

NEW YORK STATE COURT OF CLAIMS

EUGENE TAYLOR,

Claimant,

-against-

THE STATE OF NEW YORK,

Respondent.

VERIFIED CLAIM

Claim No.: E23-5142

Claimant, Eugene Taylor, appearing through his attorneys at Barket Epstein Kearon Aldea & LoTurco, LLP, hereby alleges against Respondent, the State of New York, as follows:

1. This case arises out of the brutal assault and torture of Eugene Taylor by agents and employees of the State of New York, which began on October 7, 2023 during the State-ordered lockdown and full facility search of Green Haven Correctional Facility, and concluded after Claimant was transported to Great Meadow Correctional Facility where he was waterboarded. The State is responsible for the horror inflicted upon Mr. Taylor by members of the Correctional Emergency Response Team (“CERT”) and other State agents, and he brings the present action seeking compensation for his extraordinary damages.

2. Mr. Taylor was at all relevant times a sentenced prisoner committed to the custody and care of the New York State Department of Correction and Community Supervision.

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

4. Great Meadow Correctional Facility is also maximum-security prison in the State of New York, Washington County.

5. Mr. Taylor’s Departmental Identification Number (“DIN”) is 11A3143, and he is presently housed at Wende Correctional Facility, having been moved four times since his vicious

assault – first from Green Haven to Great Meadow, then back to Green Haven, next to Orleans Correctional Facility, and then to Wende.

6. Mr. Taylor, as set for the below, was the victim of an atrocious, unprovoked attack – perpetrated to injure, terrorize, and dehumanize him – and he suffered substantial damages, including physical and mental pain and anguish.

7. On October 7, 2023, Mr. Taylor was locked in his cell at Green Haven Correctional Facility, following all laws, rules, and guidelines. Mr. Taylor was not in possession of any contraband, nor had he been involved in any disturbance of any kind. The facility was locked down, prisoners were confined to their cells, and there had been no hot water for days.

8. On information and belief, the lockdown at Green Haven, and the activation and deployment of CERT officers to the facility, was ordered by the State 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.

9. CERT officers were on Claimant’s gallery, and Mr. Taylor could hear the CERT officers marching in cadence, chanting, “Whose house? Our house.”

10. At approximately 7:00 a.m., CERT officers approached Mr. Taylor’s cell and directed him to stand up, face the back of his cell, and place his hands on the wall. Wearing only his boxers, he did exactly what he was told. The officers then opened his gate, rushed inside his cell, and yelled, “Stop Resisting.”

11. At this point – in an incident these pleadings will refer to as the “Green Haven Battery” – the officers pushed Mr. Taylor to the back of his cell, cornered him, and punched him repeatedly all over his body.

12. Eventually, the officers placed Flexicuffs on Mr. Taylor's wrists and locked him in a cold shower room, where they punched him several more times about his body.

13. Next, from the shower room, the officers escorted Mr. Taylor to the draft room. Mr. Taylor – beaten and in pain – was made to walk backwards, while cuffed, bent over, with his arms raised high above him. Mr. Taylor remained in the draft room from approximately 11:00 a.m. until 4:00 p.m.

14. Two officers then came to the draft room, gave Mr. Taylor green clothing, shackled him, and put him in a van, at which time Mr. Taylor was transferred to Great Meadow Correctional Facility.

15. When Mr. Taylor arrived at Great Meadow Correctional Facility, he suffered what these pleadings will refer to as the “Great Meadow Torture,” which began with a group of officers greeting Mr. Taylor outside the facility and taking him to what appeared to be an observation room in the facility's medical clinic. There, an officer held a razor/scalpel to Mr. Taylor's ear and threatened to cut it off. The officer also stated that he could pop Mr. Taylor's eyes out and that no one would know.

16. This officer, a white male, had a distinctive appearance, as he had a white left eyebrow and a mohawk hairstyle.

17. As the Great Meadow Torture escalated, this officer, accompanied by multiple other guards in his immediate vicinity affixed a dirty rag or cloth around Mr. Taylor's face and then repeatedly dunked his head in water, with no intervention from any nearby officer. Mr. Taylor heard an officer state, “You though Attica was bad?;” he heard officers call him, “DAN,” which he was advised, stands for “Dumb Ass Nigger;” and the officers referred to him as a “monkey.”

18. During the Great Meadow Torture, Mr. Taylor observed approximately five or six other incarcerated men who had also been transported from Green Haven Correctional Facility to Great Meadow Correctional Facility. Some of these incarcerated men were crying.

19. Another incarcerated individual whose name is known to counsel, whose initials are C.W., and who was also brutally beaten by CERT officers on October 7, 2023 at Green Haven Correctional Facility, and then transported to Great Meadow, was also waterboarded and tortured by an officer at Great Meadow with the same distinctive appearance as the officer who tortured and waterboarded Mr. Taylor—a white male, with a white eyebrow, a mohawk hairstyle, and a trimmed, full beard.

20. Mr. Taylor was subsequently issued a Tier Three ticket falsely accusing him of demonstration and gang activity. On information and belief, a disciplinary hearing commenced but never concluded.

21. Mr. Taylor suffered substantial pain and bruising about his body, stomach, and ribs, from being punched and beaten, his wrists were swollen and lacerated from the Flexicuffs, and his right index finger was broken, and has been left completely untreated.

22. Mr. Taylor has likewise suffered substantial mental and emotional pain and anguish.

FIRST CAUSE OF ACTION
BATTERY 1: The Green Haven Battery

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

24. In executing the Green Haven Battery on Claimant, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

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

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

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

28. Claimant's battery involved bodily touchings of Claimant that were offensive, harmful, and painful, and caused substantial physical and mental damages as set forth above.

29. 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 2: The Great Meadow Torture**

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

31. In executing the Great Meadow Torture on Claimant, unnamed agents of New York State intentionally engaged in physical contact with Claimant.

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

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

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

35. Claimant's battery involved bodily touchings of Claimant that were offensive, harmful, and painful, and caused substantial physical and mental damages as set forth above.

36. 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
NEGLIGENT FAILURE TO INTERVENE: The Green Haven Battery**

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

38. 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.

39. 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 at Green Haven.

40. On information and belief, unidentified employees of the State, including OSI representatives, were in a position to intervene to prevent or mitigate the Green Haven Battery.

41. On information and belief, such unidentified employees of the State took no reasonable steps to intervene to prevent or mitigate the Green Haven Battery.

42. On information and belief, if there had been such intervention, the Green Haven Battery would have been stopped or significantly mitigated.

43. 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.

44. 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.

45. The Claimant suffered substantial conscious physical and emotional pain and anguish.

46. 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
NEGLIGENT FAILURE TO INTERVENE: The Great Meadow Torture

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

48. 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.

49. On information and belief, unnamed employees of the State knew of the violent propensities of the State employees and agents who committed the Great Meadow Torture.

50. On information and belief, unnamed employees of the State were in a position to intervene to prevent or mitigate the Great Meadow Torture.

51. On information and belief, such unnamed employees of the State took no reasonable steps to intervene to prevent or mitigate the Great Meadow Torture.

52. On information and belief, if there had been such intervention, the Great Meadow Torture would have been stopped or significantly mitigated.

53. 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.

54. 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.

55. The Claimant suffered substantial conscious physical and emotional pain and anguish.

56. 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
NEGLIGENT HIRING, TRAINING, DISCIPLINE AND RETENTION**

57. 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.

58. State employees owe a duty of reasonable care in attempting to maintain the safety of incarcerated individuals in their custody.

59. Having assumed physical custody of incarcerated individuals, State employees owe a duty to safeguard them against reasonably foreseeable violence from other State employees.

60. On information and belief, the officers and employees of the State who brutalized Claimant during the Green Haven Battery and the Great Meadow Torture had violent propensities, having assaulted and used unconstitutional degrees of force against other incarcerated individuals in the past.

61. Unnamed employees of the State were in charge of hiring, training, and/or retaining the agents and employees who executed the Green Haven Battery and Great Meadow Torture.

62. The State lacked appropriate screening mechanisms in reviewing and interviewing job applicants, which, if instituted, would filter out applicants with violent propensities.

63. Alternatively, unnamed agents of the State knew of the violent propensities of the perpetrators of Claimant's assault, and yet nevertheless hired and allowed them to remain employees of the State.

64. 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.

65. 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.

66. In the alternative to the allegations in the prior causes of action herein, the unnamed agents who terrorized Claimant during the Green Haven Battery or the Great Meadow Torture 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.

67. The battery and torture were a reasonably foreseeable consequence of the hiring, training, disciplinary, and retention lapses of the State.

68. 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.

69. The Claimant suffered substantial conscious physical and emotional pain and anguish.

70. Claimant is entitled to compensatory damages for past and future pain and suffering, as well as for emotional distress.

DAMAGES

71. Claimant realleges and incorporates by reference the preceding paragraphs.

72. The wrongful acts and omissions of the State caused and cause Claimant's conscious pain and suffering, fear of imminent death, and emotional anguish and distress.

73. Claimant is entitled to \$20 million in compensatory damages.

74. Claimant's injuries did not result from any negligence or fault on Claimant's part.


WHEREFORE, Claimant requests the following relief:

- 75. An award of full and fair compensatory damages of at least \$20 million; and
- 76. Any such other and further relief the Court may find to be just and proper.

Dated: Garden City, New York
December 29, 2023

Respectfully submitted;

**BARKET EPSTEIN KEARON ALDEA
& LOTURCO, LLP**

By:  _____

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ATTORNEY VERIFICATION

ALEXANDER KLEIN, 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 Eugene Taylor 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.

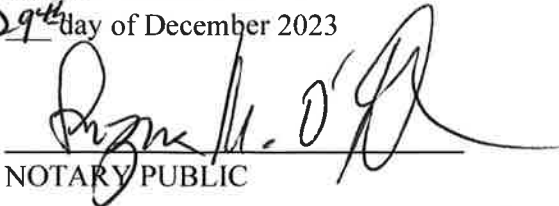
I am providing this Verification because the Claimant is not within the County in which my office is located.

Dated: Garden City, New York
December 29, 2023



Alexander Klein, Esq.
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Sworn to before me this
29th day of December 2023


NOTARY PUBLIC

SUZANNE M. O'DONOGHUE
NOTARY PUBLIC, State of New York
No. 01OD6289480
Qualified in Suffolk County
Commission Expires Sept. 30, 2025