

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SHERRI WILLIAMS, Individually and as Administratrix of the
ESTATE OF FRED R. WILLIAMS, JR.,

Plaintiff,

-against-

THE COUNTY OF CAYUGA, CAYUGA COUNTY
MENTAL HEALTH, CAYUGA COUNTY JAIL, CAYUGA
COUNTY SHERIFF’S OFFICE, BRIAN SCHENCK, as the
Cayuga County Sheriff, and “JOHN/JANE DOE” #1 through
“JOHN/JANE DOE” #30 (the last thirty names being fictitious,
the true names being unknown, but intended to designate the
deputies, officers employees, staff, agents, assigns, servants,
and/or contractors of the Cayuga County Jail and/or the Cayuga
County Sheriff’s Office, and the nurses, doctors, medical staff,
mental health staff, employees, staff, agents, assigns, servants,
and/or contractors of the County of Cayuga and/or Cayuga County
Mental Health responsible by virtue of employment or contract
for providing care, treatment, control, and supervision to the
decedent, Fred R. Williams, Jr., during the course of his
incarceration at the Cayuga County Jail),

Defendants.

**COMPLAINT AND JURY
DEMAND**

Civil Action No.: 9:24-cv-1055
DNH/CFH

Plaintiff, **SHERRI WILLIAMS**, Individually and as Administratrix of the Estate of
FRED R. WILLIAMS, JR., by and through her attorneys, **KENNY & KENNY, PLLC**, as and
for her Amended Complaint, alleges:

SUMMARY OF ACTION

1. This is a wrongful death and 42 U.S.C. § 1983 action brought by the Decedent’s
mother, Sherri Williams, for the serious injury and death of her son, Fred R. Williams, Jr.,
(hereinafter “Fred” or “decedent”), while he was an inmate at the Cayuga County Jail.

2. This is also an action for Defendants' deliberate indifference to Fred R. Williams, Jr.'s serious medical and mental health needs, violating said decedent's Constitutional rights.

3. Upon Fred's admission to the Cayuga County Jail and during his incarceration, Defendants failed to address Decedent's suicidal ideations and behaviors, as well as his physical condition, particularly given Fred's known history of suicide attempts and known extensive mental health history.

4. More particularly, during his admission to the Cayuga County Jail, multiple requests were made for Fred's mental health/psychiatric medication(s), and the same were not provided, despite Fred's prescription history. Further, Fred was placed on constant watch as a result of his behaviors, which also did not prompt or result in a proper or additional mental health assessment.

5. Among other warning signs that Fred had serious medical issues that required treatment, on November 24, 2022, the day before he was found to have committed suicide by asphyxiation in his cell, he refused his time outside his cell, (which was noted by jail staff to be abnormal as he was always at the door waiting to exit his cell), and refused his dinner at approximately 4:30 P.M., (which was also noted by jail staff to be abnormal as he would regularly eat other inmates' leftover meals in addition to his own).

6. Upon information and belief, Fred's extensive mental health history was, or should have been, well known by Defendants as Fred had been treated extensively by Cayuga County Mental Health, the records of which, upon information and belief, were available to Defendants.

7. On November 24, 2022 at approximately 7:30 P.M., the Cayuga County Jail's facility log book indicated that C.O. "S.H" saw Fred in his cell "lying face down on his bunk."

Upon opening of the cell, Fred was found unresponsive with clothing and/or a sheet tied around his neck, and blood-soaked fabric wrapped around his left wrist. Four (4) minutes later, at 7:34 P.M., EMS was notified. Auburn City Ambulance arrived at 7:45 P.M., and Fred was transported to Upstate University Hospital, where he was ultimately diagnosed with brain death, placed on comfort care, and pronounced deceased the following day, on November 25, 2022.

8. Due to the failures, inattention and deliberate indifference of Defendants, Fred was found unresponsive in his cell at the Cayuga County Jail on November 24, 2022, having asphyxiated himself with clothing and/or a bed sheet, which ultimately resulted in his death on November 25, 2022 at Upstate University Hospital in Syracuse, New York.

PARTIES

9. Plaintiff, **SHERRI WILLIAMS**, the mother of the Decedent, Fred R. Williams, Jr., resides at 1052 Lake Como Road, Cortland, NY 13045, and acts as the protective Administratrix and representative of the Estate of Fred R. Williams, Jr., deceased.

10. Plaintiff's decedent, Fred, was born in 1987 and resided in Cayuga, State of New York, at all times pertinent herein.

11. At all relevant times prior to his untimely death, Fred was an adult.

12. Upon his death, Fred left his minor sons, Fred R. Williams, III and Ryan C. Williams, and his parents, Sherri Williams and Fred Williams, Sr., surviving him as next of kin.

13. Plaintiff, **SHERRI WILLIAMS**, is duly authorized to commence this proceeding as the Administratrix of the Estate of Fred R. Williams, Jr., deceased, having been so appointed and issued Letters of Administration by the Surrogate's Court, Cayuga County, on or about January 24, 2024, and having also been granted Letters of Guardianship for Fred's two (2) minor children, Fred R. Williams, III and Ryan C. Williams, on or about January 2, 2024. Copies of

said Letters of Administration and Letters of Guardianship have been annexed hereto and made a part hereof as **Exhibit “A.”**

14. These Letters of Administration have not been revoked, rescinded or otherwise terminated, and are in full force and effect at this time. These Letters specifically provide Plaintiff with the authority and standing to bring the instant action on Fred’s behalf.

15. Upon information and belief, at all times hereinafter mentioned, Defendant, **THE COUNTY OF CAYUGA**, (also referred to as “**CAYUGA COUNTY**” herein), was and is a municipal corporation organized and existing under the laws of the State of New York with principal offices located at 160 Genesee Street, Auburn, New York 13021.

16. Upon information and belief, and at all times hereinafter mentioned, Defendant, **CAYUGA COUNTY MENTAL HEALTH**, was and is a department of the County of Cayuga, a municipal corporation organized and existing under the laws of the State of New York, which controls, operates, supervises, and/or manages, the Cayuga County Community Mental Health Center, which was and is a facility providing mental health care and treatment to the residents of Cayuga County. Also upon information and belief and at all times hereinafter mentioned, said Defendant, **CAYUGA COUNTY MENTAL HEALTH**, was and is responsible for providing mental health services, care, and treatment to the incarcerated individuals at the Cayuga County Jail.

17. Upon information and belief, and at all times hereinafter mentioned, Defendant, **CAYUGA COUNTY JAIL**, was and is an inmate holding facility located at 7445 County House Road, Auburn, New York 13021, which was and is operated, managed, controlled, and/or maintained by Defendant, **COUNTY OF CAYUGA**, and Defendant, **CAYUGA COUNTY SHERIFF’S OFFICE**.

18. Upon information and belief, and at all times hereinafter mentioned, Defendant, **CAYUGA COUNTY SHERIFF'S OFFICE**, was and is a department of the Defendant, **COUNTY OF CAYUGA**, with offices located at 7445 County House Road, Auburn, New York 13021.

19. Upon information and belief, and at all times hereinafter mentioned, Defendant, **BRIAN SCHENCK**, as Cayuga County Sheriff, was and is an agent and/or employee of Defendant, **COUNTY OF CAYUGA**, and Defendant, **CAYUGA COUNTY SHERIFF'S OFFICE**, and was charged, in whole or in part, with the management, supervision, and maintenance of the Defendant facility, **CAYUGA COUNTY JAIL**, and the employees, agents, assigns, and/or contractors therein, such as Defendant, **CAYUGA COUNTY MENTAL HEALTH**, and its employees, agents, assigns, and/or contractors.

20. Upon information and belief, and at all times hereinafter mentioned, the Defendant jail administrator(s), captain(s), lieutenant(s), sergeant(s), corporal(s), deputy(ies), officer(s), and/or guard(s) responsible for the care, custody, control, management, and supervision of the decedent, Fred R. Williams, Jr., identified herein as "**JOHN/JANE DOE #1 THROUGH JOHN/JANE DOE #30**," were employed by the Defendants, **COUNTY OF CAYUGA**, **CAYUGA COUNTY SHERIFF'S OFFICE**, **CAYUGA COUNTY JAIL**, and/or **BRIAN SCHENCK**, as the Cayuga County Sheriff, and were acting in his/her/their official capacity, under color of law, and with deliberate indifference at all times pertinent herein. As such, said Defendants, (**COUNTY OF CAYUGA**, **CAYUGA COUNTY SHERIFF'S OFFICE**, **CAYUGA COUNTY JAIL**, and **BRIAN SCHENCK**, as the Cayuga County Sheriff), are vicariously liable for the acts of said "**JOHN/JANE DOE(S)**" under the doctrine of

respondeat superior. Said Defendants are sued individually and in their official capacity as employees and/or contractors and/or agents of Defendants.

21. Upon information and belief, and at all times hereinafter mentioned, the Defendant medical personnel, including, but not limited to, nurses, nurses' assistants, nurse practitioners, doctor, psychologists, psychiatrists, and licensed clinical social workers, employed and/or otherwise retained by Defendants, **COUNTY OF CAYUGA, CAYUGA COUNTY MENTAL HEALTH, CAYUGA COUNTY SHERIFF'S OFFICE**, and/or **BRIAN SCHENCK, as the Cayuga County Sheriff**, were responsible for overseeing, supervising, coordinating, managing and/or providing for the medical and/or mental health care of incarcerated individuals, such as the decedent, Fred R. Williams, Jr., at the Cayuga County Jail, were employed and/or contracted to do so by the Defendants, **COUNTY OF CAYUGA, CAYUGA COUNTY MENTAL HEALTH, CAYUGA COUNTY SHERIFF'S OFFICE**, and/or **BRIAN SCHENCK, as the Cayuga County Sheriff**, and were acting in his/her/their course of employment and/or contract at all times pertinent herein. As such, said Defendants, **(COUNTY OF CAYUGA, CAYUGA COUNTY MENTAL HEALTH, CAYUGA COUNTY SHERIFF'S OFFICE, and/or BRIAN SCHENCK, as the Cayuga County Sheriff)**, are vicariously liable for the acts of said "**JOHN/JANE DOE(S)**" under the doctrine of *respondeat superior*. Said Defendants are sued individually and in their official capacity as employees and/or contractors and/or agents of Defendants.

22. On or about February 12, 2024, Plaintiff, **SHERRI WILLIAMS, Individually and as Administratrix of the ESTATE OF FRED R. WILLIAMS, JR.**, caused a due and proper Notice of Claim to be served upon the municipal Defendants, **COUNTY OF CAYUGA, CAYUGA COUNTY MENTAL HEALTH, CAYUGA COUNTY JAIL, CAYUGA**

COUNTY SHERIFF’S OFFICE, and BRIAN SCHENCK, as the Cayuga County Sheriff, as required by New York General Municipal Law § 50-e(1)(a) (within ninety (90) days of the appointment of Plaintiff as Administratrix to Fred’s Estate). No adjustment or payment has been made thereon within thirty (30) days. This action was commenced within one (1) year and ninety (90) days after the cause of action accrued. Said Notice of Claim has been annexed hereto as **Exhibit “B.”**

23. An examination of the Plaintiff, **SHERRI WILLIAMS**, pursuant to New York General Municipal Law § 50-h, was completed on May 23, 2024.

JURISDICTION AND VENUE

24. This action is brought pursuant to 42 U.S.C. § 1983 and the Eighth and Fourteenth Amendments of the United States Constitution.

25. This Court has jurisdiction over the claims alleged in the Compliant pursuant to 42 U.S.C. § 1983 and 28 U.S.C. §§ 1331 and 1343, as well as supplemental jurisdiction over all state common law claims pursuant to 28 U.S.C. § 1367.

26. The County of Cayuga, wherein all parties resided or operated their business and/or municipal entities at the time of the occurrence and wherein a substantial part of the events or omissions giving rise to the claim occurred, is within the jurisdiction of the United States District Court, Northern District of New York. Accordingly, venue is proper under 28 U.S.C. § 1391(b)(2).

27. Upon information and belief, the above action falls within one or more exceptions noted in CPLR § 1602, including, but not limited to, reckless disregard for the safety of others.

FACTS

28. In November 2022, Fred R. Williams, Jr. was a thirty-five (35) year old father of two with a history of substance abuse, extensive mental health treatment, and suicide attempts.

29. On or about June 23, 2022, Fred was remanded to the Cayuga County Jail on a charge of Criminal Possession of a Weapon 3rd and a parole warrant, and held without bail.

30. Officers, deputies, employees and/or agents of Defendants, identified and sued herein as “JOHN/JANE DOE” #1 through “JOHN/JANE DOE” #30, subsequently transported, booked, screened, interviewed, and incarcerated Fred R. Williams, Jr. at the Cayuga County Jail.

31. At all times relevant herein, Fred was in the exclusive custody and care of Defendants and/or Defendants’ agents, servants, assigns, and/or employees.

32. Based upon his prior treatment with Cayuga County Mental Health, Fred’s history was well-known to Defendants, having been treated by Cayuga County Mental Health and/or the Cayuga County Community Mental Health Center for suicidal statements and/or actions, suicide attempts, and/or other mental health crises on multiple occasions in the several years prior to his incarceration on or about June 23, 2022.

33. Despite this known history, upon information and belief, Fred was never given an adequate suicide screening/evaluation or psychological/mental screening/evaluation on or about June 23, 2022, when he was remanded to the Cayuga County Jail, or at any time thereafter. Further, Fred was not provided with continuity of care with respect to his mental health as, for example, his mental health records from the NYS Office of Mental Health and Cayuga County Mental Health were not obtained by Defendants and/or their employee(s) agent(s), assign(s), and/or contractor(s), despite their ability to obtain the same, and his medications and treatment were not continued or provided, despite request.

34. Among other warning signs that Fred was suicidal and/or experiencing poor mental health, Fred exhibited erratic and atypical behavior on multiple occasions, including refusing time out of his cell, refusing meals, getting into physical altercations with other inmates, and acting destructively in his cell. On November 23, 2022, *the day before* he was found to have asphyxiated himself in his cell, Fred refused time outside his cell. On November 24, 2022 at 4:-6 P.M., the day of the aforementioned suicide, Fred again declined time outside his cell and slammed his door shut when it was opened by corrections staff, and the facility log book specifically noted that this was “not [Fred’s] typical behavior” and that he did not “look normal.” On November 24, 2022 at 4:30 P.M., the facility log book indicated that Fred declined his dinner meal, which was noted to be “very atypical,” and that he said he just wanted to see his kids and that his neighboring inmate could have his meal.

35. Further, upon information and belief, Defendants failed to organize, furnish, and/or otherwise “set up” Decedent’s cell so as to ensure an inmate’s inability to access any devices which he may use to commit suicide.

36. Defendants and their agents, assigns, employees, and/or contractors knew or should have known that Fred was at risk of killing himself, or at least attempting to do so.

37. Despite these circumstances, and further despite Defendants having placed Fred on “constant watch,” Defendants failed to monitor him with reasonable care, and failed to ensure that he received necessary mental health care, assessment, and treatment.

38. On or about the evening of November 24, 2022, while Defendants were not engaged in reasonable monitoring of Decedent under the circumstances, Decedent asphyxiated himself in his cell using a bed sheet and clothing in an apparent self-strangulation incident.

39. At about 7:30 P.M. on November 24, 2022, Fred was found unresponsive in his cell. “Security staff” was called to open Fred’s cell door, and eventually opened it after multiple attempts. Fred was cut from the ligature around his neck, and CPR was initiated. EMS was then contacted at approximately 7:34 P.M., and arrived at 7:45 P.M., at which time Fred was transported by Auburn City Ambulance to Upstate University Hospital, where he was subsequently declared to be brain dead and ultimately passed away on November 25, 2022, leaving behind his two young sons as next of kin, along with his parents and extended family.

AS TO THE FIRST CAUSE OF ACTION FOR WRONGFUL DEATH, SURVIVAL, AND NEGLIGENCE AGAINST DEFENDANTS THE COUNTY OF CAYUGA, CAYUGA COUNTY MENTAL HEALTH, CAYUGA COUNTY JAIL, CAYUGA COUNTY SHERIFF’S OFFICE, BRIAN SCHENCK, as the Cayuga County Sheriff, and “JOHN/JANE DOE” #1 through “JOHN/JANE DOE” #30

40. Plaintiff incorporates herein by reference the allegations as set forth in the preceding paragraphs 1 through 39.

41. At all times pertinent, as an inmate of the Cayuga County Jail, Fred remained in the exclusive care and custody of Defendants.

42. All Defendants had a duty to fully assess, screen, monitor, and evaluate the safety and health of Fred under the circumstances.

43. All Defendants further had a duty to provide Fred with reasonable and responsive medical care, including mental health care, under the circumstances to maintain the safety, health, and well-being of inmates, such as Fred.

44. At all times relevant to this action, all Defendants had a duty to provide reasonable care to prevent foreseeable harm, including suicides, of any inmate placed in their custody.

45. Defendants retained and/or hired and were obligated to supervise the **JOHN AND/OR JANE DOE** Defendants in carrying out their duties as Cayuga County Deputy Sheriffs, corrections officers, nursing staff, medical staff, and/or contracted nursing and/or medical personnel employed by Defendants, County of Cayuga, Cayuga County Mental Health, Cayuga County Jail, Cayuga County Sheriff's Office, and/or Brian Schenck, as the Cayuga County Sheriff.

46. During the period that Fred was in the custody of Defendants, Defendants and their agents, servants, assigns, employees, and/or contractors also had a duty to supervise, monitor, and safeguard his well-being and whereabouts.

47. At all times relevant to this action, said Defendants were aware and/or, in the exercise of reasonable care, should have been aware, of facts, comments, and behavior that indicated that Fred posed a reasonably foreseeable and objectively serious threat and danger to himself.

48. At all times relevant to this action, said Defendants were aware and/or, in the exercise of reasonable care, should have been aware of signs, symptoms, behavior, complaints, statements, and indications that Fred posed a reasonably foreseeable substantial risk of serious harm to himself.

49. At all times relevant to this action, said Defendants knew of and disregarded the substantial risk of serious harm that Fred posed to himself and otherwise failed to take reasonable and/or proper precautions to prevent Fred from harming himself.

50. Said Defendants breached their duty to Fred R. Williams, Jr. by, among other things:

- a. Failing to properly and adequately supervise the Decedent under the circumstances;
- b. Failing to render appropriate medical and/or mental health treatment and assistance under the circumstances;
- c. Failing to ensure that Decedent properly and actually received proper medical, mental health, and/or prescription drug treatment for the mental health issues he was experiencing;
- d. Failing to adequately and properly observe Decedent in his cell;
- e. Failing to adequately monitor Decedent's activities while he was an inmate at the Cayuga County Jail;
- f. Failing to adequately assess and/or monitor Decedent's mental health;
- g. Failing to provide Decedent with mental health evaluation, care, and/or treatment;
- h. Failing to adequately perform intake procedures which would, inter alia, inform Defendants and/or their agents, servants, assigns, and/or employees of an individual's medical and mental health history;
- i. Failing to intervene to provide prompt and/or adequate mental health treatment to inmates in Defendants' custody, such as Decedent herein, that was reasonable and necessary under the circumstances;
- j. Failing to properly and comprehensively evaluate Decedent's condition under the circumstances;

k. Failing to train relevant nursing and medical staff and employees who oversaw Decedent's incarceration in identifying and responding to mental and physical health problems exhibited by inmates such as Decedent;

l. Failing to perform a proper medical and mental health screening and/or assessment of Decedent under the circumstances;

m. Failing to detect Decedent's suicidal tendencies while having the information and control necessary to do so and to care for Decedent's well-being and take such steps to prevent his suicide;

n. Failing to properly prescribe and administer appropriate prescription drugs to Decedent under the circumstances;

o. Failing to have a policy, custom and practice of providing adequate attention or treatment to inmates with serious medical, mental health and/or rehabilitative needs;

p. Failing to transfer Decedent to a more appropriate incarceration facility and/or more appropriate treatment provider(s);

q. Failing to share necessary information within the Jail so that all relevant Jail agents, servants, assigns, employees and/or contractors were aware of the risk of harm that Decedent posed to himself;

r. Failing to share, provide, request, and/or obtain necessary information amongst County agencies, (e.g. between the Cayuga County Jail and Cayuga County Mental Health), relating to the mental health history and treatment of inmates, including Decedent;

s. Failing to organize, furnish, and otherwise “set up” Decedent’s cell so as to ensure an inmate’s inability to access any devices with which he or she may commit suicide;

t. Failing to adequately staff the Cayuga County Jail so as to ensure the officers’, deputies’, medical staff, mental health staff, nursing staff, and/or contractors’ abilities to adequately supervise inmates;

u. Failing to adequately and properly train, screen, supervise, and/or discipline employees, nursing staff, medical staff, mental health staff, and/or contractors of the Cayuga County Jail with respect to the serious medical and mental health needs of individuals in their custody and in responding to mental and physical health problems exhibited by inmates such as Decedent;

v. Failing to train relevant Cayuga County Jail employees, nursing staff, medical staff, and/or contractors who oversaw Decedent’s incarceration in identifying and responding to symptoms of poor and/or deteriorating mental health and mental health issues exhibited by inmates and the risks and dangers associated with said mental health issues;

w. Failing to monitor Decedent in accordance with internal policy, statewide regulations or other pertinent practices, policies, laws, rules, and/or regulations for monitoring suicidal inmates in a correctional environment;

x. Failing to follow County and internal rules and protocols to prevent inmate suicides or suicide attempts;

y. Failing to intervene to prevent the Decedent’s attempt at suicide;

z. Failing to promptly respond to prevent individuals who have medical, mental health and/or rehabilitative issues from attempting and/or completing suicide;

aa. Failing to provide prompt and/or adequate medical care to individuals who have attempted suicide through hanging;

bb. Ignoring or otherwise being deliberately indifferent to indications from Decedent that his mental health was disturbed and that he was suicidal and/or in the process of attempting to commit suicide;

cc. Otherwise failing to act and adequately respond to an inmate such as Decedent who represented a risk of self-harm and suicide;

dd. Maintaining and developing policies that exhibit deliberate indifference to the safety of inmates, and which allow inmates the ability to commit suicide while under the care, custody, control, supervision, and management of the Defendants;

ee. Failing to adequately monitor security devices so as to prevent Decedent's ability to commit suicide;

ff. Failing to have adequate security devices, such as cameras, in place to monitor inmate activity and prevent inmate suicides;

gg. Failing to properly supervise its agents, servants, assigns, employees, and/or contractors while said individuals were on duty;

hh. Failing to properly document complaints, reports, and/or investigations with regard to inmate safety and act on the same;

ii. Negligently failing to report, reprimand, and otherwise discipline improper and illegal behavior;

jj. Failing to exercise due diligence;

kk. Failing to maintain a safe environment for inmates;

ll. Violating 42 U.S.C. §1983 and 42 U.S.C. §1985(3);

mm. Intentionally and/or negligently violating the civil and constitutional rights of Decedent, Fred R. Williams, Jr., secured by the Constitutions of the United States and of the State of New York, including the Eighth and Fourteenth Amendments of the United States Constitution and Article I, Sections V and XI of the New York State Constitution and Section 28 of the New York State Civil Right Law.

51. In addition to their individual liability, Defendants, **COUNTY OF CAYUGA, CAYUGA COUNTY MENTAL HEALTH, CAYUGA COUNTY JAIL, CAYUGA COUNTY SHERIFF'S OFFICE, and BRIAN SCHENCK, as the Cayuga County Sheriff,** are vicariously liable under the doctrine of *respondeat superior* for any of the foregoing acts or omissions of their employees, nursing staff, medical staff, mental health staff, agents, servants, and/or assigns, identified herein as **JOHN/JANE DOE#1 THROUGH JOHN/JANE DOE #30,** that were at any point dispatched or assigned to handle the supervision, care, or control, whether medical and/or mental health care or otherwise, of the Decedent at the Cayuga County Jail, and who committed the foregoing tortious acts or omissions against the Decedent, Fred R. Williams, Jr., under the circumstances.

52. As a result of the foregoing, Plaintiff and Plaintiff's Decedent suffered damages because of the Defendants foregoing actions and omissions, committed individually or collectively.

53. As a result of the foregoing, Decedent, Fred R. Williams, Jr., sustained serious and permanent personal injuries, including, but not limited to, asphyxia due to hanging; related

pain and suffering; loss of earnings and earnings capacity; loss of consortium, loss of parental love and guidance, pre-death conscious pain and suffering and mental anguish; and death.

54. Decedent is survived by next of kin, including his two minor sons, his mother, (Plaintiff, Sherri Williams), and his father, Fred R. Williams, Sr.

55. Further, punitive damages against all Defendants are demanded and are warranted and proper under the circumstances.

56. The Defendants are not entitled to qualified immunity under the circumstances.

57. As a result of the foregoing, Plaintiff's decedent has been damaged in an amount which exceeds the jurisdictional limits of lower courts of the State of New York which otherwise would have jurisdiction in this action.

AS TO THE SECOND CAUSE OF ACTION PURSUANT TO 42 U.S.C. § 1983 AGAINST THE COUNTY OF CAYUGA, CAYUGA COUNTY MENTAL HEALTH, CAYUGA COUNTY JAIL, CAYUGA COUNTY SHERIFF'S OFFICE, BRIAN SCHENCK, as the Cayuga County Sheriff, and "JOHN/JANE DOE" #1 through "JOHN/JANE DOE" #30 (FAILURE TO PROVIDE MEDICAL CARE)

58. Plaintiff incorporates herein by reference the allegations set forth in the preceding paragraphs numbered "1" through "57" herein.

59. Defendants, **THE COUNTY OF CAYUGA, CAYUGA COUNTY MENTAL HEALTH, CAYUGA COUNTYJAIL, CAYUGA COUNTY SHERIFF'S OFFICE, BRIAN SCHENCK, as the Cayuga County Sheriff**, by and through their agents, servants, assigns, and/or employees identified herein as the **JOHN AND/OR JANE DOE** Defendants, were responsible for supervising, monitoring, safeguarding, securing, facilitating, conducting, providing, and ensuring basic medical and mental health care and treatment for Fred while he was in their custody and control between June and November of 2022.

60. Upon information and belief, at all times relevant hereto, Defendants, **THE COUNTY OF CAYUGA, CAYUGA COUNTY MENTAL HEALTH, CAYUGA COUNTYJAIL, CAYUGA COUNTY SHERIFF'S OFFICE, BRIAN SCHENCK, as the Cayuga County Sheriff**, by and through their agents, servants, assigns, and/or employees identified herein as the **JOHN AND/OR JANE DOE** Defendants, were acting under color of state law, that is under color of the Constitution, statutes, laws, rules, regulations, customs and usages of the State of New York and pursuant to their authority as law enforcement officers or agents or assigns thereof.

61. At all times relevant hereto, Defendants and/or their agents, servants, assigns, and/or employees, separately and in concert with each other, engaged in acts or omissions which constituted deprivation of the rights, privileges and immunities of the Decedent, Fred R. Williams, Jr. While these acts and omissions were carried out under color of state law, they had no justification or excuse in law, and were instead illegal, improper and unrelated to any activity in which law enforcement officers may appropriately and legally engage in the course of protecting persons and property, or ensuring civil order.

62. Upon information and belief, at all times relevant hereto, **BRIAN SCHENCK**, as the Cayuga County Sheriff, was responsible, in whole or in part, for the day-to-day operations of the **CAYUGA COUNTY JAIL** and had the custody, control and charge of the **CAYUGA COUNTY JAIL** and its inmates.

63. At all relevant times hereto, Defendants, **THE COUNTY OF CAYUGA, CAYUGA COUNTY MENTAL HEALTH, CAYUGA COUNTYJAIL, CAYUGA COUNTY SHERIFF'S OFFICE, BRIAN SCHENCK, as the Cayuga County Sheriff**, and

their agents, servants, assigns, and/or employees had a duty to provide Decedent, Fred R. Williams, Jr., with reasonable medical and mental health care.

64. As set forth herein, Decedent, Fred R. Williams, Jr., was incarcerated in the Cayuga County Jail under conditions posing a reasonably foreseeable substantial risk of serious harm to himself.

65. From June 23, 2022 through November 24, 2022, Defendants were aware of, witnessed, or otherwise identified, or should have identified through the exercise of reasonable care, Fred's serious mental health needs that required adequate and responsive attention by Defendants and their agents, assigns, servants, and/or employees, including, but not limited to, his extensive mental health treatment history and behavior.

66. Among other warning signs that Fred was suicidal and required appropriate mental health care and treatment, on November 24, 2022, the day before he was found to have committed suicide by asphyxiation in his cell, he refused his time outside his cell, (which was noted by jail staff to be abnormal as he was always at the door waiting to exit his cell), and refused his dinner at approximately 4:30 P.M., (which was also noted by jail staff to be abnormal as he would regularly eat other inmates' leftover meals in addition to his own). Further, upon information and belief, Fred's extensive mental health history was, or should have been, well known by Defendants as Fred had been treated extensively by Cayuga County Mental Health, the records of which, upon information and belief, were available to Defendants. Despite the foregoing, Defendants failed to reasonably monitor Plaintiff's decedent, particularly given his history, and, upon information and belief, Plaintiff's decedent continued to display signs of deteriorating mental health.

67. Further, upon information and belief, Defendants failed to organize, furnish, and/or otherwise “set up” Decedent’s cell so as to ensure an inmate’s inability to access any devices which he may use to commit suicide.

68. Based upon the foregoing, Defendants and their agents, servants, assigns, and/or employees, knew or should have known that Fred was at risk of self-harm and, as such, said Defendants’ failure and/or refusal to properly supervise, monitor, screen, evaluate, and treat Plaintiff’s decedent, Fred R. Williams, Jr., prior to his suicide attempt constituted deliberate indifference to his safety, health and well-being as well as to his serious and urgent mental health needs in violation of his Eighth Amendment right to reasonable and adequate medical (including mental health) care and his Fourteenth Amendment right to due process.

69. Defendants recklessly failed to act with reasonable care to mitigate the risk that Fred’s severe mental health needs posed to his life, health, and safety, even though Defendants knew, or should have known, that his condition posed an excessive risk to his life, health, and safety.

70. Defendants also exhibited deliberate indifference to Fred’s serious medical and mental health needs by the acts and omissions identified in paragraph “50” above and constituted a failure to provide reasonable and adequate medical and/or mental health care.

71. At all times pertinent, Defendants acted under color of law, and pursuant to their authority as law enforcement officers, and deprived Fred of federal and state rights, including the rights, liberties, freedoms, and privileges guaranteed under the United States Constitution and federal and state statutes, including, but not limited to, Fred’s right to reasonable and adequate medical (and mental health) care and his right to due process.

72. At all times pertinent, Defendants and/or their agents, servants, assigns, and/or employees, separately and in concert with each other, engaged in acts and omissions which constituted deprivation of the rights, privileges and immunities of the Decedent. While these acts and omissions were carried out under the color of state law, they had no justification or excuse in law, and were instead illegal, improper and unrelated to any activity in which law enforcement officers may appropriately and legally engage in the course of protecting persons and property, or ensuring civil order.

73. Defendants' actions undertaken pursuant to rules, policies, procedures, regulations, usages and practices violate the protections guaranteed by the Constitution of the United States, and are, therefore, unconstitutional and unlawful pursuant to 42 U.S.C. § 1983.

74. As a result of the foregoing, Decedent, Fred R. Williams, Jr., sustained serious and permanent personal injuries, including but not limited to: loss of Constitutional rights, both federal and state; asphyxia due to hanging; related pain and suffering; loss of earnings and earnings capacity; loss of consortium, loss of parental love and guidance, pre-death conscious pain and suffering and mental anguish; and death.

75. As a result of the foregoing, Plaintiff demands judgment against Defendants in the amount of \$10,000,000.00 (ten million dollars).

76. In addition, punitive damages against the municipal Defendants in an appropriate amount, as determined by the trier of fact of this action, are demanded and are warranted and proper due to the municipal Defendants' reckless and callous indifference to Fred's rights.

77. Additionally, Plaintiff is entitled to an award of attorneys' fees and costs as may be recoverable by law, and demands the same accordingly.

**AS TO THE THIRD CAUSE OF ACTION PURSUANT TO 42 U.S.C. § 1983 AGAINST
THE COUNTY OF CAYUGA, CAYUGA COUNTY MENTAL HEALTH, CAYUGA
COUNTY JAIL, CAYUGA COUNTY SHERIFF'S OFFICE, BRIAN SCHENCK, as the
Cayuga County Sheriff, and "JOHN/JANE DOE" #1 through "JOHN/JANE DOE" #30
(CRUEL AND UNUSUAL PUNISHMENT)**

78. Plaintiff incorporates by reference the allegations set forth in the preceding paragraphs numbered "1" through "77" herein.

79. Upon information and belief, Defendants, **THE COUNTY OF CAYUGA, CAYUGA COUNTY MENTAL HEALTH, CAYUGA COUNTYJAIL, CAYUGA COUNTY SHERIFF'S OFFICE, BRIAN SCHENCK, as the Cayuga County Sheriff**, as indicated by the various acts and omissions set forth herein, have policies, customs, and practices of: (1) not providing or otherwise ensuring adequate attention or treatment that when presented with inmates with serious medical, mental health and rehabilitative needs, including suicidal ideation and mental health symptoms; and (2) not properly training their employees and agents on how to adequately respond to inmates' suicidal ideation and mental health symptoms when said symptoms are presented or known to said employees and agents; and (3) not properly staffing the Cayuga County Jail with sufficient employees or agents, particularly employees or agents appropriately trained to respond to inmates' serious medical and/or mental health needs at the Cayuga County Jail; and (4) lacking proper policies regarding notification to and follow-up by health professionals for serious medical and/or mental health needs of inmates, among other deficiencies.

80. The Deputies and/or other agents of the **CAYUGA COUNTY JAIL** either knew or should have known through the exercise of reasonable care that Plaintiff's decedent was in need of mental health and/or other medical attention and was at risk of self-harm.

81. In addition, among other warning signs that Fred was suicidal and required appropriate mental health care and treatment, on November 24, 2022, the day before he was found to have committed suicide by asphyxiation in his cell, he refused his time outside his cell, (which was noted by jail staff to be abnormal as he was always at the door waiting to exit his cell), and refused his dinner at approximately 4:30 P.M., (which was also noted by jail staff to be abnormal as he would regularly eat other inmates' leftover meals in addition to his own). Further, upon information and belief, Fred's extensive mental health history was, or should have been, well known by Defendants as Fred had been treated extensively by Cayuga County Mental Health, the records of which, upon information and belief, were available to Defendants.

82. Despite the foregoing, Defendants failed to reasonably monitor Plaintiff's decedent, particularly given his history, and, upon information and belief, Plaintiff's decedent continued to display signs of deteriorating mental health.

83. By reason of the foregoing, Defendants, **THE COUNTY OF CAYUGA, CAYUGA COUNTY MENTAL HEALTH, CAYUGA COUNTYJAIL, CAYUGA COUNTY SHERIFF'S OFFICE, BRIAN SCHENCK, as the Cayuga County Sheriff**, by and through their agents, servants, assigns, and/or employees, identified as the "**JOHN AND/OR JANE DOE**" Defendants, violated Fred's right to due process and to be free from cruel and unusual punishment because, by its policies, customs, and practices, Cayuga County and the Cayuga County Sheriff's Office was/were deliberately indifferent to Fred's serious medical and/or mental health needs.

84. Defendants, **THE COUNTY OF CAYUGA, CAYUGA COUNTY MENTAL HEALTH, CAYUGA COUNTYJAIL, CAYUGA COUNTY SHERIFF'S OFFICE, BRIAN SCHENCK, as the Cayuga County Sheriff**, by and through their agents, servants, assigns,

and/or employees, identified as the “**JOHN AND/OR JANE DOE**” Defendants, violated Fred’s federal and state rights, as aforesaid, while acting under color of law.

85. These policies, customs and practices of Defendants, **THE COUNTY OF CAYUGA, CAYUGA COUNTY MENTAL HEALTH, CAYUGA COUNTYJAIL, CAYUGA COUNTY SHERIFF’S OFFICE, BRIAN SCHENCK, as the Cayuga County Sheriff**, either individually or in combination, were direct and proximate causes of Fred’s death.

86. These deficient and substandard policies, customs, and practices, either on their face or as applied, either individually or in combination, were unrelated to any legitimate governmental interest or valid governmental objective.

87. Defendants’ actions undertaken pursuant to rules, policies, procedures, regulations, usages and practices violate the protections against cruel and unusual punishment guaranteed by the Eighth Amendment of the Constitution of the United States and the Fourteenth Amendment of the Constitution of the United States, and are, therefore, unconstitutional and unlawful pursuant to 42 U.S.C. § 1983.

88. As a result of the foregoing, Decedent, Fred R. Williams, Jr., sustained serious and permanent personal injuries, including but not limited to: loss of Constitutional rights, both federal and state; asphyxia due to hanging; related pain and suffering; loss of earnings and earnings capacity; loss of consortium, loss of parental love and guidance, pre-death conscious pain and suffering and mental anguish; and death.

89. As a result of the foregoing, Plaintiff demands judgment against Defendants in the amount of \$10,000,000.00 (ten million dollars).

90. In addition, punitive damages against Defendants in an appropriate amount, as determined by the trier of fact of this action, are demanded and are warranted and proper due to Defendants' reckless and callous indifference to Fred's rights.

91. Additionally, Plaintiff is entitled to an award of attorneys' fees and costs as may be recoverable by law, and demands the same accordingly.

92. **WHEREFORE**, Plaintiff, **SHERRI WILLIAMS**, on behalf of herself and her decedent, **FRED R. WILLIAMS, JR.**, on the first cause of action, demands judgment in an amount which exceeds the jurisdictional limits of all lower courts in the State of New York which would otherwise have jurisdiction, the precise amount of which is to be established by a jury at trial, plus costs and interest as allowed by law, as well as punitive damages against all Defendants.

93. Further, Plaintiff, **SHERRI WILLIAMS**, on behalf of herself and her decedent, **FRED R. WILLIAMS, JR.**, on the second and third causes of action in the amount of \$10,000,000.00 (ten million dollars) on each respective cause of action, demands judgment thereon, and demands such other and further relief as the Court deems just and proper, including punitive damages, costs, interest, and attorneys' fees as may be recoverable by law.

DEMAND FOR JURY TRIAL

94. Pursuant to Federal Rule of Civil Procedure Rule 38 and related provisions of law, Plaintiff hereby demands trial by jury on all issues so triable.

Dated: August 27, 2024
Syracuse, New York

/s/ Michael P. Kenny

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