.

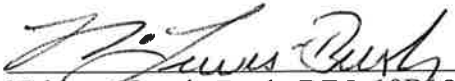
14. I did not receive any medical care. Instead, within hours, I was placed on a bus, along with other incarcerated men who had been assaulted, and driven to Upstate Correctional Facility, where I am now.

15. I was advised that the officers who beat me claimed that they found two weapons in my cell and issued me a misbehavior report. A Tier III hearing was conducted, and portions of the

body-worn camera footage was played for the hearing officer, who ultimately issued an administrative penalty of a counsel and reprimand only.

16. As of October 27, 2023, I still have only the one t-shirt the officers put on me before transferring me from Green Haven Correctional Facility to Upstate Correctional Facility, which has bloodstaining. I have no other clothing or property, and none of my legal work.

17. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.


Nakheem Lewis-Bush, DIN: 19B1871

Sworn to before me this
3 day of November 2023


Notary Public



EXHIBIT X

EXHIBIT X

8. As I began to comply, multiple CERT officers rushed me, elbowed me, and pulled my arms behind my back. Then, as my arms and legs were restrained, I felt sharp pain to my testicles.

9. Flexicuffs were placed on my wrists and the CERT officers took me to the clinic. The officers told the nurse that I had something in my mouth and that I swallowed it.

10. I was then taken to a filthy, dry, observation room with no working toilet, no food, and only a dirty blanket. After I defecated twice in a bucket, I was placed in the SHU and was transferred.

11. I never got my wedding ring back.

12. I filed a grievance about what CERT officers did to me.

13. I suffered pain to my shoulder, pain to my wrists, and swelling and pain to my testicles. I was urinating blood, and I had two x-rays on my shoulder.

14. I was given a Tier III ticket for disobeying a direct order, violent conduct, creating a disturbance, and refusing a search or frisk. At my hearing, the hearing officer viewed video of the events in question, and I was found not guilty of all charges.

15. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 6 day of Dec, 2023, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Pernell Leibert
Print

Pernell Leibert
Signature

DIN: 15A4634

EXHIBIT Y

EXHIBIT Y

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EXHIBIT Z

EXHIBIT Z

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Exhibit AA

STATEMENT OF Nyrrell Manning,
DIN: 2130828

STATE OF NEW YORK)
 ss.:
COUNTY OF DUTCHESS)

Nyrrell Manning, being duly sworn, deposes and says:

1. My name is Nyrrell Manning and I am currently incarcerated at Green Haven Correctional Facility, located at 594 Rt. 216, Stormville, New York 12582.

2. My DIN: is 2130828. My date of birth is 10/15/01

3. My current cell number is 276 and is located in the 5 Gallery, E Block.

4. On October 8, 2023, at/between approximately 9:30am, I was locked in my cell following all laws, rules, and guidelines. I was not in possession of any contraband or other prohibited items, nor had I been involved in any fighting, illegal conduct, or other disturbance.

5. Approximately three members of what I believe to be the Correctional Emergency Response Team and/or other correction officers approached my cell and I had already stripped down to my underwear and shower shoes, because I had heard similar orders to other men. They told me to take off my dog rag and I complied. They instructed me to put my hands behind my back through a slot in the door, at which time they cuffed me with zip ties. They then brought me to an empty cell, in my underwear, and left me in cold conditions for

about eleven hours. They didn't retrieve me until ~~the~~ the next morning, when I was taken to the infirmary, on risk of hypothermia.

6. The following property was either destroyed or taken by the officers that searched my cell for no reason. shoes, clothes, radio.

7. I suffered the following injuries: Wrist injury from the zip tie. Emotional distress.

8. I received / did not receive a ticket for: None.

9.14. I filed grievances complaining about the following: Yes, ~~on~~ about
one week later.

12.15. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 6 day of Nov., 2023 under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Nyrell Manning
Nyrell Manning

DIN: 2180828

Exhibit BB

STATEMENT OF CLIFTON MINTON, DIN: 06A6872

STATE OF NEW YORK)
 ss.:
COUNTY OF DUTCHESS)

CLIFTON MINTON, being duly sworn, deposes and says:

1. My name is Clifton Minton, and I am currently incarcerated at Green Haven Correctional Facility, located at 594 Rt. 216, Stormville, New York 12582.

2. My DIN: is 06A6872. My date of birth is November 17, 1985.

3. My current cell number is 37 and is located in the 3 Gallery, F Block. On October 8, 2023, I was in the same cell.

4. On October , 2023, at/between approximately 8 am, I was locked in my cell following all laws, rules, and guidelines. I was not in possession of any contraband or other prohibited items, nor had I been involved in any fighting, illegal conduct, or other disturbance.

5. Approximately 3-5 members of what I believe to be the Correctional Emergency Response Team and/or other correction officers approached my cell and opened my gate without saying a word. The officers were wearing black tactical gear. All I could see was their eyes. I was sitting on my bed. I had heard them coming. They were marching and chanting. I stood up when my cell gate opened. I saw one officer pull the gate opened while the others rushed in.

vs. Next, I was struck multiple times by multiple officers. I felt fists, feet, and baton or batons on my arms,

head, and legs. I blocked my face. I was curled up on my bed, as the officers continued beating me.

7. I was pulled off the bed onto the floor. The officers picked up my locker and slammed it against the back of my head. They heard that yell, "STOP RESISTING!" I never resisted.

8. They put my wrists behind my back and used flexicuffs. I was lifted up and they banged my head against the wall twice. I was taken out of my cell and put on the floor on the company, where

9. they checked my mouth. I was taken to medical and strip searched. I was threatened with physical harm if I did not obey directives. Next I was taken to a cell on the flats in H-Block, where

10. I was left in my boxes for 48 hours. I got no medical care. After, I was taken back to my cell. Within a day or two, I got a Tier III ticket. I had a hearing, and all charges were dismissed.

11. The following property was either destroyed or taken by the officers that searched my cell for no reason. All of my college books (Bald) were in the toilet, along with some photographs.

12. I suffered the following injuries: pain to my head, right hand, my wrists from the flexicuffs, and lacerations on the inner parts of my lips. I am experiencing headaches and am having trouble sleeping.

13. I filed grievances complaining about the following: my entire experience. I have been in 18 years and never went through anything like this.

I am suffering, and so is my family.

14. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

Clifton Minton
CLIFTON MINTON, DIN: 06A6872

Sworn to before me this
1st day of November 2023

Danielle Muscatello
Notary Public

DANIELLE M. MUSCATELLO
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02MU6295756
Qualified in Richmond County
Commission Expires 05/01/2026

Exhibit CC

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Exhibit DD

was put to me and started licking my upper legs and groin area.

After that, I was walked back to my cell and I watched CERT officers search my cell.

I asked to go ~~to~~ to the medical clinic, but my request was refused.

11. The following property was either destroyed or taken by the officers that searched my cell for no reason. family photographs. They also broke my glasses

12. I suffered the following injuries: disfigured left pinky that I cannot move. It's very painful and I am getting no care.

13. I received / did not receive a ticket for: N/A

14. I filed grievances complaining about the following: about the injury
to my pinky and my broken glasses

15. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 8th day of November, 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

DANIELLE M. MUSCATELLO
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02MU6295756
Qualified in Richmond County
Commission Expires 05/01/2026


ARTHUR MURILLO
DIN: 13A1375

Exhibit EE

STATEMENT OF Shawn Peace
DIN: 14A2487

STATE OF NEW YORK)
 ss.:
COUNTY OF DUTCHESS)

Shawn Peace, being duly sworn, deposes and says:

1. My name is Shawn Peace, and I am currently incarcerated at Green Haven Correctional Facility, located at 594 Rt. 216, Stormville, New York 12582.

2. My DIN: is 14A2487. My date of birth is 3-2-88

3. My current cell number is 10 and is located in the 2 Gallery, 6 Block.

4. On October 5, 2023, at/between approximately 7-9pm, I was locked in my cell following all laws, rules, and guidelines. I was not in possession of any contraband or other prohibited items, nor had I been involved in any fighting, illegal conduct, or other disturbance.

5. Approximately 7 members of what I believe to be the Correctional Emergency Response Team and/or other correction officers approached my cell and gave me a direct order to turn around. At that time 2p ties were placed on my wrists behind my back. I was escorted to the "tours" cube then returned to outside my cell. I observed 2 officers searching my cell. My hot pot & fan were on the floor broken. I spoke up and was told "shut the fuck up." Another officer said "put him in the shower." Chemical spray was sprayed in or around shower area & I immediately

asked for medical attention, which was denied. After about, 10 minutes, officers approached and said, "He has something in his boxers." 4-6 officers rushed in and dragged me out all the way off the gallery and ran my head into a wall. Bent arms up & twisted fingers. I saw some OIA members & Sergeants who allowed the assault. I was then dragged down the stairs and dragged out into the hallway - I wasn't allowed to walk. I was brought to E Block strip book room. In the strip book room I was kicked in my leg & hit on the side of my head. I fell. At least 3 officers, maybe more, started to kick me on my back, head & shoulder area. [Next page].

6. The following property was either destroyed or taken by the officers that searched my cell for no reason. Unrated on clothing, ripped legal work, ripped bible & other religious materials, other materials were destroyed.

7. I suffered the following injuries: Shoulder & back injuries, shooting pain down legs, wrist injuries, daily pain.

8. I received / did not receive a ticket for: No ticket.

9. I filed grievances complaining about the following: the assault
and damaged property & denial of medical
treatment.

10. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 16th day of NOV., 2023 under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Shawn Peace
Print

SLP
Signature

DIN: 14A2487

Sworn to before me this

16th day of November, 2023.

Marty J...
NOTARY PUBLIC



#5 Continued.

I was screaming why are you doing this. An officer started, screaming, "what do you have in your hands?" Then officers started prying my fingers back and continued to assault me. It felt like this was happening for 5 minutes. I was then escorted to Block 102, my boxes were taken & I was given a green jumpsuit. I was in this contraband watch cell for several hours before I went to medical. An officer I know saw ~~me~~ me and arranged for me to go to medical. Medical, after seeing me referred me to Putnam Medical Center where they did xrays, cat scan. I was told nothing was broken & sent back to the facility. I was placed in a contraband cell until Sunday.


Shawn Pease

Sworn to before me
this 16th day of
November 16th, 2023



Exhibit FF

STATEMENT OF Angel Quinones
DIN: 9441257

STATE OF NEW YORK)
 ss.:
COUNTY OF DUTCHESS)

Angel Quinones, being duly sworn, deposes and says:

1. My name is Angel Quinones, and I am currently incarcerated at Green Haven Correctional Facility, located at 594 Rt. 216, Stormville, New York 12582.

2. My DIN: is 9441257. My date of birth is 1-5-75

3. My current cell number is C-219 and is located in the 2 Gallery, C Block.

4. On October 8, 2023, at/between approximately 4:00 PM, 5:00 PM, I was locked in my cell following all laws, rules, and guidelines. I was not in possession of any contraband or other prohibited items, nor had I been involved in any fighting, illegal conduct, or other disturbance.

5. Approximately 3 members of what I believe to be the Correctional Emergency Response Team and/or other correction officers approached my cell and

I followed all direct orders. I backed up to the gate and flex cuffs were applied. I was removed from my cell and scanned to see if I had any metal in my body. There were also dogs around. I was brought back to my cell area and stood in front of the cell. I was told to shut up and don't say shit. I observed the officers taking my property and destroying my cell. At that point,

I was told to turn around, which I complied with. Within a few minutes, a member of OSI came to me and claimed that contraband was found. I told them that I didn't have any contraband or anything illegal. Then, I was dragged to the shower and left there for at least an hour. Then I was taken from the shower to the medical unit after they had the dogs sniff me again. At medical, I was stripped, and searched. Then photos were taken of me. From medical, I was returned to my cell. One officer said, "This was a light use of force." This was the worst and most violent cell search.

6. The following property was either destroyed or taken by the officers that searched my cell for no reason. 17 packs of Cigarettes, radio was taken
Headphones, and other items were taken or destroyed.

7. I suffered the following injuries: my shoulders still hurt because of the cuffs and how they lifted my shoulders and dragged me to shower area.

8. I received / did not receive a ticket for: 106.10 direct order, creating a disturbance and other charges. It was

a Tier III. I was found not guilty at the hearing.

9. I filed grievances complaining about the following: - I have not filed a grievance yet.

10. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 16 day of Nov., 2023 under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Angel Quinones
Print

Angel Quinones
Signature

DIN: 94A1257

Sworn to before me this
16th day of November, 2023.

[Signature]
NOTARY PUBLIC



#5 Continued.

The same night, I was forced to move from honor block to G block without any of my property or mattress.

After several weeks, and a finding of not guilty at the first hearing I was moved back to Honor Block

Angel Quinones
Angel Quinones

Sworn to before me
this 16th day of
November, 2023

Martin Tankleff



Exhibit GG

Eventually they stood me up, had dogs sniff me up and down, and I believe they used a metal ~~detector~~ detector as well. Then they took me to the infirmary and instructed me to remove all of my clothes and inspected my mouth and genitals. One of the officers told me that I swallowed something, which I did not, and then violently grabbed me. He then took me to the "shit room" for 72 hours. After that they took me to the Box on a ticket, which I beat, and where I observed certain video of the incident. My cell at the time was A2-42

6.11. The following property was either destroyed or taken by the officers that searched my cell for no reason. Three boots

7.12. I suffered the following injuries: Ripped cut a dread lock, elbow to my face, emotional distress.

8.13. I received / did not receive a ticket for: Interference, Frisk procedure, and direct order

9. I filed grievances complaining about the following: NC.

10. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 6 day of Nov., 2023 under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.



Handsome Rice

DIN: 2161617

Exhibit HH

STATEMENT OF ANDRE ROBINSON

STATE OF NEW YORK)
 ss.:
COUNTY OF FRANKLIN)

ANDRE ROBINSON, being duly sworn, deposes and says:

1. My name is Andre Robinson. My DIN is 22B0960. My date of birth is March 17, 2000.
2. I am currently incarcerated at Greene Correctional Facility, located at 165 Plank Road, P.O. Box 8, Coxsackie, New York 12051-0008
3. Prior to arriving at Greene Correctional Facility, I was housed at Green Haven Correctional Facility located at 594 NY-216, Stormville, New York 12582.
4. On October 8, 2023, at approximately 10:40 a.m., I was locked in 302-cell, E Block, 3rd Deck. The facility had been locked down since October 2, 2023.
5. I was following all laws, rules, and guidelines. I was not in possession of any contraband or other prohibited items, nor had I been involved in any fighting, illegal conduct, or other disturbance.
6. I heard the sound of Correctional Emergency Response Team (CERT) officers marching on the gallery. These officers were dressed in all black and were wearing SWAT-like equipment, including vests, gloves, and helmets. I heard the officers chanting, "Whose house is this? This is our house." I also heard what sounded like other men getting beat up, including my neighbor, Jose Flores.
7. The officers made their way down the gallery, and about five or six of them, I believe, stopped in front of my cell. I was sitting on my bed. They told me to stand up and then opened the gate to my cell.

8. Next, I was directed to take my shirt off and run my hands in my mouth. I complied. I was then directed to turn around and take off my shorts off. I again complied but as I was taking my shorts off, I was rushed from behind and struck on my head and back.

9. I fell to my bed, and was struck repeatedly with fists about my head and body. I heard, "Stop Resisting," and I cried out that I was not resisting.

10. At one point, an officer had his finger and/or hand in my eye, and at another point, my body was hanging off the bed, and an officer had his knee on my head, which was pressed against the floor.

11. The officers pulled my arms behind my back and put flexicuffs on my wrists. They hit me even after I was cuffed.

12. From my cell, I was taken to the medical unit. I was wearing only slippers and boxer shorts. I was bent over with my arms up high behind my back and was told, "Don't look up." I commented, "this is a lawsuit," and one of the CERT officers put his fist to my face and said, "Shut up, I didn't tell you to talk."

13. As a result of being beaten, I suffered a swollen lip, a knot on my head, and what feels like head trauma. I was not given any medical attention – not even ibuprofen. This has caused me physical pain and mental suffering.

14. From the medical clinic, I was taken to the SHU. I was issued a Tier III ticket for violent conduct, possessing a weapon, and other charges. After my hearing all charges were dropped except for a weapon charge, even though I never had a weapon. I was given 90 days in the SHU, and transferred out of Green Haven.

15. In addition to beating me for no reason, the officers destroyed a food package I had just received the night before, along with my radio and my clippers.

16. I reiterated that I never resisted or attempted to fight the CERT officers. I followed all directives, and I did not have any weapons or other contraband in my cell.

17. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

Andre Robinson
ANDRE ROBINSON, DIN: 22B0960

Sworn to before me this
8 day of November 2023

Christine M. Thompson
Notary Public

CHRISTINE M THOMPSON
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01TH6388445
Qualified in Saratoga County
My Commission Expires 3/25/27

Exhibit II

STATEMENT OF Pedro Rosario,
DIN: 94A2927

STATE OF NEW YORK)
 ss.:
COUNTY OF DUTCHESS)

Pedro Rosario, being duly sworn, deposes and says:

1. My name is Pedro Rosario, and I am currently incarcerated at Green Haven Correctional Facility, located at 594 Rt. 216, Stormville, New York 12582.

2. My DIN: is 94A2927. My date of birth is 8/29/73

3. My current cell number is 219 and is located in the 2 Gallery, F Block.

4. On October 6, 2023, at/between approximately 8:30 am, I was locked in my cell following all laws, rules, and guidelines. I was not in possession of any contraband or other prohibited items, nor had I been involved in any fighting, illegal conduct, or other disturbance.

5. Approximately 4-5 members of what I believe to be the Correctional Emergency Response Team and/or other correction officers approached my cell and began yelling, "he's trying to get rid of something", where my cell was immediately open & Cert Team Officers rushed in my cell & began to beat me as they continued to state "Stop Resisting". The CTO twisted my fingers, wrist, arm as they beat me & cuff me while yelling "Stop Resisting". I was removed from my cell barefooted, boxer-briefs, shirt, and escorted outside the gallery where I was told to face the wall while CTO continued to twist & pull my wrist against the cuffs. Officers of Special Investigation were present & did nothing. About 4-5 CTO's escorted me to the Medical Unit barefooted, wearing boxer-briefs, as they continued to torture my wrist. At the Medical Unit I was placed in a doctors office where cuffs were removed

and instructed to place my arms high on the wall. After numerous attempts informing CTO's I had surgery on my shoulders, was in pain, one of the CTO's place my palms even higher on the wall & told me they would consider me lowering my palms an act of aggression & beat me. One CTO dug his finger in my right ear, curled it, and pulled, where I scream. After close to an hour I lowered my arms & was beat. After seeing the doctor, who did a superficial examination, I was escorted back to my housing unit & locked in the shower area while my cell was searched for over 3-4 hours. Meaning, I was left in cuffs. When my cell was finished searched, I was taken to my cell, where a shirt was in my toilet & fillwith piss, and my cell looked like a tornado hit it. My watch was damaaged & my C-Crane Radio was missing, where I was issued a Contraband Receipt at the Hearing indicating my radio was altered, which it wasnt.

6. The following property was either destroyed or taken by the officers that searched my cell for no reason. My Timex-Expedition watch was completely destroyed & my C-Crane Radio was missing. At the Tier III Hearing the Hearing Officer provided a copy of a Contraband Receipt indicating my radio was confiscated cause it was altered, but that was a lie.

7. I suffered the following injuries: My right shoulder was reinjured, my wrist were swollen & till this day is numbed. My neck was bruised, so was my head. I can't hear out of my right ear.

8. I received / did not receive a ticket for: I received 2 Tier III tickets. 1st: 104.11 violent conduct, 104/13 creating a disturbance, 106.10 direct order, 107.10 interference, 115.10 search frisk process. 2nd: direct order 106.10, interference 107.10, violent conduct 104.11, creating disturbance 104.17, search & frisk 115.10

9. I filed grievances complaining about the following: I filed a Grievance on 10/8/23 detailing the entire incident & sent a copy to OSI & Commissioner.

10. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 6 day of DEC, 2023, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Pedro Rosario
Print
[Signature]
Signature
DIN: [Signature]

Sworn to before me this
DECEMBER
6 day of ~~November~~, 2023.

[Signature]
NOTARY PUBLIC

PATRICK LEON MCNEIL
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01MC6324976
Qualified in Bronx County
My Commission Expires: 08.24.2027

Exhibit JJ

STATEMENT OF

Anthony Smith
DIN: 17A1093

State of New York)
County of Franklin)
ss.:

I Anthony Smith, Being duly Sworn, deposes & SAYS:

- 1) My NAME is Anthony Smith And I Am Currently incarcerated at upstate Correctional Facility, Located at Bare Hill Road, P.O Box 2000, Malone, NY 12953.
- 2) My DIN: is 17A1093. My date of Birth, is October 9th 1995, But Currently in The Department of Corrections System As October 7, 1995.
- 3) On October 7th 2023, I WAS incarcerated at Green Haven Correctional Facility Located 594 Route 216, Stormville New York, 12582-0010. My Cell Number at Green Haven Was 21, On 3 Company/Tier. B-Block
- 4) IN The Early Morning ON October 7th 2023, I WAS Locked in my Cell due to a Facility Lockdown, I WAS Following All Laws, Rules, & Guidelines. I WAS NOT in possession of Any Contraband or other Prohibited items, Nor had I Been involved IN Any Fighting, illegal Conduct, or Other disturbance.
- 5) Members of what I believe To be the Correctional Emergency Responce Team were in The Prison, They were dressed All in Black & Wearing TACTICAL equipment, And I could hear & See Them Marching And Chanting "This is Our House, Fuck Around Today You Will Find Out."
The Officers RAN in other inmates cells withOut WARNING Before My Cell & I Heard INMates Screaming

For Help. Officers kept walking past my cell smiling at me & looking at my cell number.

6). By the time CERT officers reached my cell, I had already stripped down to my boxers & slippers to avoid any conflict.

7). The CERT officers directed me to face the wall of my cell and back up to the gate. I complied. Next they put flexi-cuffs on my wrists behind my back, opened the gate to my cell & violently took me out my cell. Violently pushing my face to the floor & telling me to look at the floor.

8). After walking me through a standing metal detector and running a wand over my body, I was taken to a frisk or search room on the E-block. Without probable cause, there, I was uncuffed and directed to put my hands against the wall. I complied.

9). Next I was told to take my underwear off. I complied, but as my boxers were halfway down, I was punched in the back of my head & body. I fell to the floor & was kicked, punched about my head & body stomped on. I also felt something forcibly penetrate my anus.

10). I started screaming, but the officers told me to shut up & one of them gouged my eyes.

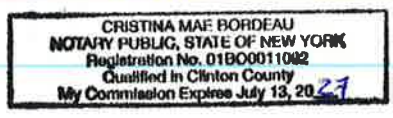
11). Eventually, the officers stood me up, pulled my underwear up, and handcuffed me. They then brought me to the medical unit, but told me if I told anyone what happened they would kill me. I did not get any medical care.

12). I was then violently dragged through the facility bare footed, my slippers got lost somewhere. Then taken to H-block & put in a filthy, dry-cell, wearing only my boxers. There were feces & urine in the toilet & on the wall & floor. The windows were open. My nose was bleeding on & off. And I was freezing for 4 days.

- 13) I WAS GIVING A TIER 3 TICKET FOR VIOLATING A SEARCH/FRISK, VIOLENT CONDUCT, CREATING A DISTURBANCE, CONTRABAND, & VIOLATING A DIRECT ORDER. I HAVE ~~BEEN~~ BEEN TRANSFERRED TO THE SPECIAL HOUSING UNIT IN GREEN HAVEN FACILITY ON THE 10th OR 11th OF OCTOBER WERE I HAD A CHANCE TO USE THE PHONE TO REPORT THE SEXUAL ASSAULT TO A PREA ABUSE HOTLINE & THEN REPORTED IT TO HIGH RANKING OFFICER SARGENT JONES. E. WHO NEGLECTED ME FROM A RAPE KIT & OTHER MEDICAL PROCEDURES ON OCTOBER 11th WEDNESDAY NIGHT.
- 14) I REMAINED IN GREEN HAVEN CORRECTIONAL FACILITY UNTIL OCTOBER 26th 2023 WITH NO PROPER MEDICAL CARE THEN I WAS TRANSFERRED TO UPSTATE CORRECTIONAL FACILITY, AND MY HEARING WAS STILL ON GOING FROM OCTOBER 7th 2023 - NOVEMBER 20th 2023, WHERE I WAS FOUND NOT GUILTY OF ALL CHARGES.
- 15) I DID NOT WATCH THE SEARCH OF MY CELL, AND I HAVE NOT RETURNED TO MY CELL SINCE BEING FORCIBLY EXTRACTED IN GREEN HAVEN.
- 16) I SUFFERED PAIN TO MY RIBS, BRUISES TO MY LEGS, FACE & ARMS, SUFFERED DEPRESSION, AND ANXIETY. I NEVER BEEN THROUGH ANYTHING LIKE THIS BEFORE AND IN ADDITION TO THE PHYSICAL PAIN, MY MENTAL HEALTH IS ALSO SUFFERING.
- 17) I FILED MULTIPLE GRIEVANCES AT GREEN HAVEN & HEARD NOTHING. FILED GRIEVANCES ABOUT MY PAINFUL AND TRAUMATIZING EXPERIENCE AT GREEN HAVEN CORRECTIONAL FACILITY SINCE I'VE BEEN IN UPSTATE CORRECTIONAL FACILITY ON MY EXPERIENCE WITH CERT OFFICERS ON OCTOBER 31, 2023.
- 18) THIS STATEMENT IS TRUTHFUL AND ACCURATE. I MAKE THIS STATEMENT VOLUNTARILY. I HAVE NOT BEEN PROMISED ANYTHING IN EXCHANGE FOR THIS STATEMENT.

I Affirm this 29 day of November, 2023, Under the Penalties of perjury Under The Laws of New York, Which may include a fine or imprisonment, That The foregoing is True, And I understand that This document may Be Filed in AN Act or proceeding in A Court of Law.

As seen before me on 29th day of November 2023
Cristina Mae Bordeau



Anthony Smith
Print

Cristina Mae Bordeau
Signature

1741093
DIN#

Exhibit KK

STATEMENT OF Jose Soriano
DIN: 16A4311

STATE OF NEW YORK)
 ss.:
COUNTY OF DUTCHESS)

Jose Soriano, being duly sworn, deposes and says:

1. My name is Jose Soriano, and I am currently incarcerated at Green Haven Correctional Facility, located at 594 Rt. 216, Stormville, New York 12582.

2. My DIN: is 16A4311. My date of birth is 4/10/92.

3. My current cell number is 39 and is located in the 3 Gallery, B Block.

4. On October 7, 2023, at/between approximately 8:25am, I was locked in my cell following all laws, rules, and guidelines. I was not in possession of any contraband or other prohibited items, nor had I been involved in any fighting, illegal conduct, or other disturbance.

5. Approximately 3 members of what I believe to be the Correctional Emergency Response Team and/or other correction officers approached my cell and told me to stand up and put my back to the gate with my hands interlocked behind my head. I complied, and then they opened the cell door. They told me to use my thumbs to lift my tank top off and to then use them to take my shorts off, which I did. At this point they pushed me onto my bed. One officer leaned his knee into my back while another grabbed my arm and bent it in a painful and unnatural position, injuring

my wrist.

They cuffed me with zip ties, get me up, and took me out of my cell in my underwear. They then walked me to the yard in my underwear and to the medical clinic. When we get to the clinic they asked ~~me~~ me if I had any injuries. It was my understanding that I had to say no or I would face consequences. So I complied and they took me back to my cell.

One of the officer's names was M. Derman. I also have badge numbers. 16-11; 16-49; and 16-54

6. The following property was either destroyed or taken by the officers that searched my cell for no reason. No.

7. I suffered the following injuries: Wrist injury and general pain from the assault. Also exacerbated my hernia.

8. I received / did not receive a ticket for: Tier II, refusing a direct order, refuse search, interference, and disturbance - my first tickets in 12 years.

9. I filed grievances complaining about the following: yes, on Oct. 27, 2023.
Pending.

10. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 7 day of Nov., 2023 under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.



Jose Soriano
DIN: 16A4311

Exhibit LL

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Exhibit MM

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Exhibit NN

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Exhibit OO

6. The following property was either destroyed or taken by the officers that searched my cell for no reason. Hot pot, watch, Hair clippers.

7. I suffered the following injuries: Hyper extension to elbows, face bruising and wrist bruising, and along with verbal and mental abuse.

8. I received / did not receive a ticket for: I did not receive a receipt for anything.

9. I filed grievances complaining about the following: Items destroyed.
I had already complained prior about treatment.

10. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 16 day of Nov., 2023, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Felix Troche
Print

Felix Troche
Signature

DIN: 15A132

Sworn to before me this
16th day of November, 2023.

Martine Troche
NOTARY PUBLIC



Exhibit PP

STATEMENT OF Jamel Upson
DIN: 1141055

STATE OF NEW YORK)
 ss.:
COUNTY OF DUTCHESS)

Jamel Upson, being duly sworn, deposes and says:

1. My name is Jamel Upson, and I am currently incarcerated at Green Haven Correctional Facility, located at 594 Rt. 216, Stormville, New York 12582.

2. My DIN: is 1141055. My date of birth is 2-13-1984

3. My current cell number is 204 and is located in the S Gallery, E Block.

4. On October 9th, 2023, at/between approximately 9^{am}, I was locked in my cell following all laws, rules, and guidelines. I was not in possession of any contraband or other prohibited items, nor had I been involved in any fighting, illegal conduct, or other disturbance.

5. Approximately 4-6 members of what I believe to be the Correctional Emergency Response Team and/or other correction officers approached my cell and

I followed all direct orders. They came in
told me to not "fuck any more"
and that I was going to follow
all orders. After that he asked
if I understood and stopped
me right after. The fact that
I didn't respond pissed him
that I would comply and that's
when I was told to turn

around, with my hands behind
my back to be zip tied.
*Once I was pulled out of the cell I
was escorted down the gallery to the
"kitchen", once I cleared it I was
taken back to my cell *so that it
could be searched. While that was
happening one of them was ^{attempting} to
put me up to be placed in con-
finement room by accusing me of having
something in my mouth trying to swallow
it. He asked me why I was shaking
L.A. was ~~frustrated~~ and then adamantly said
to get me to admit that I had.

6. The following property was either destroyed or taken by the officers that searched my cell for no reason. Taken - hot pot, radio, hair clips & headphones. The officers also destroyed my cell, especially my trial transcripts.

7. I suffered the following injuries: I was sore for several days. My wrists were bruised for several days.

8. I received / did not receive a ticket for: - No ticket.

9. I filed grievances complaining about the following: my property that was destroyed or taken. I didn't want to complain about the assault because of retaliation.

10. This statement is truthful and accurate. I make this statement voluntarily. I have not been promised anything in exchange for this statement.

I affirm this 17 day of Nov., 2023 under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Jamel Upson
Print

Jamel Upson
Signature

DIN: 11 A1855

Sworn to before me this
17 day of November, 2023.

Martin Harold Tankleef
NOTARY PUBLIC



#5 continued.

Something in my mouth. He did this
while he was checked my cell and
showed my property out. The whole time
I was scared for my safety. The whole
time from the start of the search they were
aggressive, awkward and intimidating. I
received no medical attention and was
held, well, threatened to not say anything.
I was asked, "Are you?" and then
they left.

Jamal

Sworn to before me
this 17th day of
November, 2023

Martin Harold Tankleff
Notary Public



Exhibit QQ

6. The following property was either destroyed or taken by the officers that searched my cell for no reason. I DO NOT KNOW AS I WAS TAKEN AWAY/Drag away.

7. I suffered the following injuries: Bruises / cuts of my face; scratches; chest pain; burning on the bottom of feet.

8. I received / did not receive a ticket for: I received ^a ~~the~~ ticket once. I got upstate correctional.

9. I filed grievances complaining about the following: NO MEDICAL

treatment; no property/missing.

RIGHTS VIOLATED; ^{NO} CIVIL RIGHTS OFFICERS (CO'S)
abusing their power. Hearing rights violated
etc.

10. This statement is truthful and accurate. I make this statement voluntarily. I have not

been promised anything in exchange for this statement.

I affirm this 10 day of DEC, 23, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

BRADFORD WASHINGTON
Print

[Signature]
Signature

DIN: 0840286

Sworn to before me this

4th day of November, 2023.
December

Laura Stone
NOTARY PUBLIC

LAURA STONE
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01ST0013586
Qualified in Franklin County
My Commission Expires Jan 31, 2026

Exhibit RR

STATEMENT OF MATTHEW WULAH, DIN: 19A1513

STATE OF NEW YORK)
 ss.:
COUNTY OF DUTCHESS)

MATTHEW WULAH, DIN: 19A1513, being duly sworn, deposes and says:

1. My name is Matthew Wulah, and I am currently incarcerated at Green Haven Correctional Facility, located at 594 Rt. 216, Stormville, New York 12582.

2. My DIN: is 19A1513. My date of birth is March 31, 1993.

3. My current cell number is 42 and is located in the 3 Gallery, E Block. On October 8, 2023, my cell was the same.

4. On October 8, 2023, at/between approximately 8:20 am, I was locked in my cell following all laws, rules, and guidelines. I was not in possession of any contraband or other prohibited items, nor had I been involved in any fighting, illegal conduct, or other disturbance.

5. Approximately 3 members of what I believe to be the Correctional Emergency Response Team and/or other correction officers approached my cell and direct me to sit on my bed. They then told me to get up and put my hands behind my head. They then opened my cell gate and started directing me to strip. As I was taking my pants down, an officer yelled, "Stop reaching forward!" and then I was punched in the back of my head. I was knocked to my bed. I curled up in the fetal position to protect my head and face. I was struck with fists repeatedly about my body (waist up).

Next, the officers dragged me off the ~~the~~ bed. They continued beating me while I was on the floor.

7. I felt a knee on my jaw as my face was pressed against the floor. An officer twisted my ear and one also pressed/poked his finger in my right eye.

8. I was placed in flexicuffs behind my back. I was prodded several more times after I was cuffed. I never resisted or fought back.

9. I was then taken out of my cell. An officer threw items from my cell at me, such as empty plastic bottles. I was then taken to medical in my boxers. Photos were taken of

10. me. I've been through other searches so I knew to say that I was not injured. I then went back to my cell and the same officers finished searching my cell.

11. The following property was either destroyed or taken by the officers that searched my cell for no reason. hot pot, radio, head phones, clothing

12. I suffered the following injuries: chip front left tooth, swollen, bloodshot eye, throbbing and pain to my head. I feel dehumanized, reasculated, and powerless. ❖

13. I filed grievances complaining about the following: my beating and the destruction of my property. There were female, plainclothes

officers watching. I am suffering mentally as much as physically.

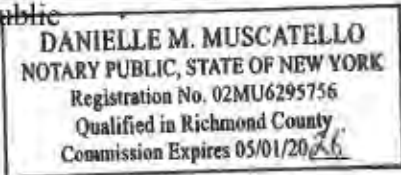
14. This statement is truthful and accurate. I make this statement voluntarily, I have not been promised anything in exchange for this statement.

Matthew Wulah

MATTHEW WULAH, DIN: 19A1513

Sworn to before me this
1st day of November 2023

Danielle M. Muscatello
Notary Public



* I was given a ticket for violent conduct and was found not guilty on all charges after my Tier III disciplinary hearing.

Danielle M. Muscatello

