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TOP STORY

### Jail nurse being sued for negligence

By Brendan Welch News-Press Now Aug 3, 2018



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A former jail nurse and the company he worked for are being sued by two women in two separate cases claiming inadequate care while they were inmates the Buchanan County jail.

According to a civil lawsuit, Amanda Thomas was an inmate at the Buchanan County jail in May of 2016 when she went to the infirmary with abdominal pains that she said felt like contractions.

Thomas said registered nurse Carlos Marte, who worked for Advanced Correctional Healthcare, performed a pregnancy exam on her that involved her removing her clothing and him touching her genitals. He then told her she had a urinary tract infection. Advanced Correctional Healthcare is a private company that provided health services to inmates at the jail.

The petitions, filed by attorney William Bird, claims that Thomas talked to another nurse, Annie Slagle, who also worked for ACH, who said that there was no record of her visit with Marte two days earlier.

Thomas “continued suffering from her urinary tract infection and no medication was given to her for several days until she repeatedly requested it,” according to the document.

Roughly a month later another inmate, Ashten Surritte, who is also being represented by Bird, said she had a similar incident with Marte.

Both women are suing Marte for negligence and are seeking at least \$25,000 each for punitive damages and “further relief as the court may deem just.”

The petition reads that the nurse “failed to follow even minimum standards for assessing, consulting and treating” the suspected pregnancies and urinary tract infections.

In a separate criminal case, Marte was acquitted of two felony charges of sexual contact with a prisoner last April. The alleged victim in that case was not named.

The plaintiffs in the civil case also are suing ACH for negligence and are seeking at least \$25,000 each from that company.

They also are both suing April Powers, a licensed nurse who worked for ACH, for negligence for that amount. They claim Powers failed to “train or monitor staff,” including Marte.

Thomas also is seeking an amount in excess of \$25,000 from an unknown employee of ACH, identified in the petition as Jane Doe/John Doe.

Surritte also is suing Slagle for the same reasons and for failure to coordinate with the jail and to report Marte’s method of conducting pregnancy exams.

The petitions indicate that each of the plaintiffs have suffered from their experiences and could need medical treatment or medicine in the future because of them.

The defendants have denied the allegations and have requested a jury trial.

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B Welch



**Heather Annigian** )  
**Buchanan County Sheriff Department** )  
**Civilian Detention Officer** )  
**501 Faraon** )  
**St. Joseph, MO 64501** )  
) )  
**and** )  
) )  
**Kirwin Watson** )  
**Buchanan County Sheriff Department** )  
**Civilian Detention Officer** )  
**501 Faraon** )  
**St. Joseph, MO 64501** )

**Defendants.**

**PETITION FOR DAMAGES**

Comes now plaintiff ASHTEN SURRITTE, by and through counsel, and for her cause of action states and alleges as follows:

1. Plaintiff is an individual residing in the State of Missouri.
2. The tortious acts and omissions involved in this case first occurred in Buchanan County, Missouri. Jurisdiction and venue are proper in Buchanan County, Missouri.
3. Defendant Advanced Correctional Healthcare, Inc. (“ACH”) is a corporation duly organized and existing under the laws of the State of Illinois registered to do business in the State of Missouri and doing business at all pertinent times in Buchanan County, Missouri at the Buchanan County Law Enforcement Center, 501 Faraon, St. Joseph, MO 64501. At all relevant times, defendant acted through its employees, servants, agents, and/or members including Defendant Marte. At all relevant times ACH was responsible for providing adequate policies, procedures and standards, as well as adequately trained medical staff in sufficient numbers, for the coordination of medical care to detainees at the Buchanan County Law Enforcement Center.

4. Defendant Carlos J. Marte (“Marte”) is and was at all times hereinafter mentioned a Missouri licensed nurse. At all relevant times, he was employed by ACH as its servant and agent and acted within the course and scope of his duties as ACH’s employee, servant, and/or agent. At all relevant times Marte provided care and treatment to Ashten Surritte as hereinafter described and was responsible for assessing, nursing diagnosing, planning, intervening, medicating, communicating with supervisors and physicians to evaluate and provide for Ashten Surritte’s medical needs at the Buchanan County Law Enforcement Center in St. Joseph, Missouri.

5. Defendant April Powers (“Powers”) is and was at all times hereinafter mentioned a Missouri licensed nurse. At all relevant times, she was employed by ACH as its servant and agent and acted within the course and scope of her duties as ACH’s employee, servant, and/or agent. At all relevant times Powers was the Nursing Supervisor for ACH at the Buchanan County Law Enforcement Center in St. Joseph, Missouri. She was responsible for training, supervising and/or monitoring ACH’s nursing employees, including Defendant Marte and Defendant Ann Marie Slagle, in providing for detainees’, including Ashten Surritte, medical needs at the Buchanan County Law Enforcement Center in St. Joseph, Missouri.

6. Defendant Jane Doe and/or John Doe (“Doe”) is and was at all times hereinafter mentioned an unknown individual or individuals employed by ACH as its servant and agent and acted within the course and scope of her/his duties as ACH’s employee, servant, and/or agent. At all relevant times Doe was a responsible for hiring, training, supervising and/or monitoring ACH’s nursing employees, including Defendant Marte, in providing for detainees’, including Ashten Surritte, medical needs at the Buchanan County Law Enforcement Center in St. Joseph, Missouri.

7. At all relevant times, Defendants ACH, Marte, Powers and Slagle owed a duty to Ashten Surritte to use that degree of skill, care and learning ordinarily used by members of his/her/its respective profession under the same or similar circumstances.

8. Defendant Heather Annigian is and was at all times hereinafter mentioned an individual employed by the Buchanan County Sheriff's Department as a Civilian Detention Officer (CDO) acting in the course and scope of her duties.

9. Defendant Kirwin Watson is and was at all times hereinafter mentioned an individual employed by the Buchanan County Sheriff's Department as a Civilian Detention Officer (CDO) acting in the course and scope of his duties.

10. On or about June 25, 2016, Plaintiff was an inmate at the Buchanan County, Missouri jail.

11. On or about June 25, 2016 Plaintiff put a request into the jail's kiosk system for a pregnancy test because she was late on her period.

12. When Plaintiff arrived at the jail infirmary Defendant Carlos Marte, Defendant Heath Annigian and two other Buchanan County jail employees were present.

13. Defendant Marte and Defendant Annigian took Plaintiff behind a half-closed curtain.

14. Defendant Marte had Plaintiff sit down and told her to take her shirt off. After she took off her yellow jail top, Marte told Plaintiff to remove her white t-shirt and bra as well.

15. Plaintiff complied with Defendant Marte's instructions and exposed her breasts.

16. Marte then began touching Plaintiff's right breast; pressing on her right nipple and asked her if she had any milk coming out of her breast.

17. Marte then asked Plaintiff if she had her nipples pierced.

18. Marte then repeated the same actions on Plaintiff's left breast.

19. Marte then told Plaintiff to lay down and take off her pants and underwear.

20. For several minutes Marte then touched Plaintiff's vagina with his fingers and put his face so close to Plaintiff's vagina that she could feel his breath on her skin.

21. Marte then told Plaintiff there were no signs of pregnancy, but that she should take a pregnancy test. He gave Plaintiff a cup and sent her to the bathroom to give a urine sample.

22. Defendant Annigian was present during the entirety of the above-described exchange between Defendant Marte and Plaintiff. She could see and hear everything that Marte was doing to Plaintiff.

23. During an internal investigation of the incident by the Buchanan County Sheriff's Department, Defendant Annigian said she had been present for many prior pregnancy examinations by Defendant Marte and that he performed the exam just like he had done the prior examinations.

24. Despite having witnessed these pregnancy "examinations" by Defendant Marte prior to June 25, 2016, Defendant Annigian took no adequate action to report his conduct or to protect any of the female inmates, including Plaintiff, from being subjected to Defendant Marte's behavior.

25. Approximately 1 month prior to the above-described exchange between Defendant Marte and Plaintiff, Defendant Marte performed a substantially similar pregnancy "exam" on another female inmate at the Buchanan County Jail—Amanda Thomas f/k/a Amanda McCartney.

26. On approximately May 29, 2016, a couple days after her experience with Defendant Marte, Amanda McCartney spoke with Defendant nurse Ann Marie Slagle and complained about the process. Defendant Slagle then looked in Defendant ACH's computer

system and informed Ms. McCartney that Defendant Marte had not documented her pregnancy exam.

27. Despite having knowledge Defendant Marte's method of conducting pregnancy examinations of female inmates and of Amanda McCartney's grievance regarding the same well prior to June 25, 2016, Defendant Slagle took no adequate action to report Defendant Marte's conduct or to protect any of the female inmates, including Plaintiff, from being subjected to Defendant Marte's behavior.

28. Shortly after her pregnancy exam with Defendant Marte in May, 2016, Amanda McCartney approached Defendant Kirwin Watson to file a grievance for what Defendant Marte had done to her during the exam.

29. Defendant Watson handed Ms. McCartney a piece of paper and told her to write her grievance down despite knowing of the jail's policy that inmates file their grievance through the jails electronic kiosk system.

30. When Ms. McCartney gave Defendant Watson her grievance, he took it into another room, looked at it several times, placed it underneath a bag on the counter which he then removed from the jail when he left. Ms. McCartney's grievance was never found again.

31. Defendant Watson denied having given Ms. McCartney a piece of paper for filing a grievance and denied having received a grievance from her.

32. Despite having knowledge Defendant Marte's method of conducting pregnancy examinations of female inmates and of Amanda McCartney's grievance regarding the same well prior to June 25, 2016, Defendant Watson took no adequate action to report Defendant Marte's conduct or to protect any of the female inmates, including Plaintiff, from being subjected to Defendant Marte's behavior.



33. During the internal investigation into Ms. Surritte's pregnancy exam with Defendant Marte, it was discovered that Defendant Marte did not make a record of the exam. Instead, Marte had Ms. Surritte sign an incomplete refusal of treatment and then Defendant Marte and another Civilian Detention Officer—Daniel Rivera—signed off on it.

34. When Defendant nursing supervisor April Powers found out that Defendant Marte had not made a record of Plaintiff's pregnancy exam, she told him to make a late entry into the computerized system even though doing so was not in accord with ACH policies and procedures.

35. On information and belief, Defendant Powers Despite had knowledge Defendant Marte's method of conducting pregnancy examinations of female inmates and of Amanda McCartney's reporting to Defendant Slagle regarding the same well prior to June 25, 2016. Despite having that knowledge, Defendant Powers took no adequate action to report Defendant Marte's conduct or to protect any of the female inmates, including Plaintiff, from being subjected to Defendant Marte's behavior.

36. As a direct and proximate result of the reckless carelessness and negligence of the Defendants, Ms. Surritte suffered substantial damage, pain and suffering, mental duress, humiliation and anguish which has interfered with her daily life activities and may in the future require medication and medical treatment.

37. The acts and omissions of Defendant ACH and its employees including, but not limited to Defendants Marte, Slagle and Powers, were grossly negligent and show a complete indifference to and/or reckless disregard for the rights and/or safety of Ms. Surritte and, therefore, Plaintiff is entitled to punitive damages from each defendant to punish and deter each of the defendants and others from like conduct.

38. The acts and omissions of Defendants Annigian and Watson, were grossly negligent and show a complete indifference to and/or reckless disregard for the rights and/or safety of Ms. Surritte and, therefore, Plaintiff is entitled to punitive damages from each defendant to punish and deter each of the defendants and others from like conduct.

39. Any limitations on damages for Defendants ACH, Marte, Slagle and/or Powers' negligence provided by R.S.Mo. § 538 as it existed when the negligent acts and omissions occurred are unconstitutional—having impermissible retroactive application, infringing Plaintiff's right to trial by jury and to equal protection under the law.

### **COUNT I – NEGLIGENCE - ACH**

COMES NOW Plaintiff Ashten Surritte and for her cause of action for negligence against Defendant ACH states and alleges as follows:

40. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 39 of Plaintiff's Petition as if fully set forth herein.

41. Commencing on or about June 25, 2016, and continuing thereafter, defendant ACH, by and through its servants, agents, employees and/or members, was negligent and failed to use that degree of skill and learning ordinarily used by members of its profession (or ordinary care as the case may be) under the same or similar circumstances in at least one or more of the following respects:

(a) failed to follow even minimum standards for consulting, assessing and treating female patients with suspected pregnancy and/or urinary tract infection;

(b) failed to properly hire, train, monitor and supervise staff to ensure they understood and followed the policies, procedures, guidelines or standards for consulting, assessing and treating patients, including Ms. Surritte, with suspected pregnancy and/or urinary tract infection;

(c) failed to properly hire, train, monitor and supervise staff to ensure they understood and followed the policies, procedures, guidelines or standards for hiring, training, monitoring and supervising nursing staff in providing care to patients, including Ms. Surritte, with suspected pregnancy and/or urinary tract infection;

(d) retained Marte's supervisors and co-employees despite the fact it knew or should have known, of their failure to follow policies, procedures, guidelines and standards for hiring, training, monitoring and supervising nursing staff in providing services to patients, including Ms. Surritte, with suspected pregnancy and/or urinary tract infection;

(e) retained Marte despite the fact it knew or should have known of his failure to follow policies, procedures, guidelines and standards for providing services to patients, including Ms. Surritte, with suspected pregnancy and/or urinary tract infection; and

(f) failed to properly coordinate with personnel at the Buchanan County Law Enforcement Center so they understood the policies, procedures, guidelines or standards for providing services to patients, including Ms. Surritte, with suspected pregnancy and/or urinary tract infection so they could adequately oversee/monitor/guard/protect Ms. Surritte and other detainees during the provision of medical care.

42. On and after June 25, 2016, defendant ACH failed to use that degree of skill and learning ordinarily used by members of its profession (or ordinary care as the case may be) under the same or similar circumstances in at least one or more of the following respects:

(a) it failed to have and enforce adequate policies and procedures for consulting, assessing and treating patients with suspected pregnancy and/or and urinary tract infection like Ms. Surritte;

(b) it failed to have and enforce adequate policies and procedures for coordinating with personnel at the Buchanan County Law Enforcement Center so they understood the proper policies, procedures, guidelines or standards for providing services to patients, including Ms. Surritte, with suspected pregnancy and/or urinary tract infection so they could adequately oversee/monitor/guard/protect Ms. Surritte and other detainees during the provision of medical care.

(c) it failed to have sufficient staff or adequate scheduling so that staff were not capable of properly attending to Ms. Surritte;

(d) it failed to have sufficient staff or adequate scheduling so that staff were not capable of properly hiring, training, supervising and monitoring nursing staff attending to Ms. Surritte;

(e) it failed to have adequately trained staff for consulting, assessing and treating Ms. Surritte; and

(f) it failed to have adequately trained staff for hiring, training, supervising and monitoring nursing staff attending to Ms. Surritte.

43. The acts and omissions of Defendants Marte as ACH's servant, agent, employee set forth above in Paragraphs 1-39 and Paragraphs 49-52 below in this Petition are incorporated herein by reference and are the acts and omissions of Defendant ACH.

44. The acts and omissions of Defendant Slagle as ACH's servant, agent, employee set forth above and in paragraphs 53-56 of this Petition are incorporated herein by reference and are the acts and omissions of Defendant ACH.

45. The acts and omissions of Defendant Powers as ACH's servant, agent, employee set forth above and in paragraphs 57-61 of this Petition are incorporated herein by reference and are the acts and omissions of Defendant ACH.

46. On information and belief, Defendant ACH and its employees' course of treatment and dealings with Ms. Surritte evince a systemic choice of profits over people.

47. As a direct and proximate consequence of the acts, omissions and conduct of the defendant as set out herein, Ms. Surritte suffered damages and has been deprived of her capacity to enjoy life and experiences continued pain, suffering, humiliation and anguish and may in the future require medications and medical treatment.

48. The acts and omissions of Defendant ACH and its employees as set forth herein were grossly negligent and showed a complete indifference and/or reckless disregard for the rights and/or safety of Ms. Surritte and others and, therefore, Plaintiff is entitled to punitive damages from Defendant to punish and deter Defendant and others from like conduct.

WHEREFORE, Plaintiff Ashten Surritte prays for judgment in her favor and against Defendant ACH, for a fair and reasonable amount, in excess of \$25,000.00, together with costs incurred herein, for punitive damages and for such other and further relief as this Court may deem just and proper under the circumstances.

**COUNT II – NEGLIGENCE - MARTE**

COMES NOW Plaintiff Ashten Surritte and for her cause of action for negligence against Defendant Marte states and alleges as follows:

49. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 39 of Plaintiff's Petition as if fully set forth herein.

50. Commencing on or about June 25, 2016, and continuing thereafter, defendant Marte, was negligent and failed to use that degree of skill and learning ordinarily used by members of the profession under the same or similar circumstances in at least one or more of the following respects:

(a) failed to follow even minimum standards for assessing, consulting and treating Ms. Surritte's suspected pregnancy;

(b) failed to follow even minimum standards for assessing, consulting and treating Ms. Surritte's urinary tract infection;

(c) failed to obtain proper training or to follow policies, procedures, guidelines or standards regarding care of patients with suspected pregnancy and/or urinary tract infection.

51. As a direct and proximate consequence of the acts, omissions and conduct of the defendant as set out herein, Ms. Surritte suffered damages and has been deprived of her capacity to enjoy life and experiences continued pain, suffering and anguish and may require medications and medical treatment in the future.

52. The acts and omissions of Defendant Marte as set forth herein were grossly negligent and/or showed a complete indifference and/or reckless disregard for the rights and/or safety of Ms. Surritte and others and, therefore, Plaintiff is entitled to punitive damages from Defendant to punish and deter Defendant and others from like conduct.

WHEREFORE, Plaintiff Ashten Surritte prays for judgment in her favor and against Defendant Marte, for a fair and reasonable amount, in excess of \$25,000.00, together with costs incurred herein, for punitive damages and for such other and further relief as this Court may deem just and proper under the circumstances.

### COUNT III – NEGLIGENCE - SLAGLE

COMES NOW Plaintiff Ashten Surritte and for her cause of action for negligence against Defendant Ann Marie Slagle states and alleges as follows:

53. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 39 of Plaintiff's Petition as if fully set forth herein.

54. Commencing prior to, and continuing on or about June 25, 2016, and continuing thereafter, defendant Slagle, was negligent and failed to use that degree of skill and learning ordinarily used by members of her profession (or ordinary care as the case may be) under the same or similar circumstances in at least one or more of the following respects:

(a) failed to follow even minimum standards for consulting, assessing and treating female patients with suspected pregnancy and/or urinary tract infection;

(b) failed to properly train, monitor and/or supervise staff, including Defendant Marte, to ensure they understood and followed the policies, procedures, guidelines or standards for consulting, assessing and treating patients, including Ms. Surritte, with suspected pregnancy and/or urinary tract infection.

(c) failed to properly coordinate with personnel at the Buchanan County Law Enforcement Center so they understood the proper policies, procedures, guidelines or standards for providing services to patients, including Ms. Surritte, with suspected pregnancy and/or urinary tract infection so they could adequately oversee/monitor/guard/protect Ms. Surritte and other detainees during the provision of medical care.

(d) failed to report Defendant Marte's method of conducting pregnancy examinations when she had knowledge of the same by May, 2016 and with sufficient time to prevent damage to Ms. Surritte.

(e) failed to report Defendant Marte's failure to document his examinations of female patients when she had knowledge of the same at least by May 2016 and with sufficient time to prevent damage to Ms. Surritte.

(f) failed to report Defendant Powers' instructions to Defendant Marte to make late and or false entries in patients' medical records.

(g) failed to report Defendant Powers' failure as a nursing supervisor to take action in regards to Defendant Marte even after Slagle knew Powers had knowledge of Defendant Marte's pregnancy examinations of female patients and his failure to properly document the examinations.

55. As a direct and proximate consequence of the acts, omissions and conduct of the defendant as set out herein, Ms. Surritte suffered damages and has been deprived of her capacity to enjoy life and experiences continued pain, suffering and anguish and may require medications and medical treatment in the future.

56. The acts and omissions of Defendant Slagle as set forth herein were grossly negligent and/or showed a complete indifference and/or reckless disregard for the rights and/or safety of Ms. Surritte and others and, therefore, Plaintiff is entitled to punitive damages from Defendant to punish and deter Defendant and others from like conduct.

WHEREFORE, Plaintiff Ashten Surritte prays for judgment in her favor and against Defendant Slagle, for a fair and reasonable amount, in excess of \$25,000.00, together with costs incurred herein, for punitive damages and for such other and further relief as this Court may deem just and proper under the circumstances.



#### COUNT IV – NEGLIGENCE - POWERS

COMES NOW Plaintiff Ashten Surritte and for her cause of action for negligence against Defendant April Powers states and alleges as follows:

57. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 39 of Plaintiff's Petition as if fully set forth herein.

58. Commencing prior to, and continuing on or about June 25, 2016, and continuing thereafter, defendant Powers was negligent and failed to use that degree of skill and learning ordinarily used by members of her profession (or ordinary care as the case may be) under the same or similar circumstances in at least one or more of the following respects:

(a) failed to follow even minimum standards for consulting, assessing and treating female patients with suspected pregnancy and/or urinary tract infection;

(b) failed to properly train, monitor and/or supervise staff, including Defendants Marte and Slagle, to ensure they understood and followed the policies, procedures, guidelines or standards for consulting, assessing and treating patients, including Ms. Surritte, with suspected pregnancy and/or urinary tract infection and for reporting negligent conduct by co-employees.

(c) failed to properly coordinate with personnel at the Buchanan County Law Enforcement Center so they understood the proper policies, procedures, guidelines or standards for providing services to patients, including Ms. Surritte, with suspected pregnancy and/or urinary tract infection so they could adequately oversee/monitor/guard/protect Ms. Surritte and other detainees during the provision of medical care.

59. Commencing prior to, and continuing on or about June 25, 2016, and continuing thereafter, defendant Powers failed to use that degree of skill and learning ordinarily used by members of her profession (or ordinary care as the case may be) under the same or similar circumstances in at least one or more of the following respects:

(a) failed to have and enforce adequate policies and procedures for consulting, assessing and treating patients with suspected pregnancy and/or and urinary tract infection like Ms. Surritte;

(b) failed to have and enforce adequate policies and procedures for coordinating with personnel at the Buchanan County Law Enforcement Center so they understood the proper policies, procedures, guidelines or standards for providing services to patients, including Ms. Surritte, with suspected pregnancy and/or urinary tract infection so they could adequately oversee/monitor/guard/protect Ms. Surritte and other detainees during the provision of medical care.

(c) failed to have sufficient staff or adequate scheduling so that staff were not capable of properly attending to Ms. Surritte;

(d) failed to have sufficient staff or adequate scheduling so that staff were not capable of properly training, supervising and monitoring nursing staff attending to Ms. Surritte;

(e) failed to have adequately trained staff for consulting, assessing and treating Ms. Surritte;

(f) failed to have adequately trained staff for training, supervising and monitoring nursing staff attending to Ms. Surritte;

(g) failed to address and correct or stop Defendant Marte's pregnancy examinations of female patients despite having knowledge of his methods, of patient complaints regarding the same; and of Marte's failure to document all of his examinations of female patients.

60. As a direct and proximate consequence of the acts, omissions and conduct of the defendant as set out herein, Ms. Surritte suffered damages and has been deprived of her capacity to enjoy life and experiences continued pain, suffering and anguish and may require medications and medical treatment in the future.

61. The acts and omissions of Defendant Powers as set forth herein were grossly negligent and/or showed a complete indifference and/or reckless disregard for the rights and/or safety of Ms. Surritte and others and, therefore, Plaintiff is entitled to punitive damages from Defendant to punish and deter Defendant and others from like conduct.

WHEREFORE, Plaintiff Ashten Surritte prays for judgment in her favor and against Defendant Powers, for a fair and reasonable amount, in excess of \$25,000.00, together with costs incurred herein, for punitive damages and for such other and further relief as this Court may deem just and proper under the circumstances.

#### **COUNT V – NEGLIGENCE - ANNIGIAN**

COMES NOW Plaintiff Ashten Surritte and for her cause of action for negligence against Defendant Heather Annigian states and alleges as follows:

62. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 39 of Plaintiff's Petition as if fully set forth herein.

63. Prior to June 25, 2017 and with sufficient time to take action to prevent damage to Plaintiff, Defendant Annigian knew or should have known that the pregnancy and/or urinary tract infection examinations being conducted by Defendant Marte were inappropriate and damaging to female patients including Plaintiff.

64. Prior to June 25, 2017 Defendant Annigian had a nondiscretionary duty to take action to report Defendant Marte's conduct and/or to otherwise protect female patients including Plaintiff.

65. Defendant negligently failed in her duty to take any adequate action to report Defendant Marte's conduct or to otherwise protect female patients including Plaintiff.

66. As a direct and proximate consequence of the acts, omissions and conduct of the defendant as set out herein, Ms. Surritte suffered damages and has been deprived of her capacity to enjoy life and experiences continued pain, suffering and anguish and may require medications and medical treatment in the future.

67. The acts and omissions of Defendant Annigian as set forth herein were grossly negligent and/or showed a complete indifference and/or reckless disregard for the rights and/or safety of Ms. Surritte and others and, therefore, Plaintiff is entitled to punitive damages from Defendant to punish and deter Defendant and others from like conduct.

WHEREFORE, Plaintiff Ashten Surritte prays for judgment in her favor and against Defendant Annigian, for a fair and reasonable amount, in excess of \$25,000.00, together with costs incurred herein, for punitive damages and for such other and further relief as this Court may deem just and proper under the circumstances.

## COUNT VI – NEGLIGENCE - WATSON

COMES NOW Plaintiff Ashten Surritte and for her cause of action for negligence against Defendant Kirwin Watson states and alleges as follows:

68. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 39 of Plaintiff's Petition as if fully set forth herein.

69. Prior to June 25, 2017 and with sufficient time to take action to prevent damage to Plaintiff, Defendant Watson knew or should have known that the pregnancy and/or urinary tract infection examinations being conducted by Defendant Marte were inappropriate and damaging to female patients including Plaintiff.

70. Prior to June 25, 2017 Defendant Watson had a nondiscretionary duty to take action to report Defendant Marte's conduct and/or to otherwise protect female patients including Plaintiff.

71. Defendant negligently failed in his duty to take any adequate action to report Defendant Marte's conduct, to report Amanda McCartney's grievance or to otherwise protect female patients including Plaintiff.

72. As a direct and proximate consequence of the acts, omissions and conduct of the defendant as set out herein, Ms. Surritte suffered damages and has been deprived of her capacity to enjoy life and experiences continued pain, suffering and anguish and may require medications and medical treatment in the future.

73. The acts and omissions of Defendant Watson as set forth herein were grossly negligent and/or showed a complete indifference and/or reckless disregard for the rights and/or safety of Ms. Surritte and others and, therefore, Plaintiff is entitled to punitive damages from Defendant to punish and deter Defendant and others from like conduct.

WHEREFORE, Plaintiff Ashten Surritte prays for judgment in her favor and against Defendant Watson, for a fair and reasonable amount, in excess of \$25,000.00, together with costs incurred herein, for punitive damages and for such other and further relief as this Court may deem just and proper under the circumstances.

THE BIRD LAW FIRM, P.C.

By: /s/William W. Bird

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