

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

RYAN HUFF,

Plaintiff,

v.

CORIZON, LLC, a health services  
corporation, DANIEL CHERRY, D.O.,  
CHRISTINE NOBLES, R.N.; ALLEN  
HO, M.D.

Defendants.

Civil Division

Case No. 3:18-cv-1338

**COMPLAINT FOR DAMAGES**

PLAINTIFF sues DEFENDANT and alleges:

**Jurisdiction**

1. Plaintiff's claims for relief are predicated upon 42 U.S.C. § 1983 and 1988.  
This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1343.
2. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and § 1391(c), as the events sued upon occurred in this judicial district.
3. All conditions precedent to this action have been performed or waived.

**Parties**

4. Plaintiff RYAN HUFF was at all times material hereto residing in Florida.
5. At all times material hereto, CORIZON LLC ("Corizon"), was a health services corporation contracted to provide health care to prisoners in the

Florida Department of Corrections and acting under color of law.

6. At all times material hereto, DANIEL CHERRY (“Cherry”) was a physician, acting as Regional Medical Director, acting under color of law, employed by Corizon, and is sued individually.
7. At all times material hereto, CHRISTINE NOBLES (“Nobles”) was a Registered Nurse (RN), acting as Utilization Management Coordinator, acting under color of law, employed by Corizon, and is sued individually.
8. At all times material hereto, ALLEN HO (“Ho”) was a Medical Doctor (MD), acting as Chief Health Officer of Century Correctional Institution, acting under color of law, employed by Corizon, and is sued individually.

#### **Common Allegations of Fact**

9. On November 20, 2013, Plaintiff Ryan Huff enters the Florida Department of Corrections (FDC) to serve a five-year sentence for violating probation.
10. On December 10, 2013, Plaintiff, then age 26, is received at Century Correctional Institution (Century CI), in Escambia County, Florida.

#### **A. Huff Complains of Passing Blood**

11. On or about May 15, 2014, Huff, then housed at the Berrydale Work Camp, near Century C.I., begins experiencing bloody discharge in his stool.
12. Huff files sick call requests describing worrisome changes in bowel movements including frequency and increasing amounts of blood.

13. On or about May 22, 2014, Huff complains that he had put in a sick call on May 16 and still hadn't been able to see either a doctor or nurse.
14. More than two weeks after first seeking help, Huff finally sees the prison doctor, Allen Ho, who prescribes Milk of Magnesia and stool softeners.
15. By June 15, 2014, as his bowel movements increase from 7-10 to 20 times a day and contain mostly blood, Huff declares a medical emergency.
16. Huff reports he is still losing blood, becoming weak, but has no appetite.
17. On June 20, 2014, Huff has a stool test done but produces only blood clots.
18. Also, on June 20, 2014, a consultant report notes rectal bleeding, pain, and a fever; and recommends Huff see a gastroenterologist.
19. On June 24, 2014, Huff is taken to Baptist Hospital in Jay, Florida, for x-rays and sent back to Century C.I.
20. A few hours later, Huff has an emergency transfer to Baptist Hospital in Pensacola, Florida with a temperature of 103F and more rectal bleeding.
21. Huff is admitted to Baptist Hospital in Pensacola.
22. At Baptist, Dr. Carl Speer begins a colonoscopy but interrupts it due to risk of perforation when he sees signs of severe ulcerative colitis.
23. Huff is diagnosed with ulcerative colitis and begins courses of antibiotics, fluids, steroids, and medication for extreme pain.
24. A health plan is put into effect by Dr. Ted Matthew to diffuse the colitis.

25. While in Baptist Hospital, Huff's condition begins to improve.

**B. Huff Is Prematurely Taken Out of Baptist Hospital**

26. Around the same time Huff is recuperating at Baptist Hospital, Corizon executives are meeting by phone with their Florida Regional Directors.

27. Corizon executives complain that they are losing over a million dollars a month under their contract with the Florida Department of Corrections.

28. Corizon executives order their Regional Directors to get prisoners out of expensive off-site medical facilities and move them to cheaper facilities.

29. Corizon doctor Allen Ho, back at Century C.I. begins calling Baptist Hospital on a regular basis, telling them he can care for Huff in his facility.

30. Ho states he can give Huff the same treatment he is getting at Baptist.

31. On June 27, 2014, Corizon Utilization Manager Christine Nobles calls Baptist Hospital and states Huff needs to be discharged from Baptist.

32. Nobles claims in a call to Tenisha Rancifer that the prison system can provide the same level of care that Baptist Hospital is currently providing.

33. Finally, Nobles threatens that she will no longer authorize Huff to stay at Baptist Hospital "after tomorrow" (June 28, 2014).

34. On June 29, a Sunday, Huff is returned to Century C.I. to the care of Dr. Ho.

35. The discharging doctor, Laura K. Magan, notes that she was unable to reach Dr. Ho prior to discharge and expressed surprise that the patient was

- transferred back to the prison with no doctor-to-doctor communication.
36. At Century C.I., Huff is taken off his IV and most of his medications and his health condition almost immediately begins to worsen.
  37. Huff is quickly moved out of the prison clinic back to prison housing without any medical facilities.
  38. After leaving Baptist, Huff's medications are gradually withdrawn.
  39. On June 30, Huff complains of continued bleeding and pain.
  40. Huff asks Dr. Ho for a "bathroom pass" so that security staff will allow him to use the bathroom on short notice because of frequent defecation.
  41. Dr. Ho refused to write the bathroom pass, telling Huff he didn't need it.
  42. Shortly thereafter, Huff receives a Disciplinary Report (DR) for using the bathroom during "count" because he didn't have a special bathroom pass.
  43. As a result of the DR, Huff is locked up in a tiny confinement cell about the size of a parking space for 24 hours a day without medical care.
  44. On July 29, 2014, after days in confinement without care, Huff is transported to Reception and Medical Center (RMC), a prison hospital run by Corizon.
  45. RMC Hospital, attached to the Florida prison system's reception center in Lake Butler, Florida, has been called "a hospital in name only."
  46. RMC lacks the staff and medical equipment to handle many kinds of illness.
  47. RMC is unprepared to handle Huff's health condition.

48. When Huff gets to RMC, no one has called to say why he had been sent there so they just took his vitals and sent him back to solitary confinement.
49. By the time he is sent to RMC, Huff has dropped from 170 to 124 lbs.
50. RMC Guards have no information or concern about Huff's medical status.
51. By then, Huff is so weak he is unable to carry his property, although he was ordered to do so or abandon it when another inmate helped him carry it.
52. In solitary confinement at RMC, very weak and ill, Huff tries to declare a medical emergency but is ignored by the confinement guards.
53. Huff has a fever and is sweating and hallucinating. He tries to bring down his fever by pouring water from the sink in the cell onto his head.
54. While in solitary confinement, Huff suffers severe nausea, rectal bleeding, vomiting, weakness, and high fever but staff continue to ignore his pleas.
55. Huff is convinced that he is going to die alone in that cell.
56. After about three days, Huff is suddenly taken out to see a specialist.
57. Huff is then taken to Memorial Hospital in Jacksonville, a more conventional hospital where Corizon maintains a secure wing.
58. By now, after more than a month of haphazard monitoring and virtually no medical care, Huff's lower intestines are seriously compromised.

**C. Huff Receives Colectomy (Removal of Lower Intestine)**

59. At Memorial, Huff is prepared for emergency surgery.

60. Huff receives a subtotal colectomy with ileostomy surgery.
61. In other words, a surgeon disconnects his small intestine from his lower intestines and runs it directly into a hole, a “stoma” made in his abdomen.
62. Huff, not yet 30, now eliminates his bodily waste into a colostomy bag.
63. On August 24, 2014, Huff suffers complications from surgery and his PIC line becomes infected.
64. On September 17, 2014, a report indicates bowel perforation and complications with the colostomy bag.
65. On September 29, Huff is acutely ill with sepsis and bowel perforation.
66. On September 30, 2014, Huff is released from the hospital to open population with a discharge notation that he contracted MRSA.
67. Huff is discharged to open population with a colostomy bag.
68. Huff is prescribed Lortab for pain but does not receive it.
69. By January 22, 2015, Huff has lumps in his throat and on the back of his head, a foot fungus, and bad side effects from colon medication.
70. From January 22, 2015, Huff is requesting his special passes and medication be renewed because he has run out or will run out shortly. He is ignored.
71. On March 22, 2015, Dormitory Officer Webb confiscates Huff’s property, including his hygiene items, because he thinks Huff has contraband.
72. Huff continues to get medication only intermittently, including antibiotics.

73. Huff now has only about 25 percent of his colon left.
74. After a year of requests, Huff is still denied mental health care despite the fact that stress is a major factor in aggravating ulcerative colitis.
75. Huff is receiving his all-important Humira injections only intermittently.
76. Huff is supposed to get them bimonthly but has gone months without them.
77. Periodically, Huff is denied his special low-residue diet.
78. Periodically, Huff is denied replacement colostomy bags, baseplates to protect his skin, and sanitary wipes, needed to prevent infection.
79. Huff manages to survive the denial of care, medication, and supplies for nearly three years from his first symptoms until his release on May 9, 2017.
80. On his release, Huff still has the hole in his abdomen and the colostomy bag.
81. No effort is made to restore his digestive system to a healthy condition.
82. As a result of the Defendants' wrongful acts, Plaintiff has experienced pain and suffering, disability, disfigurement, loss of capacity for the enjoyment of life, permanent damage to overall health and bodily condition; is placed at significantly higher risk for health problems in the future, and has reduced life expectancy, increased costs of medical treatment, inability to lead a normal life, embarrassment, humiliation, great discomfort; additional medical costs of care and treatment, and these losses are permanent and continuing and Plaintiff will continue to suffer from them in the future



**Causes of Action**

**I. Failure to Treat Pursuant to 42 U.S.C. § 1983 (Corizon, LLC)**

83. The Common Allegations of Fact are incorporated by reference.
84. Ryan Huff is entitled to relief for violation of the Eighth Amendment to the United States Constitution by Defendant Corizon.
85. Defendant Corizon was aware of Mr. Huff's need for medical treatment, care, and/or supervision but acted with deliberate indifference to the risks to his health by failing and refusing to provide or interfering with needed care, procedures, tests, medication, and medical supplies.
86. Defendant Corizon, at all times pertinent to this action, contracted with the FDOC to provide medical care and services to inmates, and as such, the above-mentioned actions and/or omissions of Corizon and/or its agents were committed under color of law and/or pursuant to policies, customs, practices, rules, regulations, ordinances, statutes, and/or usages of Defendant Corizon.
87. Defendant Corizon has a history of widespread and longstanding abuse, including a policy or custom of delay and denial of medical care for known serious medical conditions, including but not limited to:
  - a) Failure to take measures to abate the risk of harm to Ryan Huff from known serious medical conditions.
  - b) Failure to ensure that Huff had his medication available and some way to take it or have it administered to him at the appropriate times.

- c) Unreasonably hastening the discharge of Huff from Baptist Hospital by refusing to authorize further hospital care at Baptist.
- d) Failure to advise non-medical prison staff of Huff's need for special monitoring and treatment for his serious medical condition.
- e) A longstanding and widespread history of abusive and deliberately indifferent failure to provide treatment to Florida prison inmates.

88. Plaintiff was obliged to retain the services of attorneys in bringing this lawsuit and is entitled to reasonable attorneys' fees and costs.

WHEREFORE, Plaintiff demands judgment as noted below.

## **II. Failure to Treat Pursuant to 42 U.S.C. § 1983 (Daniel Cherry)**

89. The Common Allegations of Fact are incorporated by reference.

90. Ryan Huff is entitled to relief for violation of the Eighth Amendment to the United States Constitution by Defendant Daniel Cherry.

91. Defendant Cherry was aware of Mr. Huff's need for medical treatment, care, and/or supervision but acted with deliberate indifference to the risks to his health by failing and refusing to provide or interfering with needed care, procedures, tests, medication, and medical supplies.

92. Defendant Cherry, at all times pertinent to this action, undertook to provide medical care and services to inmates, and as such, the above-mentioned actions and/or omissions of Cherry were committed under color of law.

93. Dr. Daniel Cherry was deliberately indifferent, as noted in the Common Allegations of Fact, including but not limited to:

- a) Failure to take measures to abate the risk of harm to Ryan Huff from known serious medical conditions.
  - b) Failure to monitor Huff's medical status to determine he had staffing, equipment, medication, and other medical needs.
  - c) Failure to administer prescribed medications and care or ensure that they are administered.
  - d) Unreasonably hastening the discharge of Huff from Baptist Hospital.
  - e) Failure to advise non-medical prison staff of Huff's need for special monitoring and treatment for his serious medical condition.
  - f) Maintaining a policy or custom of abusive and deliberately indifferent failure to provide medical treatment by Corizon and its staff.
94. Cherry's conduct was of a gross and flagrant character, suggestive of a reckless disregard of human life or safety, and/or a complete lack of care suggesting indifference to consequences, justifying punitive damages.
95. Plaintiff was obliged to retain the services of attorneys in bringing this lawsuit and is entitled to reasonable attorneys' fees and costs.

WHEREFORE, Plaintiff demands judgment as noted below.

**III. Failure to Treat Pursuant to 42 U.S.C. § 1983 (Christine Nobles)**

96. The Common Allegations of Fact are incorporated by reference.
97. Ryan Huff is entitled to relief for violation of the Eighth Amendment to the United States Constitution by Defendant Nobles.
98. Defendant Nobles was aware of Mr. Huff's need for medical treatment, care, and/or supervision but acted with deliberate indifference to the risks to his

health by failing and refusing to provide or interfering with needed care, procedures, tests, medication, and medical supplies.

99. Defendant Nobles, at all times pertinent to this action, undertook to provide medical care and services to inmates, and as such, the above-mentioned actions and/or omissions of Nobles were committed under color of law.

100. Christine Nobles was deliberately indifferent, as noted in the Common Allegations of Fact, including but not limited to:

- a) Failure to take measures to abate the risk of harm to Ryan Huff from known serious medical conditions.
- b) Failure to monitor Huff's medical status to determine he had staffing, equipment, medication, and other medical needs.
- c) Failure to administer prescribed medications and care or ensure that they are administered.
- d) Unreasonably hastening the discharge of Huff from Baptist Hospital.
- e) Failure to advise non-medical prison staff of Huff's need for special monitoring and treatment for his serious medical condition.
- f) Maintaining a policy or custom of abusive and deliberately indifferent failure to provide medical treatment by Corizon and its staff.

101. Nobles actions were of a gross and flagrant character, suggestive of a reckless disregard of human life or safety, and/or a complete lack of care suggesting indifference to consequences, justifying punitive damages.

102. Plaintiff was obliged to retain the services of attorneys in bringing this lawsuit and is entitled to reasonable attorneys' fees and costs.

WHEREFORE, Plaintiff demands judgment as noted below.

**IV. Failure to Treat Pursuant to 42 U.S.C. § 1983 (Dr. Ho)**

103. The Common Allegations of Fact are incorporated by reference.

104. Ryan Huff is entitled to relief for violation of the Eighth Amendment to the United States Constitution by Defendant Ho.

105. Defendant Ho was aware of Mr. Huff's need for medical treatment, care, and/or supervision but acted with deliberate indifference to the risks to his health by failing and refusing to provide or interfering with needed care, procedures, tests, medication, and medical supplies.

106. Defendant Ho, at all times pertinent to this action, undertook to provide medical care and services to inmates, and as such, the above-mentioned actions and/or omissions of Ho were committed under color of law.

107. Dr. Allen Ho was deliberately indifferent, as noted in the Common Allegations of Fact, including but not limited to:

- a) Failure to take measures to abate the risk of harm to Ryan Huff from known serious medical conditions.
- b) Failure to monitor Huff's medical status to determine he had staffing, equipment, medication, and other medical needs.
- c) Failure to administer prescribed medications and care or ensure that they are administered.
- d) Unreasonably hastening the discharge of Huff from Baptist Hospital.
- e) Failure to advise non-medical prison staff of Huff's need for special monitoring and treatment for his serious medical condition.

f) Maintaining a policy or custom of abusive and deliberately indifferent failure to provide medical treatment by Corizon and its staff.

108. Ho's conduct was of a gross and flagrant character, suggestive of a reckless disregard of human life or safety, and/or a complete lack of care suggesting indifference to consequences, justifying punitive damages.

109. Plaintiff was obliged to retain the services of attorneys in bringing this lawsuit and is entitled to reasonable attorneys' fees and costs.

WHEREFORE, Plaintiff demands judgment as noted below.

**Prayer for Relief**

WHEREFORE, PLAINTIFF prays for relief as follows:

- A. Compensatory damages, attorney's fees and costs;
- B. Punitive damages for individual Defendants;
- C. A jury trial on all Counts; and
- D. Any such further and additional relief as this Court deems proper.

Respectfully submitted, May 15, 2018

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