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U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

TYRONE GIBSON, next friend and
uncle of SAVION RICHARDSON, a
minor, son and next of kin of the
deceased, Estelle Richardson,

JIMMY T. BECK, JR., as next friend
and father of SAVIYANCE BECK, a
minor, daughter and next of kin of the
deceased, Estelle Richardson,

Plaintiffs,

vs.

CORRECTIONS CORPORATION
OF AMERICA, a Maryland Corporation
with its principal place of business in
Davidson County, Tennessee

JOHN DOES #1 - #4, guards and
custodial personnel of Defendant
Corrections Corporation of America

JOHN DOES # 5 - #8, supervisory
personnel of Defendant Corrections
Corporation of America,

Defendants.

No. 3 04 0661

JUDGE CAMPBELL

JUDGE KNOWLES

COMPLAINT

Plaintiffs would show unto this Honorable Court the following.

I. JURISDICTION

1. Federal jurisdiction in this case is predicated on Title 28 U.S.C. Section 1343, et seq., in that this is a case brought under the authority of the Civil Rights Act of 1871, Title 42 U.S.C. Section 1983 and the Fourth and Fourteenth Amendments to the United States Constitution.

2. Jurisdiction is further predicated on complete diversity of citizenship as the Plaintiffs and beneficiaries are residents of the states of Florida and Michigan and all individual Defendants are residents of Tennessee with the Corporate Defendant being chartered in the State of Maryland with its headquarters at 10 Burton Hills Boulevard, Nashville, Tennessee.

3. The matter in controversy exceeds, exclusive of interest and costs, the sum specified by Title 28 U.S.C. Section 1332.

II. PLAINTIFFS' DECEDENT, ESTELLE RICHARDSON

4. Estelle Richardson was a resident of Davidson County, Tennessee, at the time of her death. She resided at Blue Willow Court in Antioch, Tennessee, from November, 2003, until her incarceration in Metro Detention Center commencing in March, 2004 until her death July 5, 2004.

5. Estelle Richardson was a single woman, never having been married. Her closest survivors were her two minor children, on whose behalf this case is brought.

6. She was the natural parent and mother of SAVIYANCE BECK, a daughter, age 14, and SAVION RICHARDSON, a son, age 6. They resided with their mother until the time of her incarceration in March, 2004. The two children were turned over for temporary custody to their great-grandmother, Estella Buie, Lansing, Michigan, at the time of their mother's incarceration in March, 2004. The family agreed that it

would be in the children's best interests to live with Nikeya Brown, Mrs. Buie's granddaughter in Lansing.

III. PLAINTIFF TYRONE GIBSON, next friend of Savion Richardson

7. TYRONE GIBSON is the brother and the only male sibling of the deceased. He is the uncle of both SAVIYANCE BECK and SAVION RICHARDSON, the only children of the deceased.

8. He brings this action as next friend of SAVION RICHARDSON, for the use and benefit of SAVION RICHARDSON and for the use and benefit of SAVIYANCE BECK. The Tennessee wrongful death statute, T.C.A. Section 731-2-104, et seq. , provides that the two children as next of kin will share equally in the total proceeds.

9. Plaintiff GIBSON, a resident of Clearwater, Florida, is applying to be named co-administrator of the estate of his sister, Estelle Richardson, as soon as his Petition can be heard by the Probate Court of Davidson County. It is expected to be heard in approximately two weeks. The other co-administrator petitioning the court is attorney Donald D. Zuccarello of the Nashville Bar.

IV. PLAINTIFF JIMMY T. BECK, JR., next friend of Saviyance Beck

10. Plaintiff JIMMY T. BECK, JR. is the natural father of SAVIYANCE BECK, is listed as such on the birth certificate, and has been acknowledged to be so by the State of Michigan where she was born and is current in child support payments on her behalf.

11. Plaintiff BECK brings this action as next friend of SAVIYANCE BECK for the use and benefit of SAVIYANCE BECK and for the use and benefit of SAVION RICHARDSON. The Tennessee wrongful death statute, T.C.A. Section 731-2-104, et seq., provides that the two children as next of kin will share equally in the total proceeds.

V. DEFENDANT CORRECTIONS CORPORATION OF AMERICA

12. Corrections Corporation of America (hereinafter CCA) is incorporated in Maryland with its headquarters and principal place of business in Davidson County at 10 Burton Hills Boulevard, Nashville.

13. CCA is one of the nation's largest private providers of jail, detention and corrections services to governmental agencies.

14. CCA was at all times relevant under contract with the Davidson County Sheriff's Department to manage and operate The Metro Detention Facility at 5115 Harding Place, Nashville. This is a medium security facility for female inmates built to house eleven hundred inmates.

VI. Defendant JOHN DOES One Through Four

15. Defendant John Does #1 thru #4, on information and belief, are residents of the Middle District of Tennessee.

16. Defendant John Does #1 thru #4 were at all relevant times guards, agents, and employees of CCA and were acting within the course and scope of their employment and were acting under color of law. They were charged with the duty of guarding and keeping safe the decedent Richardson.

VII. Defendant JOHN DOES Five Through Eight

17. Defendant John Doe #5 thru #8 were at all relevant times supervisors, agents, employees and authorized representatives of CCA and were acting within the course and scope of their employment and were acting under color of law. They were charged with a duty to monitor and prevent beatings and other improper conduct by guards. They had the responsibility to supervise the safety of inmates and to see that inmates were treated humanely.

VIII. FACTS OF THIS CASE

18. Estelle Richardson was involved in an incident with a guard or guards while she was alone in her cell on Sunday morning, July 4, 2004. A savage beating was administered by guards John Does #1- #4 which ultimately resulted in her death.

19. An initial call for help came to the Metro 911 Center from the jail facility at 5:37 a.m. Monday, July 5. The jail reported that "a female inmate was on the floor and needed medical assistance."

20. Miss Richardson was found "unresponsive" in her cell at 6:00 a.m. She was immediately transported to Southern Hills Medical Center where she was pronounced dead.

21. The cause of death was "a skull fracture caused by blunt trauma, as well as various internal injuries." Miss Richardson's death was ruled a **homicide** by Dr. Bruce Levy, Davidson County Medical Examiner.

COUNT I

EXCESSIVE USE OF FORCE

22. The Defendants' vicious and unprovoked attack on decedent, Estelle Richardson, was a violation of Richardson's right to be free of excessive use of force as guaranteed by the Fourth and Fourteenth Amendment to the United States Constitution.

23. The savage and cruel beating decedent, Estelle Richardson, was subjected to by the Defendants clearly violated the laws of the United States in regards to the amount of force that custodial officers working for a private company acting under color of law can use, the parameters of which were or should have been sufficiently clear to the Defendants at the time of this incident.

24. State Law Claims. The defendants committed an unlawful assault and battery upon decedent, Estelle Richardson, by their intentional, malicious, brutal, and unprovoked attack upon her in violation of the common laws of the state of Tennessee all of which directly and proximately lead to her death. The actions of the custodial guards constituted second degree murder.

COUNT II

NEGLIGENT SUPERVISION AND TRAINING

25. CCA's supervisory personnel failed to adequately train the Defendant guards named herein in regard to proper use of force in the course of custodial activities. Defendant JOHN DOES #4 - #8, and each of them, by their inadequate and

insufficient training and supervision of the custodial guards named as defendants herein, created an unreasonable risk of harm and danger to the public and to the decedent, Estelle Richardson.

DAMAGES

As a direct and proximate result of the vicious, malicious, intentional, and negligent actions of the Defendants, decedent, Estelle Richardson, suffered severe and painful injuries, death, lost enjoyment of life, and funeral expenses.

Moreover, minor plaintiffs have suffered and will continue to suffer loss of love, affection, companionship, family relationship, guidance and emotional support as a result of the wrongful death of their mother, Estelle Richardson.

WHEREFORE, PLAINTIFFS PRAY FOR RELIEF IN THE TOTAL AMOUNT OF SIXTY MILLION DOLLARS AS FOLLOWS:

- A. for compensatory damages in favor of Plaintiff TYRONE GIBSON, next friend and uncle of SAVION RICHARDSON, a minor, against the Defendants in the amount of Twenty Million Dollars (\$20,000,000.00);
- B. for compensatory damages in favor of Plaintiff JIMMY T. BECK, JR., as next friend and natural father of SAVIYANCE BECK, a minor, against the Defendants in the amount of Twenty Million Dollars (\$20,000,000.00);
- C. for punitive damages in favor of Plaintiff TYRONE GIBSON, next friend and uncle of SAVION RICHARDSON, a minor, against the Defendants in the amount of Ten Million Dollars (\$10,000,000.00);

D. for punitive damages in favor of Plaintiff JIMMY T. BECK, JR., as next friend and natural father of SAVIYANCE BECK, a minor, against the Defendants in the amount of Ten Million Dollars (\$10,000,000.00);

E. for expenses in favor of Plaintiffs for the funeral and burial of the decedent, Estelle Richardson;

F. for reasonable attorney fees pursuant to Title 42 U.S.C. §1988;

G. for the costs of trying this action;

H. for a jury to hear this cause of action;

I. for costs to be taxed to the Defendants;

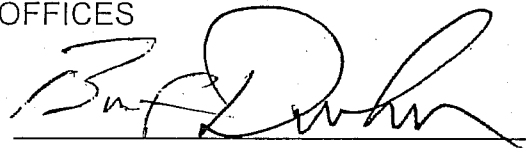
J. for such other and further relief as the Court may deem proper; and

K. for prejudgment interest.

Respectfully submitted,

BART DURHAM INJURY & ACCIDENT
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