

10-cv-3349

JS 44 (Rev. 11/04)



CIVIL COVER SHEET

APPENDIX H

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

I. (a) PLAINTIFFS Gloria Mae Grange as Administratrix Ad Prosequendum for the estate of Conly K. Grange, III

DEFENDANTS County of Montgomery, Julio M. Algarin, Nikki Holler, Correctional Medical Care, Inc. and John Doe, Jane Roe

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

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

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

(c) Attorney's (Firm Name, Address, and Telephone Number) 215 925 4400
Kairys Rudovsky Messing & Feinberg
718 Arch St., Ste. 501S, Phila. PA 19106

Attorneys (If Known)

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

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

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

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

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans' Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchanges <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

- V. ORIGIN** (Place an "X" in One Box Only)
- 1 Original Proceeding
 - 2 Removed from State Court
 - 3 Remanded from Appellate Court
 - 4 Reinstated or Reopened
 - 5 Transferred from another district (specify)
 - 6 Multidistrict Litigation
 - 7 Appeal to District Judge from Magistrate Judgment

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

VI. CAUSE OF ACTION
 Brief description of cause: *Wrongful Death / Prisoner Rights*

VII. REQUESTED IN COMPLAINT:
 CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ _____
 CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See Instructions):
 JUDGE _____ DOCKET NUMBER _____

DATE: *June 8, 2010*
 SIGNATURE OF ATTORNEY OF RECORD: *[Signature]*

FOR OFFICE USE ONLY
 RECEIPT # _____ AMOUNT _____ APPLYING IFF _____ JUDGE _____ MAG. JUDGE _____

JUL 7 2010

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

10 3349

Address of Plaintiff: Bristol, PA

Address of Defendant: Montgomery County, PA

Place of Accident, Incident or Transaction: Montgomery Co, PA (Use Reverse Side for Additional Space)

JHS

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock? (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(e)) Yes [] No [x]

Does this case involve multidistrict litigation possibilities? RELATED CASE, IF ANY: Yes [] No [x]

Case Number: Judge Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

- 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes [] No [x]
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes [] No [x]
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes [] No [x]

CIVIL: (Place check in ONE CATEGORY ONLY)

A. Federal Question Cases:

- 1. [] Indemnity Contract, Marine Contract, and All Other Contracts
2. [] FELA
3. [] Jones Act-Personal Injury
4. [] Antitrust
5. [x] Patent
6. [] Labor-Management Relations
7. [x] Civil Rights
8. [] Habeas Corpus
9. [] Securities Act(s) Cases
10. [] Social Security Review Cases
11. [] All other Federal Question Cases (Please specify)

B. Diversity Jurisdiction Cases:

- 1. [] Insurance Contract and Other Contracts
2. [] Airplane Personal Injury
3. [] Assault, Defamation
4. [] Marine Personal Injury
5. [] Motor Vehicle Personal Injury
6. [] Other Personal Injury (Please specify)
7. [] Products Liability
8. [] Products Liability — Asbestos
9. [] All other Diversity Cases (Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, David Rudovsky, counsel of record do hereby certify: Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs; Relief other than monetary damages is sought.

DATE: 6/8/2010

Signature of David Rudovsky, Attorney-at-Law

Signature of David Rudovsky, Attorney ID.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 6/8/2010

Signature of David Rudovsky

Signature of David Rudovsky



IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

Gloria Mae Grange, et al.

CIVIL ACTION 3349

v.

County of Montgomery, et al

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus - Cases brought under 28 U.S.C. §2241 through §2255. ()
(b) Social Security - Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ()
(c) Arbitration - Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
(d) Asbestos - Cases involving claims for personal injury or property damage from exposure to asbestos. ()
(e) Special Management - Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)
(f) Standard Management - Cases that do not fall into any one of the other tracks. ()

6/8/2010
Date

[Signature]
Attorney-at-law

David Rudovsky
Attorney for

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FAX Number

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E-Mail Address

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\$300

JHS
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FILED
JUL 07 2010
MICHAEL E. KUNZ Clerk
By [Signature] U.S. Clerk

GLORIA MAE GRANGE,
as *Administratrix Ad Prosequendum* for the
Estate of **CONLY K. GRANGE, III,**
Deceased, and on behalf of Decedent's
Heirs at Law and Next of Kin,
207 Wood Street, Bristol, Pennsylvania 19007
Plaintiff,

vs.

CIVIL ACTION
No. _____

**JURY TRIAL
DEMANDED**

COUNTY OF MONTGOMERY, a Municipal
Government Entity,
One Montgomery Plaza, 8th Floor
425 Swede Street, Norristown,
Pennsylvania 19401

and

JULIO M. ALGARIN, the Warden of
Montgomery County Correctional Facility,
60 Eagle Road, Norristown, Pennsylvania 19403

and

NIKKI HOLLER, R.N., the Health Service
Administrator of Montgomery County
Correctional Facility,
60 Eagle Road, Norristown, Pennsylvania 19403

and

CORRECTIONAL MEDICAL CARE, INC.,
653 Skippack Pike, Suite 118
Blue Bell, Pennsylvania 19422

and

JOHN DOE AND JANE ROE,
UNKNOWN CORRECTIONAL OFFICERS,
SUPERVISORS, AND MEDICAL AND
NURSING PERSONNEL,
in their individual capacities,
Defendants.

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S

COMPLAINT

NATURE OF ACTION

1. This is a civil rights action under 42 U.S.C. § 1983, arising out of the incarceration and death of Plaintiff's Decedent, Conly K. Grange, III (hereinafter, "Mr. Grange" or "Plaintiff's Decedent"), who was denied appropriate and necessary medical care for serious medical needs by the Defendants during his commitment to the Montgomery County Correctional Facility ("Facility").

2. Mr. Grange was an inmate at the Facility in August and September, 2008, on a charge of violation of parole. In early September, 2008, he began suffering serious and acute symptoms from a serious life-threatening medical condition, deep venous thrombosis ("DVT"). Over a period of six days, Mr. Grange made repeated requests for medical treatment, but the defendants were deliberately indifferent to these requests and to the readily apparent symptoms of his medical condition. As a direct result of the defendants' failure to properly operate the medical care system at the Facility, their failure to institute and follow proper practices and procedures for providing medical care to inmates at the Facility, and their failure to provide proper review and treatment of Mr. Grange's condition, Mr. Grange died of a massive pulmonary thrombo-embolism on September 7, 2008.

JURISDICTION

3. This Court has subject matter jurisdiction over the claims presented pursuant to 28 U.S.C. Sections 1331 and 1343 and the Eighth and Fourteenth Amendments. The Court has supplemental jurisdiction to hear state law claims under 28 U.S.C. Section 1367(a).

VENUE

4. Venue is appropriate in this judicial district pursuant to 28 U.S.C. Section 1391, because this is the district in which the Plaintiff's claims arose.

PARTIES

5. Plaintiff, Gloria Mae Grange, is a citizen of the United States of America, whose permanent address is 207 Wood Street, Bristol, PA. Plaintiff is the appointed Administratrix of the Estate of Conly K. Grange, III, pursuant to Letters of Administration *Ad Prosequendum* issued by the Bucks County Register of Wills on January 5, 2009.

6. Defendant, County of Montgomery, is a municipal governmental entity maintaining offices at One Montgomery Plaza 8th Floor, 425 Swede St. Norristown, Pennsylvania. The County is governed by a three (3) member Board of Commissioners, responsible for management, supervision and operation of the Montgomery County Correctional Facility.

7. Defendant, Julio M. Algarin, is the Warden of Montgomery County Correctional Facility, 60 Eagle Road in Norristown, Pennsylvania. Defendant Algarin is the authorized decision maker for the provision of medical care to the inmates at the

Montgomery County Correctional Facility. Defendant Algarin is sued in his individual capacity.

8. Defendant, Nikki Holler, R.N., is the Health Services Administrator of Montgomery County Correctional Facility, 60 Eagle Road in Norristown, Pennsylvania, and is licensed to practice medicine in the State of Pennsylvania. Defendant Holler is responsible for the safety, health, custody and delivery of adequate health care to inmates, and is responsible for the supervision of nurses and medical services to incarcerated persons in the facility. Defendant Holler is an authorized decision maker for the Facility. Defendant Holler is sued in her individual capacity.

9. Defendant, Correctional Medical Care, Inc. has a principal place of business located at 653 Skippack Pike, Suite 118, Blue Bell, Pennsylvania 19422.

10. Defendants John Doe and Jane Doe, unknown correctional officers, supervisors, and medical and nursing personnel, are employees and/or agents of the County of Montgomery and/or Correctional Medical Care, Inc. and are sued in their individual capacities.

11. All defendants, at all relevant times, were acting in concert and conspiracy with each other and under the color of state law.

FACTUAL AVERMENTS

15. In August 18, 2008, Mr. Grange was admitted to the Facility on a charge of violation of parole.

16. On the date of his admission to the Facility, as part of the intake process, Mr. Grange's medical records reflected that, as a "past illness," Mr. Grange had suffered a "[b]lood clot thru heart to lung - 5 years ago."

17. By September 1, 2008, Mr. Grange's health had deteriorated. From September 1-7, 2008, Mr. Grange experienced shortness of breath, coughing fits, lethargy, leg and chest pain, and other symptoms of DVT.

18. From September 1, 2008 through September 6, 2008, Mr. Grange repeatedly requested medical care through the medical care "request" system established at the Facility, but despite a worsening of his health and symptoms of distress that were obvious and known to the correctional and medical staff at the facility, the defendants failed to provide him necessary medical care or assistance.

19. On Sunday, September 7, 2008, Mr. Grange died as a result of a massive pulmonary embolism that was the result of the untreated DVT condition from which he had been suffering.

20. The cause of death, as determined at autopsy, was "pulmonary emboli due to deep venous thromboses." The autopsy examination revealed "blood clots in the arteries supplying blood to the lungs" and noted that "[e]xamination of the deep veins of the right leg also revealed a blood clot."

21. The defendants knew, should have known, or with deliberate indifference failed to determine that Mr. Grange was seriously ill, in the need of immediate medical care and assistance, and that his condition would cause serious illness, injury or death without medical intervention.

22. The failure of the defendants to provide proper and necessary medical care was caused by practices and customs at the Facility that were implemented, enforced, ratified, or known to the defendants, and which effectively operated to deny medical care to those suffering from serious medical conditions.

23. The practices and customs were systemic in nature and included (a) failing to ensure that a proper system for medical assistance requests was in operation, (b) ignoring requests for medical assistance from inmates with serious medical conditions, (c) failing to provide adequate and sufficient medical staffing to ensure that inmates with serious medical needs were provided medical care, (d) failing to properly train, supervise, and discipline medical and correctional staff with respect to their obligations to ensure that inmates with serious medical conditions receive timely and proper medical care, (e) failing to correct known deficiencies in the medical delivery system at the Facility that were likely to cause injury or death to inmates, and (f) failing to properly provide for necessary medical tests, hospitalization and other treatment for seriously ill inmates.

COUNT I

42 U.S.C. Section 1983 -- Violation of Eighth and Fourteenth Amendments Cruel and Unusual Punishment and Due Process Violations

24. Plaintiff incorporates by reference all averments in the preceding paragraphs.

25. The defendants failed, with deliberate indifference, to provide necessary and proper medical care to the Plaintiff's Decedent, thereby causing the violation of his rights under the 8th and 14th Amendments to the U.S. Constitution and 42 U.S.C. Section 1983.

26. As a direct and proximate result of the defendants' actions, omissions, policies, practices, and customs, all committed or adopted with deliberate indifference, plaintiff's decedent was denied necessary treatment for his serious medical needs, thus causing

violations of his right to be free from cruel and unusual punishment and to due process of law.

27. Plaintiff, in her own right and in her capacity as the personal representative of the Estate of Mr. Grange, brings this action on behalf of those persons entitled by law to recover damages for Mr. Grange's wrongful death in accordance with 42 U.S.C. Section 1983 and the Pennsylvania Wrongful Death Act, 42 Pa. C.S.A. Section 8301.

28. Plaintiff's decedent is survived by his children:

- (a) Wynton Grange, 2015, SW 5th Place, Ocala, FL 34471
Date of Birth: 8/27/86
- (b) Xavier Grange, 2015 SW 5th Place, Ocala, FL 34471
Date of Birth: 9/25/90
- (c) Chanel Grange, 6614 Souder Street, Philadelphia, PA 19149
Date of Birth: 5/12/83
- (d) Anikka Grange, 255 Wood Street, Bristol, PA 19007
Date of Birth: 4/25/91

29. No recovery for damages claimed in this action was obtained by Mr. Grange during his lifetime, and no prior action has been brought on his behalf as a result of this wrongful death.

30. Plaintiff also brings this action on behalf of the Estate of Mr. Grange in accordance with 42 U.S.C. Section 1983 and the Pennsylvania Survival Act, 42 Pa.C.S.A. Section 8302.

31. As a result of the actions and omissions of the defendants, Mr. Grange suffered from a serious medical condition and experienced substantial physical pain and suffering through the time of his death, and plaintiff claims damages for all losses sustained by decedent's estate under the Pennsylvania Survival Act.

COUNT II

Supplemental State Law Claims

32. Plaintiff incorporates by reference all averments in the preceding paragraphs.

33. Defendants Holler, Correctional Medical Care, Inc., and John Doe and Jane Roe (“Medical Defendants”), are licensed medical professionals in Pennsylvania and each of these defendants had the duty to exercise reasonable skill and diligence in their profession acts, including the proper provision of and supervision of medical care at the Facility. Plaintiff asserts a professional liability claim against all medical defendants.

34. At all relevant times, the medical defendants held themselves out as skilled, careful and diligent employees, servants, and/or agents, and they had a duty to exercise a degree of care and skill in the treatment of Mr. Grange in accordance with generally accepted medical standards.

35. The medical defendants breached their duty by failing to exercise reasonable skill, diligence and care ordinarily exercised by a member of the medical profession of Pennsylvania.

36. The medical defendants were negligent or acted willfully in the following particulars:

- a. Failing to properly recognize Mr. Grange’s need for medical care;
- b. Failing to properly diagnose Mr. Grange’s medical condition;
- c. Failing to properly monitor Mr. Grange’s condition after they became aware of his serious illness;

d. Failing to establish and maintain a system that provided adequate access to inmates at the facility to medical care;

e. Failing to conform to the requisite standard of care;

f. Acting, or failing to act, in a manner that substantially increased the risk that Mr. Grange would suffer harm and death.

37. Each of the above acts and omissions constituted negligence or willful misconduct, and each was a proximate cause of the illness and death suffered by Mr. Grange.

38. As a result of the negligence and/or willful misconduct of the Medical Defendants, Mr. Grange was caused to suffer severe physical and mental anguish and death.

39. Defendants Algarin, John Doe, and Jane Roe caused the death of Mr. Grange by their willful and reckless conduct and omissions in failing to provide necessary and proper medical care for his serious medical condition, all in violation of the laws of the Commonwealth of Pennsylvania.

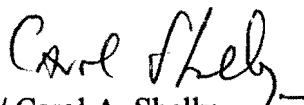
40. Plaintiff, Gloria Mae Grange, as Administratrix of the Estate of Conly K. Grange, III, deceased, brings this action on behalf of the survivors of the decedent under 42 Pa. C.S.A. § 8301 to recover damages to all beneficiaries.

41. Plaintiff, as Administratrix of the Estate of Conly K. Grange, III, claims damages for pecuniary loss suffered by those survivors by reason of the death of Plaintiff's decedent, including an amount to compensate them for the loss of his comfort, society, companionship, aid, assistance and tutelage.

42. Plaintiff also seeks damages for the economic benefit beneficiaries would have received from Plaintiff's decedent for the remainder of his natural life, reimbursement for funeral and other administration expenses, and all damages recoverable under the Wrongful Death Act and claim.

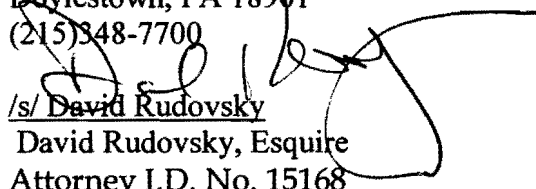
43. Plaintiff, as Administratrix of the Estate of Conly K. Grange, III, deceased, also brings this action on behalf of the Estate of Conly K. Grange, III, deceased, under 42 Pa. C.S.A. Section 8302, and seeks damages for all losses, including conscious pain and suffering and emotional distress suffered by Mr. Grange resulting from the defendants' actions and omissions.

WHEREFORE, Plaintiff in her capacity as *Administratrix Ad Prosequendum* of the Estate of Conly K. Grange, III, demands judgment against all defendants, individually, jointly, and severally for compensatory damages, and against all of the defendants except County of Montgomery for punitive damages, together with interest, reasonable attorney's fees and costs of suit and other remedies allowed at law. Plaintiff hereby demands a jury trial.



/s/ Carol A. Shelly

Carol A. Shelly, Esquire
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