

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NATHEAULEEN MASON, RENEE WILLIAMS, YOLANDA LIMMITT, HELISHA BAILEY, TAMMY LaCROSS, VELVET FARLEY-JOHNSON, EBONY BATES, KANDICE HALL, DAVONE WILSON, CHRISTINA SCHUSTER, DYANNA McDADE, JILL FLANDERS, DAMIKA ABNER, AMELIA ABRAHAM, KIM AMYX, BARBARA ANDERSON, LISA AUBUCHON, CARMALITA AYERS, VICKI BALDRIDGE, TRACIE BARLOW-YOUNG, ALISON BARNES, TAMI BAUMGART, SANDRA BERGGREN, PATRICIA BIGBEE, LaTRINA BRAXTON, PAMELA BRIGGS, KATESHIA BROWN, DENISE BUCHANAN, LINDA BYRD, JENNIFER CHAMPAGNE, ROSLYN CHESSEBORO, ANNIE COLE, DEBORAH COLLINS, AMECA COPPY, JENNIFER DAVENPORT, ORALIA DONALD, LISA DOLPH, KAMEKA DUREN, RUBY EARLY, FELICIA EDISON, JANE ESHENRODER, JANUARY ESTRADA, REBECCA FACKLER, LINDA FLOWERS, REBECCA GAMBURD, WENDY GARAGIOLA, LAURA GARLAND, LAWANDA GAYLES, DEBRA GENTRY, TANISHIA GRAVES, DARLENE GRECO, SONYA GRISSOM, CHARMAINE HARRIS, CAROLYN HAYES-ZEHNER, TAMEKA HEWITT, KELLY HITT, VICKIE HOSKINS, IRENE HOUSTON, JAMIE JENKINS, EASTER JONES, LINDA KAROW, CORETTA KING-HOWE, SHAMEKA LAYTON, JANISE LEONARD, LARITA LEWIS, LaSHUNDA LEWIS, LaTONYA LEWIS, MARCELLA LITTLE, ZETTA MALLETT, TAMARA MARSHALL, ROBIN McCARDLE, SHAREE MILLER, PATRICIA MINNER, FELICIA MORGAN, CAROLYN MOSS, DONNA MURRY, CHRISTY NEFF, LaTASHA NICHOLS, AMY NOWAK, BEVERLY PARSEL, DEBORAH PATINO, BRENDA PHELPS, SHERRIE PIERCE, JAYNE SCHWERIN, HEATHER SMITH, CHRISTINA SPENCER, TRACEY STUCKEY, MARQUETTA TARVER, DIANA THOMAS, GLENESE THOMPSON, CRYSTAL TRUITT-BAILEY, JOYCE VanNORMAN, DEVON WATTS, ANDREA WILLIAMS, RONESHA WILLIAMS, TAWANNA WILLIS, STACY WOLSCHON, JILL YANNA, LaTARA YOUNG, SAMANTHA YOUNG, on behalf of the themselves and all others similarly situated,*

Case No. 05-73943

HON.
JOHN CORBETT
O'MEARA

MAG. JUDGE
DONALD A. SCHEER

**PLAINTIFFS' SECOND
AMENDED COMPLAINT**

Plaintiffs,

*Plaintiffs acknowledge the Court's Order Denying Plaintiffs' Motion to Certify this case as a class action. Plaintiffs' reassert those paragraphs in their First Amended Complaint alleging that this is a class action for the purpose of preserving this issue for appeal.

JENNIFER GRANHOLM, in her official capacity, as Governor of the State of Michigan, PATRICIA CARUSO, Director, Michigan Department of Corrections, MICHIGAN DEPARTMENT OF CORRECTIONS, a state agency, NANCY ZANG, CLARICE STOVALL, SUSAN DAVIS, JOAN YUKINS, THOMAS DeSANTIS, WILLIS CHAPMAN, JERRY HOWELL, FIRAS AWAD, JODY NUNN, CARLTON CARTER, ART LANCASTER, CROSBY TALLEY, KIRK TOLLZEIN, WILLIAM MERROW, RODNEY MADDEN, jointly and severally,

Defendants.

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NOW COME Plaintiffs by and through their counsel and for their Complaint against the Defendants and each of them state as follows:

INTRODUCTION

1. Plaintiffs, Natheaulen Mason, Renee Williams, Yolanda Limmitt, Helisha Bailey, Tammy Lacross, Velvet Farley-Johnson, Ebony Bates, Kandice Hall, Davone Wilson, Christina Schuster, Dyanna McDade and Jill Flanders, Damika Abner, Amelia

Abraham, Kim Amyx, Barbara Anderson, Lisa Aubuchon, Carmalita Ayers, Vicki Baldrige, Tracie Barlow-young, Alison Barnes, Tami Baumgart, Sandra Bergren, Patricia Bigbee, Latrina Braxton, Pamela Briggs, Kateshia Brown, Denise Buchanan, Linda Byrd, Jennifer Champagne, Roslyn Chesseboro, Annie Cole, Deborah Collins, Ameca Coppy, Jennifer Davenport, Oralie Donald, Lisa Dolph, Kemeka Duren, Ruby Early, Felicia Edison, Jane Eshenroder, January Estrada, Rebecca Fackler, Linda Flowers, Rebecca Gamburd, Wendy Garagiola, Laura Garland, Lawanda Gayles, Debra Gentry, Tanishia Graves, Darlene Greco, Sonya Grissom, Charmaine Harris, Carolyn Hayes-Zehner, Tameka Hewitt, Kelly Hitt, Vickie Hoskins, Irene Houston, Jamie Jenkins, Easter Jones, Linda Karow, Coretta King-Howe, Shameka Layton, Janise Leonard, Larita Lewis, Lashunda Lewis, Latonya Lewis, Marcella Little, Zetta Mallett, Tamara Marshall, Robin McCardle, Sharee Miller, Patricia Minner, Felicia Morgan, Carolyn Moss, Donna Murry, Christy Neff, Latasha Nichols, Amy Nowak, Beverly Parsel, Deborah Patino, Brenda Phelps, Sherrie Pierce, Jayne Schwerin, Heather Smith, Christina Spencer, Tracey Stuckey, Marquetta Tarver, Diana Thomas, Glenese Thompson, Crystal Truitt-Bailey, Joyce VanNorman, Devon Watts, Andrea Williams, Ronessa Williams, Tawanna Willis, Stacy Wolschon, Jill Yanna, Latara Young and Samantha Young, are all former or current prisoners who have been subjected to discrimination, sexual abuse and degrading treatment by male prison staff, while under the jurisdiction of the Michigan Department of Corrections (hereinafter "MDOC").

The Plaintiffs who are now added and whose claims are more fully described below are all former or current prisoners who have been subjected to sexual assault, denial of equal protection of the law, invasion of privacy and such degrading treatment as

to constitute cruel and unusual punishment by male prison staff while under the jurisdiction of the MDOC since March 10, 2000.

In this complaint, Plaintiffs seek: 1) Injunctive relief to prevent the Defendants' continuing deprivation of Plaintiffs' constitutional and statutory rights; 2) Certification of Plaintiffs as a class; 3) A declaratory ruling that the policies, procedures and practices of the Michigan Department of Corrections and Defendants have and continue to deprive female prisoners of equal privileges and opportunities; and subject Plaintiffs to a pervasive risk of custodial sexual misconduct, including sexual assaults, sexual harassment, degrading treatment and unnecessary viewing and touching by male employees of the MDOC; intimidate, punish and retaliate against Plaintiffs who report discrimination, custodial sexual misconduct and degrading treatment; and constitute a violation of Plaintiffs' rights as secured by the Constitution, treaties and law of the United States; 4) A declaratory ruling that the March 10, 2000 amendment to Michigan's Civil Rights Act, M.C.L. 37.2301, violates Plaintiffs' rights to equal protection under the law and deprives Plaintiffs of a remedy for actual wrongs; and 5) A monetary award to Plaintiffs to compensate for their injuries together with punitive damages, costs and attorney fees for themselves and all similarly-situated female prisoners.

JURISDICTION

2. This is a civil action brought pursuant to 42 U.S.C. §1981 *et seq.*, seeking declaratory, injunctive relief and monetary damages against Defendants for purposeful discrimination and violation of the United States Constitution including the First, Fourth,

Eighth and Fourteenth Amendments, and violations of the laws, conventions, treaties and customary international law norms.

3. This Court has jurisdiction pursuant to 28 U.S.C. §§1331, 1343(a)(3) and 1343(a)(4). Jurisdiction for declaratory relief is also premised on 28 U.S.C. §§2201, 2202 and 42 U.S.C. §1983.

4. The amount in controversy exceeds Seventy-five Thousand (\$75,000.00) Dollars, excluding interest and costs.

VENUE

5. Venue lies in the Eastern District of Michigan pursuant to 28 U.S.C. §1391(d). The majority of the events in controversy occurred in the counties of Wayne, Washtenaw, and Livingston, which are located within the jurisdiction of United States District Court for the Eastern District of Michigan, Southern Division.

PARTIES

PLAINTIFFS

6. Plaintiff Representatives are citizens of the United States and, at all relevant times, were under the jurisdiction of the Michigan Department of Corrections. Plaintiffs bring this action on behalf of themselves and all former, current and future female prisoners who from March 10, 2000, were subjected to sexual misconduct, sexual assaults, sexual harassment, degrading treatment, gender discrimination and violation of their privacy rights by male employees of the MDOC and who suffered economic and non-economic injury as a result of the deprivation of their rights including intimidation and retaliation for reporting

same.

7. Plaintiff Representative Nathealeen Mason was repeatedly sexually assaulted by a male correctional officer and subjected to sexually degrading and harassing treatment beginning in 2002 while incarcerated at the Western Wayne Correctional Facility located in Wayne County, Michigan. Beginning in 2003, Plaintiff Mason was again sexually assaulted, sexually harassed and subjected to violations of her privacy, and retaliated against by correctional officers and staff at Camp Brighton located in Livingston County, Michigan. Plaintiff Mason is currently on parole under the jurisdiction of the MDOC. The specific facts of her claims are set forth below.

8. Plaintiff Representative Yolanda Limmitt was repeatedly sexually assaulted, sexually harassed and subjected to cruel and degrading treatment by male correctional officers beginning in September 2002 and continuing through 2003 while she was incarcerated at the Western Wayne Correctional Facility located in Wayne County, Michigan. In 2003, Plaintiff Limmitt was sexually harassed, subjected to privacy violations and retaliated against by corrections officers and staff at Camp Brighton located in Livingston County, Michigan. Plaintiff Limmitt is currently on parole under the MDOC. The specific facts of her claims are set forth below.

9. Plaintiff Representative Davone Wilson was sexually assaulted in 2005 by a male correctional officer while incarcerated at the Huron Valley Women's Complex, located in Washtenaw County, Michigan. In 2005, Plaintiff Wilson was subjected to sexual harassment and privacy violations at Camp Brighton located in Livingston County, Michigan.

Plaintiff Wilson is currently on parole under the jurisdiction of the MDOC. The specific facts of her claims are set forth below.

10. Plaintiff Representative Helisha Bailey was sexually assaulted, sexually harassed and subjected to cruel and degrading treatment by two male correctional officers beginning in 2003 while incarcerated at the Western Wayne Correctional Facility. Plaintiff Bailey was also subjected to sexual harassment and privacy violations at Western Wayne Correctional Facility and the Huron Valley Women's Complex located in Washtenaw County, Michigan. The specific facts of her claims are set forth below.

11. Plaintiff Representative Kandice Hall was sexually assaulted, sexually harassed, retaliated against and subjected to cruel and degrading treatment and privacy violations by male correctional officers while incarcerated at the Huron Valley Women's Complex. The specific facts of her claims are set forth below.

12. Plaintiff Representative Ebony Bates was sexually assaulted, sexually harassed and subjected to cruel and degrading treatment and privacy violations by male correctional officers while incarcerated at the Huron Valley Women's Complex from April 2005 to present. Plaintiff Bates continues to be incarcerated in the Huron Valley Women's Complex where she is subjected to ongoing sexual harassment, privacy violations and retaliation. The specific facts of her claims are set forth below.

13. Plaintiff Representative Renee Williams was repeatedly sexually assaulted, sexually harassed and subjected to cruel and degrading treatment and privacy violations by male correctional officers beginning in September or October of 2002 and continuing

through February 2003. Plaintiff Williams was subjected to ongoing retaliation by staff while incarcerated at the Western Wayne Correctional Facility located in Wayne County, Michigan and Camp Brighton located in Livingston County, Michigan. Plaintiff Williams is currently on parole under the jurisdiction of the MDOC. The specific facts of her claims are set forth below.

14. Plaintiff Representative Christina Schuster was repeatedly sexually assaulted, sexually harassed, battered and subjected to privacy violations by male correctional officers and retaliated against by staff while incarcerated at the Western Wayne Correctional Facility located in Wayne County, Michigan and Camp Brighton located in Livingston County, Michigan. The specific facts of her claims are set forth below.

15. Plaintiff Representative Tammy LaCross was repeatedly sexually assaulted, sexually harassed and subjected to cruel and degrading treatment and privacy violations by a male assistant deputy warden and male correctional officers and staff beginning in 2000 and continuing until 2003 and retaliated against by staff while incarcerated at the Western Wayne Correctional Facility. Plaintiff LaCross was subjected to sexual harassment and privacy violations by male correctional officers and staff and retaliated against by staff at Camp Brighton located in Livingston County, Michigan. Plaintiff LaCross is no longer under the jurisdiction of the MDOC and resides in the State of Michigan. The specific facts of her claims are set forth below.

16. Plaintiff Representative Velvet Farley-Johnson was repeatedly sexually assaulted, sexually harassed and subjected to cruel and degrading treatment and privacy

violations by a male assistant deputy warden and male staff and correctional officers while incarcerated at the Western Wayne Correctional Facility from 2001 until 2002 and subjected to retaliation by staff and correctional officers. Plaintiff Farley-Johnson was subjected to sexual harassment and privacy violations by male correctional officers and staff and retaliated against by staff at Camp Brighton located in Livingston County, Michigan. Plaintiff Farley-Johnson is on parole under the jurisdiction of the MDOC. The specific facts of her claims are set forth below.

17. Plaintiff Representative Jill Flanders was repeatedly sexually assaulted, sexually harassed and subjected to cruel and degrading treatment and privacy violations by male employees of the MDOC while incarcerated at Camp Branch located in Branch County, Michigan and subjected to sexual harassment and privacy violations by male employees at the Huron Valley Women's Complex located in Washtenaw County, Michigan. The specific facts of her claims are set forth below.

18. Plaintiff Representative Dyanna McDade was repeatedly sexually assaulted, sexually harassed and subjected to privacy violations by male employees of the MDOC and subjected to retaliation by MDOC employees while incarcerated at the Robert Scott Correctional Facility, located in Wayne County, Michigan. Plaintiff McDade is currently incarcerated at the Robert Scott Correctional Facility, where she continues to be subjected to sexual harassment, privacy violations and retaliatory acts. The specific facts of her claims are set forth below.

DEFENDANTS

19. Defendant Jennifer Granholm is the Governor of the State of Michigan invested with executive power pursuant to Art. V §1 of the Michigan Constitution. Governor Granholm is sued in her official capacity for purposes of addressing Plaintiffs' claims for injunctive relief. Defendant Granholm is ultimately responsible for the care and custody of women prisoners in the State of Michigan, and has the authority and ability to remedy current and future conditions at facilities housing women and girl prisoners which have given rise to the custodial sexual abuse and degrading treatment set forth in this complaint. Defendant Granholm resides in Ingham County and the capitol of the State of Michigan is in Ingham County.

20. Defendant Patricia Caruso, as the Director of the Michigan Department of Corrections, is charged with the responsibility of developing and implementing policies and procedures for the management of the Michigan Department of Corrections and its employees, and is responsible for the care, custody and protection of prisoners under the jurisdiction of the Michigan Department of Corrections. Defendant Caruso is being sued individually and in her official capacity.

21. Defendant Michigan Department of Corrections is an agency of the State of Michigan charged with the responsibility of caring for, protecting and rehabilitation prisoners and parolees under their jurisdiction. Defendant MDOC is sued for purposes of addressing Plaintiffs' claims of injunctive relief.

22. Defendant Nancy Zang was, at all times relevant to this action, employed as

an administrator for women prisoners' affairs and responsible for developing, implementing and overseeing any policies or procedures for preventing, reporting, investigating custodial sexual misconduct and/or disciplining staff for sexual misconduct against female prisoners in Michigan. Defendant Zang was also responsible for the training of male staff working at female prisons, responding to complaints of custodial sexual misconduct and degrading treatment of female prisoners and for ensuring the promulgation and/or implementation of any MDOC rules, policies and procedures for preventing custodial sexual abuse of female prisoners. She is being sued individually and in her official capacity.

23. Defendant Clarice Stovall was, from the time it began to house women female prisoners until its closure, the Warden of the Western Wayne Correctional Facility, and responsible for overseeing its operations. Defendant Stovall is currently the Warden of the Robert Scott Correctional Facility. In her capacity as a Warden for female facilities, Defendant Stovall was responsible for the training, assignment, supervision, discipline and investigation of correctional officers and MDOC employees assigned to or working at those facilities. Defendant Stovall, in her warden capacity, was at all relevant times, responsible for the custody, safety, protection, fair treatment and rehabilitation of female prisoners at facilities housing female prisoners. Defendant Stovall was also, at all relevant times, responsible for ensuring that the facilities housing female prisoners were operated according to proper correctional standards, developing procedures for implementing policies and for ensuring an adequate and effective mechanism for safe reporting of staff misconduct and treatment of victims of custodial sexual abuse. Defendant Stovall is being sued individually

and in her official capacity.

24. Defendant Susan Davis is currently the Warden of the Huron Valley Complex for Women and Camp Brighton, and responsible for overseeing their operation for female prisoners. In her capacity as Warden, Defendant Davis has at all times been responsible for the training, assignment, supervision, discipline and investigation of correctional officers and MDOC employees assigned to or working at the Huron Valley Women's Complex. Defendant Davis, during the time she was the warden, was responsible for the custody, safety, protection, fair treatment and rehabilitation of female prisoners at these facilities housing female prisoners. Defendant Davis was also, during the time she was the warden of Huron Valley Women's Complex and Camp Brighton, responsible for ensuring that the facilities were operated according to proper correctional standards, developing procedures for implementing policies and for ensuring an adequate and effective mechanism for safe reporting of staff misconduct and treatment of victims of custodial sexual abuse. Defendant Davis is being sued individually and in her official capacity.

25. Defendant Joan Yukins was the prior Warden of the Robert Scott Correctional Facility and Camp Brighton, and responsible for overseeing its operation for female prisoners. Defendant Yukins, during the time she was the Warden of the Robert Scott Correctional Facility and Camp Brighton, was responsible for the training, assignment, supervision, discipline and investigation of correctional officers and MDOC employees assigned to or working at the Robert Scott Correctional Facility and Camp Brighton. Defendant Yukins was, at all relevant times, responsible for the custody, ensuring the safety,

protection, fair treatment and rehabilitation of female prisoners at the Robert Scott Correctional Facility and Camp Brighton. Defendant Yukins was also, at all relevant times, responsible for ensuring that the Robert Scott Correctional Facility and Camp Brighton were operated according to proper correctional standards, developing procedures for implementing policies and for ensuring an adequate and effective mechanism for safe reporting of staff misconduct and treatment of victims of custodial sexual abuse. Defendant Yukins is being sued individually and in her official capacity.

26. Defendant Thomas DeSantis was, at all times relevant to this action, the Site Supervisor of Camp Brighton, and in that capacity, responsible for the onsite training, assignment and supervision of correctional officers and staff at Camp Brighton. Defendant DeSantis was responsible for the safety, custody and protection of female prisoners at Camp Brighton and for ensuring the implementation of all rules, policies and procedures. Defendant DeSantis is being sued individually and in his official capacity.

27. Defendant Willis Chapman was, until August of 2004 and at all times relevant to this action, an Assistant Deputy Warden at the Western Wayne Correctional Facility, responsible for the custody and security in the housing units, assignment and supervision of staff and investigations of staff misconduct. He is being sued individually and in his official capacity.

28. Defendants Firas Awad, Jody Nunn, Carlton Carter, Rodney Madden, William Merrow, Crosby Talley and Kirk Tollzein were, at all times relevant to this action, employed as correctional officers by the Michigan Department of Corrections and assigned to supervise

female prisoners.

29. Defendant Art Lancaster, was at all times relevant to this action employed by the Michigan Department of Corrections and assigned to work with female prisoners.

GENERAL ALLEGATIONS

30. Defendant supervisors and wardens assigned male officers and staff to supervise female prisoners at all facilities housing female prisoners without providing adequate training, oversight or mechanisms to ensure the safety and protection of female prisoners including Plaintiffs.

31. Defendants, without adequate procedures, training or supervision, assigned male officers and staff to supervise women prisoners, including Plaintiffs while in states of undress and performing basic bodily functions and required male staff to perform random and specific body searches of female prisoners including Plaintiffs which searches included male staff touching female breasts and genital areas.

32. Defendants assigned male officers to transport women prisoners including Plaintiffs to facilities, clinics and hospitals without ensuring the privacy and safety of female prisoners in states of undress and during intimate medical procedures.

33. Female prisoners, including Plaintiffs, were and are routinely subjected to offensive sex-based language, sexual harassment, offensive touching and requests for sexual acts and degrading treatment by male staff at all facilities housing women prisoners.

34. At all relevant times there existed a pattern and practice of male officers and male staff sexually assaulting women prisoners, including Plaintiffs, under the jurisdiction

of the Michigan Department of Corrections, in contravention of law and policy.

35. At all relevant times there existed a pattern and practice of male officers requesting sexual acts from women prisoners, including Plaintiffs, under the jurisdiction of the Michigan Department of Corrections as a condition of retaining good time credits, work details, educational and rehabilitative program opportunities, among other rights, privileges and benefits.

36. Plaintiffs have been subjected to intimidation, threats and retaliation upon refusal to participate in sexual activity with male staff, for reporting male staff sexual misconduct and as a mechanism to force and coerce women to remain silent about sexual misconduct of male staff in Michigan's women's facilities.

37. Defendants were aware, from reports by women prisoners, reports and findings of state and federal commissions, independent investigative agencies and human rights organizations, that there existed an endemic problem of custodial sexual abuse of female prisoners in Michigan prisons as a result of Defendants' policies, procedures, acts and omissions.

38. The level of sexual abuse and degrading treatment of women prisoners by male employees from 2000 to the present was described as rampant by the United States Court of Appeals in its ruling in *Everson v. Michigan Dep't of Corrections*, 391 F. 3d 737 (6th Cir. 2004). The Defendants and each of them were or should have been aware of the pervasive risk of sexual assault and abuse by male staff on Plaintiffs.

39. Defendants were aware of prior complaints by female prisoners against male

staff, including Defendants, for sexual assaults, sexual misconduct, sexual harassment and invasion of privacy including knowledge of the prosecutions of male staff for sexual assaults on female prisoners. Despite this knowledge, Defendants failed to take adequate steps to remedy the situation and/or deter such sexual misconduct against female prisoners and these Plaintiffs in particular including failure to properly train, assign, supervise, investigate and discipline.

40. Despite their knowledge of prior sexual assaults, misconduct, harassment and violation of privacy, Defendants failed to implement an effective mechanism to identify, investigate and prevent the widespread sexual, emotional and physical abuse and discriminatory treatment of women prisoners, including Plaintiffs.

41. Defendants knew or should have known that as a result of their acts and omissions there was a strong likelihood of further sexual misconduct and/or great bodily harm and injury to female prisoners, including Plaintiffs, by male staff of the MDOC.

42. Defendants' acts and omissions created a hostile environment and pervasive risk of harm to female prisoners, including Plaintiffs, and Defendants knew or should have known of the undue threats to Plaintiffs which have resulted from placing inadequately trained or supervised male staff on duty in areas where female prisoners, including Plaintiffs, are subjected to sexual misconduct and violation of their privacy rights.

43. Defendants in supervisory positions exhibited reckless disregard and deliberate indifference to the sexual harassment, sexual misconduct, assaults, degrading treatment and violations of the basic privacy rights of Plaintiffs by failing to take adequate steps to deter

violations of Plaintiffs' rights, including but not limited to: failing to adequately investigate allegations of sexual assaults, harassment and degrading treatment of female prisoners, failing to provide adequate supervision of staff, failing to adequately discipline staff who violated Plaintiffs' rights and/or failing to adequately train and screen their staff, including investigators and supervisory staff.

44. Defendants failed to adequately screen employees prior to assignment to a women's facility and failed to provide adequate training to staff, investigators and supervisors, on issues of cross-gender supervision, sexual misconduct, sexual harassment, reporting violations of work rules, privacy rights of women prisoners, despite their knowledge of incidents of sexual misconduct and incidents of sexual activity between male staff and women prisoners.

45. Defendants' acts and omissions regarding screening, training, supervision, investigation, discipline of staff and failures to protect women prisoners, including Plaintiffs, from retaliation, permitted, encouraged and ratified the discriminatory and sexually abusive and degrading treatment of Plaintiffs.

46. The management and supervisory practices, rules, procedures and acts of the Defendants were so deficient in their failure to limit the risks of sexual misconduct by male staff on female prisoners as to constitute deliberate indifference to the safety needs of female prisoners under their jurisdiction, including Plaintiffs.

47. The management and supervisory practices, rules, procedures and acts of the Defendants were so deficient in their failure to limit the risks and incidents of sexual

misconduct by male staff on female prisoners as to constitute encouragement and aid to male staff who violated female prisoners', including Plaintiffs', rights to be free of sexual assault, harassment, degrading treatment and privacy violations.

48. Defendants, by their actions, aided and abetted the sexual assaults, sexual harassment, degrading treatment and retaliation against female prisoners, including Plaintiffs, by giving assistance and encouragement to other Defendants who engaged in discriminatory and unlawful conduct, either affirmatively or by failing to report, investigate and discipline staff.

49. Defendants placed and housed women prisoners in facilities including Western Wayne Correctional Facility, Huron Valley Women's Complex, Camp Brighton and SAI Boot Camp, without taking adequate steps to ensure Plaintiffs' privacy, protect Plaintiffs from risk of custodial sexual abuse, and without adequate staff supervision and/or mechanisms for reporting abuse.

50. Defendants failed to identify, screen, treat or protect Plaintiffs with prior histories of abuse, rendering them particularly vulnerable to harm by male staff and failed to take adequate steps to identify, house, treat and protect Plaintiffs from further harm and exacerbation of their injuries.

51. Defendants' placement of girls, including Plaintiffs under the age of 18 in areas where they were supervised by male staff and subjected to viewing in states of undress and while performing basic bodily functions without taking adequate steps to protect them from harm, constitutes deliberate indifference and reckless disregard of their safety and rights and

rendered them particularly vulnerable to harm by male staff.

52. The failures, acts, and/or omissions of Defendants, as set forth above, were and are a proximate cause of Plaintiffs' injuries.

53. The deprivation of constitutional rights alleged in this complaint are the direct result of official policies, custom and practices of Defendants and each of them.

EXHAUSTION OF ALL ADMINISTRATIVE REMEDIES

54. Plaintiffs have exhausted all 'available' administrative remedies, or alternately, have taken all available steps to bring these matters to Defendants' attention and seek resolution prior to filing litigation.

55. The Michigan Department of Corrections, and Defendants do not allow female prisoners, including Plaintiffs, claiming staff sexual misconduct to exhaust their administrative remedies through the grievance procedure and do not provide an alternative administrative mechanism.

56. Plaintiffs were and are routinely discouraged from use of the grievance system by threats and intimidation by staff, including Defendants, procedural barriers created by Defendants and Defendants' failure to ensure Plaintiffs are provided grievance forms, Defendants' refusal to process grievances, and/or Defendants' failure to ensure responses to grievances, rendering any administrative process for Plaintiffs unavailable or futile.

57. In addition to the above noted barriers, at all relevant times Plaintiffs were advised that a precondition to filing a grievance was consultation with the individual who was being grieved. Since complying with this requirement, in the context of Plaintiffs

grieving staff criminal sexual conduct and staff abuse, would place Plaintiffs in danger, Defendants' requirement rendered the grievance system unavailable to Plaintiffs.

58. Plaintiffs' prior class action complaints, including *Neal, et al. v MDOC, et al.*, File No. 96-6986-CZ and *Anderson, et al. v MDOC, et al.*, File No. 03-162-MZ, have adequately advised Defendants, and each of them, of the existence of pervasive custodial sexual misconduct in Michigan's women prisons, staff sexual assaults, privacy violations, degrading treatment and retaliation, to allow Defendants the opportunity to take remedial actions prior to Plaintiffs filing this action.

INDIVIDUAL PLAINTIFF'S FACTS

NATHEAULEEN MASON

59. During her incarceration Plaintiff Natheauleen Mason was routinely subjected to sexually degrading comments and privacy violations by male staff including the officers assigned to her housing unit at the Western Wayne Correctional Facility, located in Wayne County, Michigan and Camp Brighton located in Livingston County, Michigan.

60. Beginning in July 2002 Plaintiff Mason was forced to perform oral sex on Defendant Carlton Carter, a correctional officer employed by the MDOC and assigned to supervise her housing unit on the second shift at the Western Wayne Correctional Facility.

61. Defendant Carter entered Plaintiff Mason's prison cell on at least three occasions between July and October, 2002, and threatened, coerced and forced Plaintiff Mason to perform oral sex. Defendant Carter also physically assaulted Plaintiff Mason and subjected her to sexually degrading treatment on multiple occasions.

62. Defendant Carter, with the cooperation of other staff, including Defendant Madden, subjected Plaintiff Mason to ongoing sexual assaults, harassment and degrading treatment in such a manner that supervisory Defendants knew or should have known of the assaults.

63. Defendant Carter repeatedly threatened Plaintiff Mason physically and intimidated her with threats of future harm should she resist or report his assaults and criminal behavior.

64. Defendants failed to adequately investigate Plaintiff Mason's complaints against Defendant Carter and by such actions both ratified the actions of Defendant Carter and endangered the safety of other Plaintiffs including Plaintiffs Yolanda Limmitt and Davone Wilson.

65. Plaintiff Mason was transferred to Camp Brighton located in Livingston County where she became the target for sexual assaults and degrading treatment by another male correctional officer, Defendant William Merrow, beginning in the fall of 2003.

66. Defendant Merrow began soliciting sex from Plaintiff Mason, touching her breasts and pressing his body against her on multiple occasions. Defendant Merrow routinely sexually harassed Plaintiff Mason by telling her what sexual acts he intended to do with her, using sexually offensive language and threatening her with physical harm if she reported his actions.

67. Defendant Merrow attempted to prevent Plaintiff Mason's parole by writing her false misconduct reports and his actions continued until Plaintiff Mason was released

from MDOC custody.

68. Defendants failed to adequately investigate Plaintiff Mason's reports of abuse, failed to adequately supervise, discipline or take steps to prevent ongoing assaults against Plaintiff Mason.

69. While at Camp Brighton, Plaintiff Mason was subjected to retaliation by staff for reporting sexual abuse by male staff and continues to fear retaliation while she remains under the jurisdiction of the Michigan Department of Corrections.

70. The Defendants' policies and procedures of hiring and assigning male staff without adequate training or supervision; Defendants' policies and procedures which deter and punish women prisoners from reporting; and Defendants' policies and procedures for investigation and discipline of staff sexual misconduct were proximate causes of the harm to Plaintiff Mason.

YOLANDA LIMMITT

71. In 2002, Plaintiff Yolanda Limmitt was a prisoner housed at the Western Wayne Correctional Facility located in Wayne County, Michigan, and was supervised in her housing unit by Defendant Carlton Carter on the second shift.

72. At the time Plaintiff Limmitt was supervised by Defendant Carter, Defendants Stovall, Chapman and Zang were aware of prior allegations of sexual assaults and sexually degrading treatment of female prisoners by Defendant Carlton Carter at the Western Wayne Correctional Facility and had failed to adequately investigate, discipline, supervise or assign Defendant Carter subsequent to these reports.

73. On or about September 2002 Defendant Carlton Carter began sexually assaulting Plaintiff Limmitt in her cell, a tool room and in other areas at the Western Wayne Correctional Facility.

74. Defendant Carter's sexual assaults included forced oral sex and genital touching and forced sexual exposure. In addition to the sexual assaults, abuse and degrading treatment, Defendant Carter kept Plaintiff Limmitt from reporting with a combination of coercion, threats, intimidation and mental abuse.

75. Defendant Carter's sexual harassment and sexual abuse of Plaintiff Limmitt occurred with the knowledge and cooperation of other male officers, including Defendant Madden, who allowed Defendant Carter to remove Plaintiff Limmitt from her unit for purposes of sexually assaulting her and/or was aware that Defendant Carter was entering Plaintiff Limmitt's cell for purposes of sexually assaulting and degrading treatment and failed to take any steps to report or stop Defendant Carlton Carter's actions.

76. The actions of Defendant Carter were so open and obvious as to make Defendants aware of the sexual assaults and misconduct of the officer. However, Defendants failed to take adequate steps to protect Plaintiff Limmitt.

77. Defendant Carlton Carter continued to sexually assault and/or sexually harass Plaintiff Limmitt up to and including the fall of 2003.

78. Defendants were or should have been aware that Plaintiff Limmitt has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

79. Plaintiff Limmitt was fearful of reporting Defendant Carlton Carter until she was transferred from the Western Wayne Correctional Facility. Plaintiff Limmitt reported on or about October, 2003, while incarcerated at Camp Brighton, where she was then subjected to retaliation by MDOC employees.

80. Defendants Stovall, Chapman, Caruso and Zang failed to adequately investigate Plaintiff Limmitt's reports of abuse and failed to adequately discipline or supervise Defendant Carter. Defendant Carter continued to sexually assault and abuse Plaintiffs at the Western Wayne Correctional Facility until his transfer to the Huron Valley Women's Complex.

81. Upon Defendant Carter's transfer to the Huron Valley Women's Complex, Defendants Davis, Zang and Caruso failed to properly train, assign, supervise or discipline this Defendant. Defendant Carter again sexually assaulted and sexually harassed female prisoners at the Huron Valley Women's Complex until his transfer to a men's facility in 2005.

82. The Defendants' policies and procedures of hiring and assigning male staff without adequate training or supervision; Defendants' policies and procedures which deter and punish women prisoners from reporting; and Defendants' policies and procedures for investigation and discipline of staff sexual misconduct were proximate causes of the harm to Plaintiff Limmitt.

DAVONE WILSON

83. Plaintiff Davone Wilson was twenty years old when she was incarcerated in

the Huron Valley Women's Complex in August of 2004.

84. Shortly after Plaintiff Wilson arrived, Defendant Carlton Carter began to stalk her, exposing himself and groping her breasts and buttocks on multiple occasions.

85. Defendant Carter was assigned to supervise Plaintiff Wilson's unit and used his position to view her in states of undress, while showering, and to force physical contact and make sexually based comments and threats.

86. Plaintiff Wilson attempted to report Defendant Carter's acts and threats on multiple occasions both verbally and in writing requesting to talk to her counselor who failed and refused to speak to her.

87. Plaintiff Wilson was made aware that Defendant Carter assaulted other women prisoners and that no discipline or other actions were taken as a result of those assaults.

88. On or about February, 2002 Defendant Carter entered Plaintiff Wilson's cell after she had showered, exposed his penis and threatened her with a major misconduct ticket he claimed could cancel her pending parole and keep her in prison unless she performed oral sex. Defendant Carter then forced Plaintiff Wilson to perform oral sex on him in her cell.

89. Plaintiff Wilson was released on parole on or about July, 2005 and continues to fear retaliation while she remains under the jurisdiction of the Michigan Department of Corrections.

90. Defendants' inadequate system and practices for reporting abuse, Defendants' failure to adequately supervise, discipline and investigate Defendant Carter and Defendants' policies and procedures with regard to cross-gender supervision were a proximate cause of

Plaintiffs' assault and abuse.

RENEE WILLIAMS

91. Plaintiff Renee Williams was placed under the jurisdiction of the MDOC in 1999 and housed at the Robert Scott Correctional Facility and then Camp Branch.

92. In 2000, Plaintiff Williams was transferred to Western Wayne Correctional Facility where multiple male officers began making sexual comments to Plaintiff Williams and telling her they were going to have a lot of fun with her at that facility.

93. Plaintiff Williams was subjected to routine privacy violations, sexual harassment and touching including officers making obscene comments while they viewed her in states of nakedness.

94. Beginning the Fall of 2002, Plaintiff Williams was sexually assaulted again and again by a male correctional officer, Defendant Madden. The sexual assaults included vaginal intercourse and forced oral sex.

95. The sexual assaults and rapes occurred in Plaintiff Williams' cell, a caustic closet in the prison, the staff bathroom, a porter's closet and a counselor's office.

96. The sexual abuse of Plaintiff Williams was so open and obvious that Defendant Supervisors were or should have been aware of Defendant Madden's criminal actions yet took no steps to prevent further assaults and abuse.

97. The assaults and abuse occurred with the cooperation and/or knowledge of other staff and officers who failed to report or intervene.

98. Defendants' failure to take any actions in light of the open and obvious abuse

together with Defendant Madden's threats of retaliation and Plaintiffs' experience with retaliation by staff made any reporting futile and/or dangerous.

99. Defendants knew or should have known of Plaintiff Williams' experience of childhood sexual abuse and her vulnerability to any coercive sex and/or sexual abuse by male staff. Defendants failed to take adequate steps to protect or treat Plaintiff Williams.

100. Plaintiff Williams has also been the recipient of other acts of sexual harassment by male staff including male correctional officers who watched Plaintiff Williams while she was naked and made lewd and threatening sexual comments to her. In the food service area and on her unit, a male correctional officer looked over her door cover to view her in a state of undress. A male correctional officer grabbed his penis and told Plaintiff Williams he wanted to perform sexual acts.

101. The custodial sexual abuse of Plaintiff Williams ended when she was paroled. Plaintiff Williams continues to fear retaliation while under the jurisdiction of the Michigan Department of Corrections.

102. Defendants' continued failure to take adequate steps to deter the assaultive behavior of Defendant Madden and protect Plaintiffs, including inadequate investigations, assignments, reporting mechanisms, supervision and discipline, resulted in Defendant Madden continuing to assault women prisoners the Huron Valley Women's Complex.

103. The Defendants' policies and procedures of hiring and assigning male staff without adequate training or supervision; Defendants' policies and procedures which deter and punish women prisoners from reporting; and Defendants' policies and procedures for

investigation and discipline of staff sexual misconduct were proximate causes of the harm to Plaintiff Williams.

VELVET FARLEY-JOHNSON

104. In 2001, Plaintiff Velvet Farley-Johnson was incarcerated at the Western Wayne Correctional Facility.

105. Plaintiff Farley-Johnson had previously been subjected to sexually degrading treatment, sexual touching by male staff and routine viewing and sexual comments by male staff of the MDOC.

106. In the summer of 2001 Plaintiff Farley-Johnson was first approached for sex by the assistant deputy warden, Defendant Williams Chapman, at the Western Wayne Correctional Facility.

107. Defendant Chapman used his position as assistant deputy warden to order Defendant Farley-Johnson to work in his office.

108. Plaintiff Farley-Johnson's job detail in the prison was recreation aide assigned to the same building as Defendant Chapman. Defendant Chapman ordered that Plaintiff Farley-Johnson be assigned to paint his office and, at this time, while in his office, began to touch Plaintiff Farley-Johnson sexually.

109. Defendant Chapman ordered Plaintiff Farley-Johnson into an empty office and on three occasions sexually assaulted and raped Plaintiff Farley-Johnson by bending her over and penetrating her vaginally.

110. Plaintiff Farley-Johnson was subjected to retaliation by employees of the

MDOC for reporting assaults and continues to fear retaliatory acts by Defendants while she is under the jurisdiction of the Michigan Department of Corrections.

111. The Defendants' policies and procedures of hiring and assigning male staff without adequate training or supervision; Defendants' policies and procedures which deter and punish women prisoners from reporting; and Defendants' policies and procedures for investigation and discipline of staff sexual misconduct were proximate causes of the harm to Plaintiff Farley-Johnson.

TAMMY LACROSS

112. Plaintiff Tammy Lacross was seventeen years old when she was placed in an adult prison and subjected to supervision by male correctional officers who routinely touched her while performing body searches, viewed her while nude in showers and while dressing and undressing.

113. Shortly after her arrival at the Scott Correctional Facility, Plaintiff LaCross was, on a weekly basis, subjected to sexual overtures from male corrections officers, forced physical contact and sexually degrading language. Plaintiff LaCross was also made aware of sexual contact between female prisoners and male staff that was open and obvious and went undisciplined.

114. Plaintiff LaCross was also aware of incidents of retaliation against female prisoners who resisted or reported assaults by male staff.

115. In 2000, Plaintiff LaCross was transferred to the Western Wayne Correctional Facility which had recently been converted to a female prison.

116. Defendant Willis Chapman was the Assistant Deputy Warden (ADW) for Custody and Housing at the Western Wayne Correctional Facility and acted as an investigator of complaints of staff misconduct. Within five (5) months of women arriving at the Western Wayne Correctional Facility, ADW Chapman began sexually assaulting at least two female prisoners, including Plaintiff Farley-Johnson. By May of 2001, he began sexually harassing Plaintiff Tammy LaCross.

117. Defendant Chapman's behavior was open and obvious to any supervisor concerned with ensuring the safety of female prisoners.

118. By July of 2001, Defendant Chapman had coerced Plaintiff LaCross into a sexual relationship with forced intercourse and touching on a weekly basis. These sexual assaults and coerced sex took place in multiple areas of the Western Wayne Correctional Facility and, including instances when Defendant Chapman ordered Plaintiff LaCross be brought to his assistant deputy warden's office, the school building and other offices and closets for purposes of the coerced sex and assaults.

119. The physical assaults and coercive sex by Defendant Chapman against Plaintiff LaCross resulted in physical injury to Plaintiff LaCross, including but not limited to multiple bruises, scrapes and lacerations. In addition to the sexual assaults and abuse, Defendant Chapman mentally abused Plaintiff LaCross and kept her from reporting the abuse with a combination of threats and mental abuse.

120. Several employees of the Michigan Department of Corrections reported the sexual misconduct of Assistant Deputy Warden Chapman and his violations of facility rules,

policies and procedures.

121. Defendant Stovall specifically directed that Defendant Chapman not be placed on any restrictions. As a result, Defendant Chapman could and did intimidate and threaten Plaintiff LaCross to prevent her cooperating with any investigation or reporting the assaults. Further, Defendant Stovall did not reassign Defendant Chapman, did not report the alleged criminal activity to the Michigan State Police, did not adequately investigate the allegations and placed no restrictions on Defendant Chapman.

122. Defendant Chapman continued to sexually assault, degrade and intentionally inflict emotional distress on Plaintiff LaCross on a weekly basis, including acts of penetrative intercourse, forced oral sex, viewing Plaintiff LaCross in various states of undress and degrading treatment through 2003.

123. Defendant Chapman was not removed from his position until August, 2003.

124. Plaintiff LaCross was subjected to acts of retaliation by MDOC employees at both Western Wayne Correctional Facility located in Wayne County, Michigan and Camp Brighton, located in Livingston County, Michigan until her release.

125. The Defendants' policies and procedures of hiring and assigning male staff without adequate training or supervision; Defendants' policies and procedures which deter and punish women prisoners from reporting; and Defendants' policies and procedures for investigation and discipline of staff sexual misconduct were proximate causes of the harm to Plaintiff LaCross.

KANDICE HALL

126. Plaintiff Kandice Hall was incarcerated at the Huron Valley Women's Complex in March of 2005, when a male correctional officer on the midnight shift ordered her out of her cell and into another room of the housing unit.

127. The officer, Defendant Jody Nunn, then sexually assaulted Plaintiff Hall by grabbing her breasts and buttocks, digitally penetrating her and raping her from behind.

128. On the same date and time, Defendant Nunn forcibly removed Plaintiff Hall's clothes, pushed her down and attempted forced oral sex.

129. Defendant Nunn then threatened Plaintiff Hall against reporting, said he knew where her family lived and reminded her that his wife was also an officer in the facility.

130. When Plaintiff Hall did report the assaults to prevent further abuse, she was retaliated against by staff, including Defendant Nunn, for reporting.

131. The Defendants' policies and procedures of hiring and assigning male staff without adequate training or supervision; Defendants' policies and procedures which deter and punish women prisoners from reporting; and Defendants' policies and procedures for investigation and discipline of staff sexual misconduct were proximate causes of the harm to Plaintiff Hall.

EBONY BATES

132. In April of 2005, Plaintiff Ebony Bates was incarcerated at the Huron Valley Women's Facility when she was assaulted by a male correctional officer, Defendant Jody Nunn, while he worked the second shift supervising her in temporary segregation.

133. Defendant Nunn routinely sexually harassed Plaintiff Bates by requesting she expose herself to him and using sexually offensive language.

134. Defendant Nunn ordered Plaintiff Bates to pull down her prison jumpsuit so he could view her. Defendant Nunn groped Plaintiff's genital area and made sexually offensive and degrading statements to her.

135. Plaintiff Bates reported the assault and has been subjected to retaliatory acts by Defendant Nunn, his wife and other staff since reporting.

136. The Defendants' policies and procedures of hiring and assigning male staff without adequate training or supervision; Defendants' policies and procedures which deter and punish women prisoners from reporting; and Defendants' policies and procedures for investigation and discipline of staff sexual misconduct were proximate causes of the harm to Plaintiff Bates.

CHRISTINA SCHUSTER

137. Defendants knew of should have known that Plaintiff Christina Schuster was the victim of sexual and physical abuse throughout her adolescence, but failed to take any steps to protect her from further abuse.

138. While incarcerated in the Western Wayne Correctional Facility, Plaintiff Schuster was coerced into sex with a resident unit officer, Defendant Dallas Mesack.

139. Defendant Mesack routinely sexually harassed Plaintiff Schuster by requesting she expose herself to him and by using sexually offensive language.

140. Defendant Mesack entered Plaintiff Schuster's cell at night, ordered her cell

mate to face the wall and ordered Plaintiff to engage in acts of oral sex on multiple occasions during the Spring and Summer of 2003.

141. Plaintiff Schuster was subjected to retaliation by MDOC employees after reporting the sexual assaults.

142. The actions of Defendant Mesack were open and obvious. The Defendants' policies and procedures of hiring and assigning male staff without adequate training or supervision; Defendants' policies and procedures which deter and punish women prisoners from reporting; and Defendants' policies and procedures for investigation and discipline of staff sexual misconduct were proximate causes of the harm to Plaintiff Schuster.

DYANNA MCDADE

143. Defendants were or should have been aware that Plaintiff Dyanna McDade has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

144. Plaintiff Dyanna McDade was 21 years old when she was placed in the Robert Scott Correctional Facility in 2002.

145. Beginning in the Spring of 2004, Defendant Crosby Talley, who is a corrections officer at the Robert Scott Correctional Facility, began sexually harassing Plaintiff McDade by using sexually degrading language aimed at her.

146. During the same time period, Defendant Talley sexually touched, pruriently viewed and leered at Plaintiff McDade.

147. On or about September, 2004 Defendant Talley coerced Plaintiff McDade into

a restroom at the MSI factory and followed her into the restroom, blocking her exit.

148. Plaintiff McDade attempted to resist and, on the day in question, Defendant Talley raped Plaintiff McDade and threatened her against reporting the assault.

149. Plaintiff McDade was fearful to report the assault in light of her knowledge of the lack of adequate investigation, lack of discipline and incidents of retaliation against women who reported such assaults.

150. Defendant Talley continued to stalk Ms. McDade and she attempted suicide. She was sent to segregation and solitary confinement for unauthorized use of a razor blade.

151. On November 20, 2004, fearful that the assaults would continue, Plaintiff McDade did tell her cell mate that she had been raped and her cell mate reported the rape to Lieutenant Hockenhull, a member of the supervisory staff at Scott Correctional Facility.

152. MDOC's Internal Affairs' investigation into the sexual assault was inadequate and inconclusive and the investigator was hostile and aggressive. No action was taken against Defendant Talley.

153. Plaintiff McDade was forced to terminate all therapy and treatment because Defendant Talley remained assigned to the mental health unit.

154. On two occasions previous to this incident, Defendant Talley had been reported for sexually assaulting female prisoners

155. Plaintiff Dyanna McDade was sexually harassed and assaulted at Scott Correctional Facility by Food Service Supervisor Teron Gaines beginning in December, 2006.

156. FSS Gaines made repeated requests to Plaintiff McDade that she engaged in sexual acts with him, touched her inappropriately, and made leering, sexually harassing looks and gestures.

157. Plaintiff McDade reported the sexual assaults and harassment by Gaines and was subsequently retaliated against by supervisory personnel at Scott Correctional Facility, who wrote retaliatory misconducts, took away bonuses, overtime and then her job.

158. Despite repeated reports of sexual assaults on female prisoners, Defendant Supervisors, including Defendants Yukins, Stovall, Zang and Caruso, have allowed Defendant Talley to remain employed by the MDOC with full access to female prisoners including working in the housing units.

159. Defendants were aware or should have been aware that Plaintiff McDade has a prior history of sexual trauma and abuse that makes her vulnerable and they failed to take adequate steps to protect Plaintiff. The subsequent assault exacerbated Plaintiff McDade's prior condition.

160. Defendants', including Defendants Yukins and Stovall, failure to adequately supervise the staff at Robert Scott Correctional Facility resulted in retaliatory actions being taken against Plaintiff McDade in the form of loss of detail, time in segregation and major misconduct tickets.

161. The Defendants' policies and procedures of hiring and assigning male staff without adequate training or supervision; Defendants' policies and procedures which deter and punish women prisoners from reporting; and Defendants' policies and procedures for

investigation and discipline of staff sexual misconduct were proximate causes of the harm to Plaintiff McDade.

HELISHA BAILEY

162. Defendants were or should have been aware that Plaintiff Helisha Bailey has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

163. In 2003, Plaintiff Helisha Bailey was incarcerated at the Western Wayne Correctional Facility where she was assaulted by two male correctional officers.

164. On or about January 2003, Defendant Firas Awad ordered Plaintiff Bailey into a caustic closet and grabbed her breast and groped her vaginal area. Later that day, Defendant Awad again forced Plaintiff Bailey into a closet and grabbed her breasts and forced her hand onto his penis. On the same date, later in the evening, Defendant Awad ordered Plaintiff Bailey to come out of her cell. Plaintiff Bailey left her cell and walked to the officer's station. At that time, Defendants Carter and Madden sent her into the laundry room where Defendant Awad forced Plaintiff to perform oral sex and digitally penetrated and raped her.

165. Defendant Awad threatened Plaintiff Bailey, with future sexual assaults and punishment if she did not keep her mouth shut.

166. Defendant Awad continued to threaten Ms. Bailey after this assault.

167. On or about March 2003, Defendant Kirk Tollzein began making sexual comments to Plaintiff Bailey and in April 2003 grabbed her breasts on several occasions.

168. On multiple occasions Defendant Tollzein entered Plaintiff Bailey's cell on the second shift and forced her to expose her body to him, grabbed her breasts, squeezed her nipples and digitally penetrated her.

169. Defendant Tollzien threatened Plaintiff Bailey against reporting the repeated sexual assaults.

170. As a result of these assaults Plaintiff Bailey asked to be taken off her prescribed medication so she could remain alert and safe from further assaults. She was taken off all medication and treatment.

171. Plaintiff Bailey continued to be subjected to abuse, assaults and privacy violations until her release from prison.

172. Defendant Tollzein's and Defendant Awad's actions were open and obvious and the assaults occurred with the cooperation and assistance of other staff including Defendants Madden and Carter.

173. The Defendants' policies and procedures of hiring and assigning male staff without adequate training or supervision; Defendants' policies and procedures which deter and punish women prisoners from reporting; and Defendants' policies and procedures for investigation and discipline of staff sexual misconduct were proximate causes of the harm to Plaintiff Bailey.

JILL FLANDERS

174. Plaintiff Jill Flanders was repeatedly sexually harassed and sexually assaulted by Defendant Arthur Lancaster, a school teacher at Camp Branch in Branch County,

Michigan, while she worked as a tutor in the school under Lancaster's supervision from November 1999 through July 2000.

175. The assaults were open and obvious to MDOC staff who failed to take adequate steps to investigate or discipline Defendant Lancaster and failed to assist or protect Plaintiff Flanders.

176. The physical assaults continued until Defendant Lancaster was allowed to resign in lieu of any investigation or discipline on September 4, 2000. Defendant Lancaster then continued to harass, threaten and stalk Plaintiff Flanders while she was on parole, impairing her rehabilitation and interfering with her parole status which resulted in a parole violation and incarceration at the Huron Valley Women's Complex.

177. While incarcerated in the Huron Valley Women's Complex through 2006, Plaintiff Flanders was subjected to ongoing harassment, retaliation and degrading treatment.

178. The Defendants' policies and procedures of hiring and assigning male staff without adequate training or supervision; Defendants' policies and procedures which deter and punish women prisoners from reporting; and Defendants' policies and procedures for investigation and discipline of staff sexual misconduct were proximate causes of the harm to Plaintiff Flanders.

DAMIKA ABNER

179. Resident Unit Officer Richard Idemudia sexually assaulted Plaintiff Damika Abner on February 4, 2006 at Scott Correctional Facility.

180. RUO Idemudia sexually assaulted Plaintiff Abner by rubbing his erect penis

up against her and threatened her with retaliation if she reported him.

181. Plaintiff Abner continued to be subjected to RUO Idemudia, sexual harassment, degrading treatment and a hostile sexual environment during her incarceration at the Scott Correctional Facility.

TAMI BAUMGART

182. Defendants were or should have been aware that Plaintiff Tami Baumgart has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

183. Plaintiff Tami Baumgart was first sexually assaulted by Corrections Officer John Jouppi at Scott Correctional Facility in November of 2000.

184. Officer Jouppi entered Plaintiff Baumgart's cell where he sexually assaulted her, including penetrating her vagina and injuring her.

185. Plaintiff Baumgart was subsequently subjected to ongoing sexual abuse, sexual harassment and degrading treatment by Office Jouppi.

186. Plaintiff Baumgart continued to be subjected to degrading treatment and a sexually hostile environment and retaliation while incarcerated under the jurisdiction of the MDOC.

LATRINA BRAXTON

187. Plaintiff LaTrina Braxton was subject to retaliation at Scott Correctional Facility in October of 2001 for reporting privacy violations by male staff members.

188. Resident Unit Officer Andre's Chappell retaliated against Plaintiff Braxton by

issuing her misconduct tickets, resulting in a loss of good time and work and school details.

189. Plaintiff Braxton continued to be subjected to privacy violations, sexual harassment, retaliation and a hostile sexual environment while incarcerated under the jurisdiction of the MDOC.

SANDRA BERGGREN

190. Nurse Jude Kucmiecruz sexually assaulted Plaintiff Sandra Berggren at Scott Correctional Facility approximately three or four times between January and July of 2005.

191. Nurse Kucmiecruz made sexual comments to Plaintiff, touched her breasts and vaginal area and forced her to feel his penis through his pants and told her to contact him when she is paroled.

192. Plaintiff Berggren continued to be subjected to ongoing sexual harassment, a sexually hostile and degrading environment while incarcerated at the Scott Correctional Facility.

ANNIE COLE

193. Plaintiff Annie Cole was been subjected to repeated retaliation by Deputy Warden Cornell Howard 2003 for reporting policy violations by male staff at Scott Correctional Facility, including sexual harassment.

194. Deputy Warden Howard harassed Plaintiff Cole, threatened to send her to segregation and issued her a misconduct tickets.

LISA DOLPH

195. Scott Correctional Facility Physician's Assistant Gopal Singhal sexually

assaulted Plaintiff Lisa Dolph on May 11, 2005.

196. Plaintiff Dolph was called to Health Care for a gynecological exam to be performed by P.A. Singhal. During the examination he tore the gown off her to exam her breasts and then performed an invasive and rough vaginal exam.

197. On January 27, 2006 Plaintiff Dolph was forced to see P.A. Singhal at Health Care at which time he attempted to force her to allow him to exam her in a room without anyone else present.

198. Plaintiff Dolph continues to be subjected to retaliation and degrading treatment at the Scott Correctional Facility.

KAMEKA DUREN

199. Plaintiff Kameka Duren was sexually harassed and retaliated against by Resident Unit Officer Donald Avery after she reported that this MDOC employee sexually harassed her.

200. In January of 2003, Plaintiff Duren informed RUO Avery that she was going to report his sexual harassment by filing a grievance.

201. RUO Avery retaliated against Plaintiff Duren by issuing her retaliatory misconduct tickets.

RUBY EARLY

202. Defendants were or should have been aware that Plaintiff Ruby Early has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

203. Plaintiff Ruby Early was sexually assaulted by Corrections Officer Kenneth Dobbins while at Scott Correctional Facility.

204. In May of 2000, Officer Dobbins forced Plaintiff Early to perform oral sex on him.

205. Plaintiff Early reported this sexual assault by filing a grievance on April 1, 2003, at which time she was retaliated against by staff at Scott Correctional Facility.

206. Plaintiff Early has been subjected to multiple instances of sexual harassment, degrading treatment, privacy violations and a sexually hostile environment through 2006 during her incarceration in MDOC facilities.

FELICIA EDISON

207. From June to August of 2005 Corrections Officer Kenneth Dobbins sexually harassed and assaulted Plaintiff Felicia Edison at Scott Correctional Facility.

208. Officer Dobbins made requests for sex acts and made other sexually degrading statements to Plaintiff Edison in addition, he groped her buttocks and asked her to contact him when she is paroled.

209. Plaintiff Edison was subjected to ongoing sexual harassment and degrading treatment while incarcerated at the Scott Correctional Facility.

REBECCA FACKLER

210. Defendants were or should have been aware that Plaintiff Rebecca Fackler has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

211. Plaintiff Fackler was at Scott Correctional Facility when she was sexually assaulted by Corrections Officers Ralph Johnson and Joseph Pennington and Sergeant Warrick Henry.

212. These three staff members sexually assaulted Plaintiff Fackler by ripping her clothes off, groping her breasts and vaginal area; additionally both Officers Johnson and Pennington penetrated her vagina with their hands.

213. Plaintiff Fackler reported this sexual assault and degrading treatment by filing a grievance on June 19, 2004 and then again in May of 2007.

214. On September 22, 2007, Plaintiff Fackler was pruriently viewed by Lieutenant Lee Gaston at Scott Correctional Facility when he did not announce his presence in the area and looked directly into her cell while she was using the restroom. Additionally, Plaintiff Fackler was denied a door cover, a device commonly provided to allow her privacy while engaging in basic and private body functions.

REBECCA GAMBURD

215. While at Scott Correctional Facility, Plaintiff Gamburd was first sexually assaulted by Corrections Officer Kenneth Dobbins in January, 2001.

216. Officer Dobbins sexually assaulted Plaintiff Gamburd when he groped her and digitally penetrated her on the grounds of Scott Correctional Facility.

217. After this sexual assault, this guard continued to sexually abuse and harass Ms. Gamburd while she was at the Scott Correctional Facility.

218. Plaintiff Gamburd was subjected to ongoing sexual abuse, degrading

treatment, sexual harassment and privacy violations while she was incarcerated under the jurisdiction of the MDOC.

LAURA GARLAND

219. Defendants were or should have been aware that Plaintiff Laura Garland has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

220. Beginning in March of 2002 Special Activities Director Donald Lucas repeatedly sexually harassed and assaulted Plaintiff Laura Garland at the Scott Correctional Facility.

221. The assaults became increasingly egregious and Lucas forced Ms. Garland to perform sexual acts on numerous occasions until she was sent to segregation in August, 2005.

222. Activities Director Lucas made repeated sexual advances, touched her and forced her to pose for photographs in sexually degrading poses while partially clothed.

223. Plaintiff Garland reported this sexually abusive behavior to prison staff which resulted in retaliation by staff at the facility, who verbally abused her, wrote her misconduct tickets and sent her to segregation.

224. After the sexual assaults, Plaintiff Garland continued to be subjected to sexual harassment, abuse and a sexually degrading environment until she was released from prison.

TANISHIA GRAVES

225. Defendants were or should have been aware that Plaintiff Tanishia Graves has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

226. Beginning in May of 2004, and continuing through August of 2006, Scott Correctional Facility Corrections Officer Kenneth Dobbins sexually harassed Plaintiff Tanishia Graves by repeatedly subjecting her to sexual harassment and threats. He forced Plaintiff Graves to engage in oral sex and groped Plaintiff Graves on multiple occasions.

227. Plaintiff reported this sexual abuse by filing a grievance on September 24, 2006, after which time she has been constantly harassed and retaliated against by staff at this facility, who have written her misconduct tickets and otherwise interfered with her custody level.

228. The retaliation against Plaintiff Graves resulted in loss of parole and continued incarceration with the person who abused her.

229. Plaintiff Graves continued to be subjected to sexual abuse, threats, degrading treatment and a sexually hostile environment.

SONYA GRISSOM

230. Defendants were or should have been aware that Plaintiff Sonya Grissom has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

231. Plaintiff Sonya Grissom was sexually assaulted by Corrections Officer John

Andrews at Scott Correctional Facility

232. Beginning in the fall of 2002, Officer Andrews entered Plaintiff Grissom's cell and sexually assaulted her by forcing her to have intercourse with him.

233. This guard continued to sexually assault, harass and abuse Plaintiff Grissom until her release.

234. When Plaintiff reported the sexual assaults, she was subjected to retaliatory actions by Officer Andrews and other staff at Scott Correctional Facility.

235. Plaintiff Grissom continued to be subjected to sexual harassment, degrading treatment and a sexually hostile environment until her release in 2007.

CAROLYN HAYES-ZEHNER

236. On April 16, 2003, Plaintiff Carolyn Hayes-Zehner was sexually assaulted at Western Wayne Correctional Facility by Resident Unit Officer Nathaniel Crosson when he grabbed and groped her on the buttocks.

237. After Plaintiff Hayes-Zehner reported this assault, she was subjected to ongoing harassment and degrading treatment during her incarceration.

EASTER JONES

238. Plaintiff Easter Jones was sexually harassed by Corrections Officer Warrick Henry at Scott Correctional Facility beginning in the fall of 2000.

239. After she reported the sexual harassment, this officer began a pattern of retaliation against Plaintiff Jones by issuing misconduct tickets and denial of other privileges until her transfer to the Huron Valley Women's Complex.

240. Plaintiff Jones continued to be subjected to harassment and a hostile sexual environment at the Huron Valley Women's Complex.

LINDA KAROW

241. While at Scott Correctional Facility Plaintiff Linda Karow was sexually assaulted by Lieutenant Moore when he ripped her undergarments off and groped her vaginal area in the fall of 2003.

242. On September 21, 2005 Plaintiff Linda Karow was sexually assaulted by Corrections Officers Andre's Chappell, Sergeant Willie Davis and Officer Green at Scott Correctional Facility when they groped and fondled her in her cell.

243. Plaintiff Karow continued to be subjected to sexual harassment and degrading treatment at both the Scott Correctional Facility and the Huron Valley Women's Complex.

CORETTA KING-HOWE

244. In 2000, Plaintiff Coretta King-Howe reported that Corrections Officer Kendall Weaver sexually assaulted another female prisoner.

245. As a result, Plaintiff King-Howe was retaliated against with a series of misconducts and harassment.

246. Ms. King-Howe continued to be subjected to a sexually hostile environment and retaliatory acts at the Huron Valley Women's Complex.

SHAMEKA LAYTON

247. Defendants were or should have been aware that Plaintiff Shameka Layton

has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

248. Plaintiff Shameka Layton was working in Food Service at Scott Correctional Facility in March of 2002 when a Food Service Supervisor began to sexually harm her.

249. Plaintiff Layton was sexually assaulted by Food Service Supervisor Dunbar when he groped Plaintiff Layton's breasts and thighs and forced her to touch his penis.

250. Ms. Layton continued to be subjected to sexual abuse, sexual harassment and threats while she was at the Scott Correctional Facility.

251. When Plaintiff Layton was transferred to Huron Valley Women's Complex she was subjected to a hostile sexual environment and degrading treatment.

ROBIN MCCARDLE

252. Plaintiff Robin McCardle has been severely retaliated against by staff at Western Wayne Correctional Facility and Scott Correctional Facility for reporting and testifying concerning the rampant nature of sexual abuse at MDOC facilities housing women prisoners.

253. From March through August of 2000, Plaintiff McCardle was issued a misconduct ticket for reporting sexual abuse by Corrections Officers McCombs and Simmons at Scott Correctional Facility; additionally, her phone privileges were disconnected for three months.

254. In February of 2001, Plaintiff McCardle testified in the federal case

Everson v. MDOC; in the days after her testimony she was issued a misconduct ticket by Resident Unit Officer Richard Idemudia at Western Wayne Correctional Facility , who had been present in the courtroom for her testimony. The retaliation against Plaintiff McCardle continued until her discharged in the fall of 2003.

255. Plaintiff McCardle was also subject to sexual harassment, a sexually hostile environment and privacy violations while she was incarcerated in Michigan's prisons.

SHAREE MILLER

256. Defendants were or should have been aware that Plaintiff Sharee Miller has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

257. Beginning in April 2005, Plaintiff Sharee Miller was subjected to an escalating pattern of sexual abuse by Food Service Supervisor Clifton Richardson at Scott Correctional Facility.

258. FSS Richardson made sex-based statements to Plaintiff Miller, requested she engage in sex acts, groped and fondled and sexually assaulted her repeatedly for months.

259. The sexual abuse was open and obvious to staff and yet Plaintiff was subjected to a hostile sexual environment, degrading treatment, sexual harassment and abuse during her incarceration at the Scott Correctional Facility.

FELICIA MORGAN

260. Plaintiff Felicia Morgan was incarcerated at Scott Correctional Facility

when she was first sexually assaulted by Corrections Officers Carlo Spear and Bradley Wellman in 2001 when they groped her breasts, buttocks and thighs.

261. Plaintiff Morgan continued to be subjected to degrading treatment, sexual abuse and harassment until her discharge in the fall of 2005.

CHRISTY NEFF

262. Plaintiff Christy Neff has been subjected to sexual harassment, privacy violations and degrading treatment from multiple male staff while incarcerated at the Scott Correctional Facility.

263. A supervisor, Mark Collins, sexually assaulted Plaintiff Neff when he groped and touched her and forced her to touch his genitals while she was working at the Michigan Industries factory.

264. When Plaintiff Neff reported this sexual assault on December 14, 2001, she was retaliated against for reporting with the issuance of a misconduct ticket and the abuse, harassment and degrading treatment continued.

LATASHA NICHOLS

265. Defendants were or should have been aware that Plaintiff LaTasha Nichols has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

266. On September 16, 2004, Plaintiff LaTasha Nichols reported that Officer Spangler violated her privacy by walking into the bathroom and seeing her engaged in basic bodily functions at Scott Correctional Facility.

267. Plaintiff Nichols reported this prurient viewing by filing a grievance the same day.

268. After her report, Plaintiff was retaliated against by staff at Scott Correctional Facility, who issued her misconduct tickets and verbally harassed her.

AMY NOWAK

269. While at Scott Correctional Facility Plaintiff Amy Nowak was subjected to severe privacy violations, prurient viewings when Sergeant Henry, among other male staff, engaged in a pattern and practice of demanding to view Plaintiff's breasts and other body parts and talked about her body.

270. The degrading and humiliating conduct by Sergeant Henry had been ongoing for over a year when Plaintiff reported this conduct in the fall of 2002.

271. Plaintiff's report did not stop the abuse and privacy violations which have continued along with the hostile sexual environment Plaintiff is subjected to at Scott Correctional Facility.

VICTORIA PAYNE

272. Defendants were or should have been aware that Plaintiff Victoria Payne has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

273. While at Scott Correctional Facility Plaintiff Victoria Payne was sexually harassed and subjected to privacy violations by male staff, including Vic Nemeč.

274. When Plaintiff Payne reported Officer Nemeč's harassment she was

retaliated against by staff, resulting in misconduct tickets and restriction of privileges.

275. The harassment and retaliatory acts and degrading treatment continued through 2006.

BRENDA PHELPS

276. Plaintiff Brenda Phelps was at Scott Correctional Facility when she was sexually assaulted by Corrections Officer Johnson.

277. Officer Johnson sexually assaulted Plaintiff Phelps while she was at the hospital, groping her touching her improperly and then threatened to harm her and her unborn child if she reported.

278. The sexual harassment, threats, abuse and degrading treatment continued until Plaintiff Phelps was discharged in March 2003.

SHERRIE PIERCE

279. Defendants were or should have been aware that Plaintiff Sherrie Pierce has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

280. While at Scott Correctional Facility Plaintiff Sherrie Pierce was sexually assaulted by Corrections Officer Ronald Brown.

281. Officer Brown forced Plaintiff Pierce to perform oral sex on him in her cell on December 21, 2002.

282. Despite Plaintiff Pierce reporting this sexual assault the abuse, sexual harassment and degrading treatment continued.

283. Plaintiff Pierce had previously been sexually assaulted by Corrections Officer Christopher Dekeyser at Crane Correctional Facility on May 25, 2000, when Officer DeKeyser groped her breasts, made lewd threats and comments.

284. When Plaintiff Pierce reported this sexual assault she was retaliated against.

DIANA THOMAS

285. Beginning in May of 2000 Diana Thomas was sexually assaulted at Scott Correctional Facility by Corrections Officer Kendall Weaver.

286. Officer Weaver groped Plaintiff Thomas' breasts and forced his mouth on hers.

287. Despite Plaintiff Thomas reporting this assault, she was subjected to ongoing abuse, sexual harassment and privacy violations until her discharge in April 2003.

GLENESE THOMPSON

288. Defendants were or should have been aware that Plaintiff Glense Thompson has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

289. Plaintiff Glense Thompson was subjected demeaning sex-based language and a penetrative sexual assault in December, 2003 at Scott Correctional Facility by Food Service Supervisor Robert Spruill, who digitally penetrated and groped her.

290. Plaintiff Thompson was assaulted by Robert Spruill on other occasions when he groped her breasts and tried to force her to perform sexual acts.

291. Despite Plaintiff reporting this sexual assault she was subjected to ongoing abuse, degrading treatment and a sexually hostile environment through 2004.

DEVON WATTS

292. Defendants were or should have been aware that Plaintiff Devon Watts has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

293. Plaintiff Devon Watts was sexually assaulted at Scott Correctional Facility by Corrections Officer Dustyn Hall.

294. Beginning in January 2001, Officer Hall repeatedly forced Plaintiff to engage in sexual intercourse.

295. When Plaintiff Watts reported these sexual assaults on April 13, 2001, she was retaliated against by MDOC staff and the sexual abuse, harassment and degrading treatment continued during her incarceration at the Scott Correctional Facility.

ANDREA WILLIAMS

296. While at Scott Correctional Facility Plaintiff Andrea Williams was sexually harassed by Corrections Officer John Andrews and Sergeant Davis.

297. Beginning in 2000, Officer Andrew began making sexual comments, proposing she perform sexual acts and violating her privacy. These actions combined with threats and punishment for not responding continued and escalated to sexual abuse through 2003.

298. Sergeant Davis sexually harassed and continued to violate Plaintiff

Williams' privacy rights through 2006.

299. Plaintiff Williams continued to be retaliated against for resisting until she was discharged in 2007.

RONESHA WILLIAMS

300. While at Scott Correctional Facility, Plaintiff Ronesha Williams was subjected to invasive privacy violations beginning in August 2002.

301. After reporting the privacy violations by filing a grievance on August 11, 2002, Plaintiff was retaliated against by staff, who issued her misconduct tickets resulting in the loss of her job and continued violations of her privacy while incarcerated at the Scott Correction Facility through 2006.

SAMANTHA YOUNG

302. Defendants were or should have been aware that Plaintiff Samantha Young has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

303. During his employment at the Scott Correctional Facility Correction Officer Nathaniel Carter has engaged in a pattern of degrading treatment, prurient viewing of women prisoners performing basic hygiene and engaging in basic bodily functions, intimidating requests to engage in sexual acts, and sexual assault. Defendant's actions were not for any valid penological purpose, but rather for purposes of sexually harassing and degrading women prisoners.

304. Plaintiff Samantha Young was subjected to sexually degrading sex-based

language, intimidating requests for sex acts and sexual harassment while incarcerated at the Scott Correctional Facility.

305. From January through March, 2004, Ms. Young was subjected to rapes, forced oral sex, sexual assaults and abuse by Officer Nathaniel Carter at Scott Correctional Facility.

306. Plaintiff Young reported these sexual assaults on March 30, 2004 and was retaliated against for her report by Defendant supervisors, who issued her a misconduct ticket for reporting and placed her in solitary confinement as a punishment for reporting.

307. The abuse continued after her release from confinement and in December 2004, Plaintiff Young attempted suicide.

308. From her release from the hospital until her discharged from prison in 2007, Ms. Young was subjected to a hostile sexual environment including sexual abuse, degrading treatment and retaliatory acts.

KIM AMYX

309. While at Western Wayne Correctional Facility Plaintiff Kim Amyx was sexually harassed by Maintenance Supervisor Michael Hester beginning in 2001.

310. The sexual abuse and harassment continued until Plaintiff Amyx reported his actions.

311. When Plaintiff reported Hester's sexual harassment, she was terminated from her position, resulting in a loss of income and other losses.

312. Plaintiff Amyx continued to be subjected to retaliation, sexual abuse and

sexual harassment while incarcerated at Western Wayne Correctional Facility.

CARMALITA AYERS

313. Plaintiff Carmalita Ayers was sexually assaulted and retaliated against by Corrections Officer Joseph Durigon while at St. Mary's Hospital to receive medical treatment.

314. In the fall of 2002, Officer Durigon first sexually assaulted Plaintiff Ayers by digitally penetrating her.

315. Plaintiff Ayers reported this sexual assault and was subjected to retaliation by Officer Durigon and other staff at Western Wayne Correctional Facility, including misconduct tickets.

316. The sexual harassment, abuse and retaliation continued while Plaintiff Ayers was incarcerated at Western Wayne Correctional Facility.

317. Plaintiff Ayers was subjected to ongoing sexual abuse, harassment and retaliation until her discharge in February, 2006.

VICKIE BALDRIDGE

318. Defendants were or should have been aware that Plaintiff Vicki Baldrige has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

319. Plaintiff Baldrige was raped by Corrections Officer Michael O'Donnell in October 2000 and subjected to ongoing sexual abuse by this officer while he was employed by the MDOC.

320. Plaintiff reported this assaults and she was retaliated against by denial of access to necessary medical equipment, misconduct tickets and other harassment.

321. The retaliation continued against Plaintiff Baldrige despite her reporting this retaliation on various occasions, including October 23, 2002 and January 15, 2003.

322. Plaintiff Baldrige continued to be subjected to sexual harassment and retaliation at the Scott Correctional Facility through 2006.

ALISON BARNES

323. Defendants were or should have been aware that Plaintiff Alison Barnes has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

324. Beginning in January of 2003, Corrections Officer Dyrall Williams repeatedly subjected Plaintiff Alison Barnes to sexual assaults and abuse, including ordering her to expose her body to his view and to engage in sexual acts.

325. This guard repeatedly sexually assaulted Plaintiff Barnes by groping her, shoving his hands down her pants and exposing his genitals.

326. Plaintiff Barnes was sexually harassed and had her privacy violated and subjected to continuing threats and abuse through 2006.

DENISE BUCHANAN

327. Food Service Supervisor Ronald Dickerson began sexually harassing Plaintiff Denise Buchanan while he was her supervisor at the Western Wayne Correctional Facility.

328. Food Service Supervisor Ronald Dickerson sexually assaulted Plaintiff Denise Buchanan in September of 2003, by groping her vagina while making lewd comments and threatening her.

329. Supervisor Dickerson continued to sexually harass Plaintiff Buchanan for two years using graphic language, telling her to perform oral sex and retaliation against her when she refused to comply.

LINDA BYRD

330. Plaintiff Linda Byrd was sexually assaulted while at Western Wayne Correctional Facility by Corrections Officers John Sahl and Michael Sexton and Defendant Willis Chapman

331. Beginning in 2001, Plaintiff Byrd was sexually assaulted by ADW Willis Chapman when he rubbed his penis against her. These assaults and sexual harassment continued to 2002.

332. Beginning in the Fall of 2001, Plaintiff Byrd was repeatedly raped by Officers Sahl and Sexton. These assaults began at Western Wayne Correctional Facility and continued until 2002, while Plaintiff Byrd was under the jurisdiction of the MDOC.

ROSLYN CHEESEBORO

333. Defendants were or should have been aware that Plaintiff Roslyn Cheeseboro has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

334. Plaintiff Roslyn Cheeseboro worked at Food Service at Western Wayne

Correctional Facility where she was subjected to sexual abuse and assaults Food Service Supervisor Ronald Dickerson.

335. On October 9, 2003 FSS Dickerson made sexual statements to her, groped her buttocks and subjected her to degrading treatment.

336. When Plaintiff Cheeseboro reported this sexual assault, she was retaliated against by Supervisor Dickerson by further sexual harassment, abuse, issuance of a major misconduct and the loss of her position in Food Service.

DEBORAH COLLINS

337. While at Western Wayne Correctional Facility, Plaintiff Deborah Collins was subjected to sexual harassment and abuse by Corrections Officer Rodney Madden. In the fall of 2002 Madden groped Ms. Collins and solicited her for sex.

338. Officer Madden continued to sexually harass Ms. Collins, telling her to perform sexual acts and subjected her to degrading treatment while she was incarcerated at the Western Wayne Correctional Facility.

339. Plaintiff Collins was subjected to a sexually hostile environment and abuse until her discharge in 2006.

AMECA COPPY

340. Defendants were or should have been aware that Plaintiff Ameca Coppy has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

341. Plaintiff Ameca Coppy was in the segregation unit at Western Wayne

Correctional Facility when she was sexually harassed and degraded by Sergeant Michael Davis.

342. From November to December of 2003, Sergeant Davis repeatedly made sex-based statements to Plaintiff Copsy and asked her to engage in sexual acts; he ordered her to expose her breasts to him, masturbated in front of her while making sexually degrading statements and attempted to force her to touch his penis.

343. While Plaintiff Copsy reported this sexual abuse and degrading treatment by filing a grievance of February 24, 2005, the sexual harassment and abuse continued until her release in 2006.

JENNIFER DAVENPORT

344. Corrections Officer Dallas Mesack sexually harassed and degraded Plaintiff Jennifer Davenport while she was incarcerated at Western Wayne Correctional Facility.

345. Officer Mesack continued to abuse Plaintiff Davenport and punish her for reporting his actions until he was removed from the facility.

346. Plaintiff Davenport continued to be subjected to privacy violations, abuse and degrading treatment during her incarceration through 2006.

LAWANDA GAYLES

347. Defendants were or should have been aware that Plaintiff Lawanda Gayles has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

348. While at Western Wayne Correctional Facility Corrections Officer Keith

Smith sexually assaulted Plaintiff Lawanda Gayles beginning in November of 2000 and continuing while Plaintiff was incarcerated at the Western Wayne Correctional Facility.

349. Officer Smith repeatedly groped, fondled and raped Plaintiff Gayles which she reported in the fall of 2004.

350. Plaintiff Gayles was subjected to ongoing abuse, degrading treatment and privacy violations until her release in 2005.

DEBRA GENTRY

351. Plaintiff Debra Gentry was subjected to sexual harassment by a Food Service Supervisor Williams Moore.

352. After complaining about the abuse, FSS Moore terminated Plaintiff from her position in Food Service in January 2002.

353. Plaintiff Gentry was reinstated to her position and FSS Moore continued his pattern of sexual harassment, abuse and degrading treatment.

354. FSS Moore also retaliated against Ms. Gentry by issuing or having other staff issue twenty major misconduct tickets. While all of these were eventually dismissed, Plaintiff was subjected to punishment, threats and harassment and loss of freedom until her discharge in 2007.

TAMEKA HEWITT

355. Plaintiff Tameka Hewitt was subjected to a sexually hostile environment while incarcerated at Western Wayne Correctional Facility.

356. Plaintiff Hewitt had her privacy violated and was subjected to harassment

until her discharge in 2005.

357. Plaintiff Hewitt was also assaulted by Dr. Paul Piper who exceeded the scope of medical necessity in performing a breast exam and spent an excessive amount of time groping Plaintiff's breasts.

VICKIE HOSKINS

358. Defendants were or should have been aware that Plaintiff Vickie Hoskins has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

359. On April 7, 2004 Plaintiff Vickie Hoskins was sexually assaulted by Dr. Nichols at Western Wayne Correctional Facility during a gynecological exam. Dr. Nichols simulated sex on Plaintiff Hoskins with the speculum, while making sex-based comments to Plaintiff, causing injury and bleeding.

360. This assault was reported when Plaintiff Hoskins wrote a grievance on April 8, 2004.

IRENE HOUSTON

361. Plaintiff Irene Houston was subjected to sexual harassment and degrading treatment while at the Western Wayne Correctional Facility.

362. Officer Roberts began sexually harassing, groping and abusing Plaintiff Houston while she was at Western Wayne Correctional Facility.

363. Upon her parole in 2006, while she was under the jurisdiction of the MDOC, Officer Roberts raped her and forced her to engage in other sexual acts.

364. Officer Roberts threatened Plaintiff Houston with loss of parole and return to prison.

JAMIE JENKINS

365. Plaintiff Jamie Jenkins was sexually assaulted at Western Wayne Correctional Facility in April of 2003 and continued through June when Corrections Officer Rodney Madden repeatedly sexually assaulted her, including forced sex and groping.

366. Plaintiff Jenkins was subjected to ongoing threats and abuse should she refuse or report the assaults.

367. These assaults were reported in May of 2003, and then again by Plaintiff Jenkins in August of 2005.

JANISE LEONARD

368. Defendants were or should have been aware that Plaintiff Janise Leonard has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

369. Plaintiff Janise Leonard was sexually assaulted by a number of staff members at Western Wayne Correctional Facility and subjected to degrading treatment and privacy violations.

370. In March of 2003, Food Service Supervisor Ronald Dickerson sexually assaulted Plaintiff Leonard when he ordered her to pull her pants down and groped her buttocks.

371. On the night of February 8, 2003, at Western Wayne Correctional Facility Corrections Officer Mikal Aktab entered Plaintiff Leonard's cell and exposed his penis to her while using sexually degrading and intimidating language.

372. Despite Plaintiff Leonard reporting this abuse, the officers continued to threaten Plaintiff, harass Plaintiff and engage in hostile and sexually abusive conduct.

TAMARA MARSHALL

373. Defendants were or should have been aware that Plaintiff Tamara Marshall has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

374. Plaintiff Tamara Marshall was at Western Wayne Correctional Facility in March of 2001 when Defendant Chapman began sexually harassing her and sexually assaulted her.

375. Defendant forced Plaintiff Marshall to engage in oral sex in order to be allowed to receive a visit from her children. These assaults and abuse continued until Plaintiff Marshall was transferred in December of 2001 to Camp Brighton.

376. Plaintiff Marshall continued to be subjected to sexual abuse, threats, privacy violations and harassment at Camp Brighton until her discharge in 2005.

CAROLYN MOSS

377. Defendants were or should have been aware that Plaintiff Carolyn Moss has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

378. In September 2003, Plaintiff Carolyn Moss was in solitary confinement at the Western Wayne Correctional Facility when Sergeant Davis began sexually harassing Plaintiff Moss when he forced her to allow him to view her in a state of undress for his own prurient interests, and sexually assaulted her by forcing her to perform oral sex on approximately six occasions.

379. When Plaintiff Moss reported these sexual assaults in April 2004, she was harassed, retaliated against and subjected to threats and degradation through 2004.

380. Plaintiff Moss was subjected to a sexually hostile environment and privacy violations until her discharge in 2006.

DONNA MURRY

381. Defendants were or should have been aware that Plaintiff Donna Murry has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

382. Beginning in January 2001, Plaintiff Donna Murry was subjected to repeated sexual assaults, including rapes, by Defendant Assistant Deputy Warden Willis Chapman at Western Wayne Correctional Facility.

383. The sexual assaults and abuse continued through 2002 until she was transferred to Camp Brighton where Plaintiff Murry was subjected to privacy violations and harassment.

384. After Plaintiff Murry reported these sexual assaults in July of 2003, she was subjected to retaliation, harassment, privacy violations and abuse until her discharge in

2004.

CHRISTINA SPENCER

385. Defendants were or should have been aware that Plaintiff Christina Spencer has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

386. Plaintiff Christina Spencer has been repeatedly sexually assaulted by male staff of the MDOC.

387. Beginning in January of 2002, Plaintiff Spencer was sexually assaulted by Defendant Carlton Carter, who entered her cell after she has showered, viewed her naked and groped her buttocks.

388. While Plaintiff Spencer reported this sexual assault by filing a grievance in February of 2002, the sexual abuse, harassment and privacy violations by Defendant Carlton Carter continued through 2003.

389. In the fall of 2002, Plaintiff Spencer was at St. Mary Hospital recovering for in-patient mental health care when she was sexually assaulted by Officer Joseph Durigon who groped Plaintiff Spencer's breasts and attempted to digitally penetrate her.

390. Plaintiff Spencer reported this abuse by filing a grievance and was retaliated against, including being given misconduct tickets.

391. In July, 2003, Lt. Richardson began calling Ms. Spencer sexually degrading names and sexually harassing her and propositioning her for sex.

392. Plaintiff Christina Spencer was subjected to ongoing sexual abuse, sexual

harassment and retaliation until her release from prison.

TRACEY STUCKEY

393. In February of 2003, Corrections Officer Silas Osuji-Eboh used sex-based degrading and humiliating language while sexually assaulting Plaintiff Tracey Stuckey at Western Wayne Correctional Facility

394. Officer Osuji-Eboh entered Plaintiff Stuckey's cell while she was sleeping and groped her buttocks and thighs.

395. While Plaintiff Stuckey reported this assault, she continued to be sexually harassed and abused by male staff until her release in 2007.

JOYCE VANNORMAN

396. Plaintiff Joyce VanNorman was housed at Western Wayne Correctional Facility when she witnessed evidence that Assistant Deputy Warden Willis Chapman was sexually assaulting female prisoners.

397. Plaintiff VanNorman reported Assistant Deputy Warden's sexual assault to corrections staff and was retaliated against by supervisory personnel at Western Wayne Correctional Facility, receiving a misconduct ticket and loss of privileges in October, 2002.

TAWANNA WILLIS

398. Plaintiff Tawanna Willis was at Western Wayne Correctional Facility when she was sexually assaulted by ARUS Joe Wade.

399. ARUS Wade began sexually assaulting Plaintiff Willis in October of 2003,

by groping her breasts and buttocks and continued to sexually harass and abuse Plaintiff Willis throughout 2003.

400. Plaintiff Willis was subjected to privacy violations and sexual harassment while incarcerated at the Western Wayne Correctional Facility.

JILL YANNA

401. While at Western Wayne Correctional Facility, Plaintiff Jill Yanna was sexually assaulted by Corrections Officer Crouch.

402. In 2004, Officer Crouch forced Plaintiff Yanna to perform oral sex on him and threatened her with retaliation if she did not comply.

403. Plaintiff Yanna was subjected to sexual harassment and threats throughout her incarceration at Western Wayne Correctional Facility.

LATARA YOUNG

404. Plaintiff LaTara Young was sexually assaulted by Classification Director John Jeffries at Western Wayne Correctional Facility in 2004.

405. Classification Director Jeffries kissed and groped Plaintiff Young while she was under his direct supervision.

JANE ESHENRODER

406. Plaintiff Jane Eshenroder was at Huron Valley Complex-Women's when she was subjected to prurient viewing and privacy violations by male staff in 2005.

407. Plaintiff Eshenroder was issued a major misconduct ticket in retaliation for reporting the privacy violations and degrading treatment.

KELLY HITT

408. At Western Wayne Correctional Facility, in August of 2003, Corrections Officer Firas Awad sexually assaulted and degraded Plaintiff Kelly Hitt by groping her buttocks and making sexually degrading comments.

409. Plaintiff Hitt was sexually harassed by Nurse William Banks at Huron Valley Complex-Women's in September of 2006.

410. In the days prior to Plaintiff's parole, Nurse Banks ordered Plaintiff Hitt to health care to engage in a number of parole related health care issues. Knowing she was on the verge of parole, he ordered her to come to health care to sexually harass and humiliate her, attempted to solicit her home contact information from her and then performed an unnecessary medical procedure which required Plaintiff to remove her shirt and proceeded to sexually assault her.

LARITA LEWIS

411. Defendants were or should have been aware that Plaintiff LaRita Lewis has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

412. Plaintiff LaRita Lewis was sexually assaulted by Corrections Officer Victor New at Huron Valley Complex-Women's on March 1, 2005 when he groped Plaintiff's breasts and sexually harassed her.

BEVERLY PARSEL

413. Defendants were or should have been aware that Plaintiff Beverly Parsel

has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

414. Plaintiff Beverly Parsel was sexually assaulted by Physician's Assistant Gopal Singhal at Huron Valley Complex-Women's.

415. P.A. Singhal performed an invasive gynecological exam on Plaintiff Parsel on June 29, 2005 groping and injuring her.

MARQUETTA TARVER

416. Defendants were or should have been aware that Plaintiff Marquette Tarver has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

417. From June 2004 through December 2004 Plaintiff Tarver's supervisor, Mr. Hester, began to sexually assault and harass her, grabbing her breasts and buttocks and rubbing his penis on her.

418. Mr. Hester also exposed his penis while making sexually degrading comments.

419. In January of 2005, Mr. Hester ordered Plaintiff Tarver into a room at Huron Valley Women's Complex where Maintenance Supervisor, Clarence Gray, was waiting and raped her.

420. Plaintiff Tarver reported this sexual assault in February 2005, and was subsequently retaliated against by staff harassment and misconduct tickets.

421. Plaintiff Tarver, as a result of the ongoing abuse and retaliation attempted

suicide on three occasions.

422. The abuse of Plaintiff continued until her release in 2006.

423. Plaintiff Tarver was returned to prison and she continues to suffer retaliation.

CRYSTAL TRUITT-BAILEY

424. Plaintiff Crystal Truitt-Bailey was sexually assaulted at Huron Valley Complex-Women's by Maintenance Supervisor Michael Hester beginning in September of 2005.

425. MS Hester groped Ms. Truitt-Bailey and forced her to perform oral sex while threatening her if she reported.

426. The abuse continued through March of 2006 when Hester raped Ms. Truitt-Bailey on more than one occasion.

AMELIA ABRAHAM

427. Plaintiff Amelia Abraham was transported from Camp Brighton to Duane Waters Hospital over a period of weeks in September 2006, where she was sexually assaulted and harassed by the Physical Therapist, Mark Fleming.

428. P.T. Fleming sexually harassed Ms. Abraham, made repeated sexual and threatening comments about Plaintiff Abraham's body and engaged in sexual acts with her, forced her to touch his penis, forced his mouth on hers and groped her.

429. Plaintiff Abraham reported this sexual assault and harassment on September 24, 2006 by filing a grievance and Fleming retaliated against Plaintiff Abraham by

issuing her a retaliatory ticket for interference with administrative rules.

LISA AUBUCHON

430. Plaintiff Lisa Aubuchon was subjected to sexual harassment, threats and coercive sexual conduct and privacy violations while incarcerated at Camp Brighton.

431. From November 2002, until she left Camp Brighton, Plaintiff Aubuchon was raped repeatedly by a correctional officer, Steven Babbitt. These assaults continued after Plaintiff Aubuchon was paroled in March of 2003 where this officer threatened to have her parole revoked.

432. Plaintiff Aubuchon reported the sexual contact to her parole agent in May of 2004.

433. As a result of her report, Plaintiff was denied the opportunity to enter the Diversion program at Camp Brighton, which resulted in her spending additional time in prison.

KATESHIA BROWN

434. Defendants were or should have been aware that Plaintiff Kateshia Brown has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

435. On October 27, 2003 Plaintiff Kateshia Brown was sexually harassed and assaulted by Corrections Officer William Merrow at Camp Brighton.

436. Officer Merrow made sexually degrading statements to Plaintiff Brown and groped her breast.

437. Plaintiff was also subjected to privacy violations and a hostile sexual environment at Camp Brighton.

438. When Plaintiff Brown reported the assaults in 2003, Defendants retaliated against Plaintiff Brown by issuing her a major misconduct for reporting this assault.

ORALIA DONALD

439. Plaintiff Oralia Donald was subjected to privacy violations and sexual harassment while housed at Camp Brighton until her discharge in December 2004.

440. Corrections Officer Wayne Gibson began to sexually harass Ms. Donald and tried to coerce her to perform sex beginning in 2002 and continuing until her parole.

441. After Plaintiff Donald was paroled in 2004, Officer Gibson continued to stalk her and make attempts to coerce her.

442. Officer Gibson did, in fact, force Plaintiff Donald to perform sexual acts while she was under the jurisdiction of the MDOC.

LINDA FLOWERS

443. Defendants were or should have been aware that Plaintiff Linda Flowers has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

444. Plaintiff Flowers was subjected to sexual harassment and privacy violations while incarcerated at Camp Brighton.

445. In December of 2004, while incarcerated at Camp Brighton, the Public Works Supervisor Thomas Clark sexually assaulted Plaintiff Linda Flowers.

446. This Supervisor grabbed Ms. Flowers and forced and pressed his penis against her buttocks while rotating his hips against her and making sexually harassing comments.

447. Supervisor Clark attempted to coerce Plaintiff Flowers into not reporting this sexual assault by attempting to bribe her with money and threatening her.

448. When Plaintiff Flowers reported Supervisor Clark's assault, the staff at Camp Brighton retaliated against Plaintiff Flowers for reporting this assault by collectively issuing Plaintiff eight misconduct tickets in a three-day time period, resulting in severe sanctions.

WENDY GARAGIOLA

449. Defendants were or should have been aware that Plaintiff Wendy Garagiola has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

450. While at Camp Brighton, Plaintiff Garagiola was subject to a sexually hostile environment, privacy violations and degrading treatment.

451. Plaintiff Garagiola was sexually harassed by Corrections Officer Daniel Kokx while at Camp Brighton in January of 2003 and Officer Kokx attempted to force her to perform sexual acts.

452. Upon Ms. Garagiola's parole, Officer Kokx forced Plaintiff to engage in sexual intercourse under threat of losing her parole status and returning to prison.

DEBORAH PATINO

453. Plaintiff Deborah Patino was subjected to sexual harassment and privacy violations while incarcerated at Camp Brighton.

454. From September of 2002 through January of 2003, Corrections Officer Thomas Clark engaged in a campaign of sexual harassment and assaults against Plaintiff Patino at Camp Brighton.

455. Officer Clark stroked Plaintiff's hair, grabbed her waist and legs, groped her vaginal area and forced his penis against her. On other occasions, he forced his mouth on her and told her to perform sex acts.

STACY WOLSCHON

456. While incarcerated at Camp Brighton, Plaintiff Stacy Wolschon was sexually harassed, sexually assaulted, had her privacy routinely violated and was threatened and retaliated against for resisting.

457. Beginning in June, 2005, Officer Thomas Clark forced Plaintiff Wolschon to perform oral sex on him over eight times.

458. Thomas Clark, as a supervisor, exposed his penis to her and groped and molested her repeatedly over three months, while , threatening that her parole eligibility would be at risk if she reported him and otherwise extorted her not to report his sexual assaults.

459. Eventually, Thomas Clark raped Stacy Wolschon.

460. When Plaintiff Wolschon reported the sexual abuse to prison officials in

August of 2005, she was retaliated against by staff at Camp Brighton and lost her Public Works position, while this staff member continued to work and harass her.

JENNIFER CHAMPAGNE

461. Plaintiff Champagne was subjected to numerous privacy violations while housed at Grand Rapids Correctional Center, including being required to perform basic private bodily functions in an area observable via camera to male staff.

462. While at Grand Rapids Correctional Facility, Plaintiff Jennifer Champagne was repeatedly sexually assaulted and abused by Corrections Officer John Dutcher.

463. From November 2006 through January 2007, Officer Dutcher sexually harassed and groped Plaintiff Dutcher on multiple occasions.

464. Officer Dutcher then forced Ms. Champagne to perform oral sex and ultimately raped her on three occasions.

465. The assaults typically occurred in the state van Officer Dutcher used in the course of monitoring prisoners who were part of the work release program.

466. When Plaintiff Champagne attempted to refuse further sexual contact with Officer Dutcher despite his threats that she would return to prison, he began retaliating against her, resulting in the loss of her work release and her return to prison.

MARCELLA LITTLE

467. Plaintiff Marcella Little was at Grand Rapids Correctional Center when she was sexually assaulted by Corrections Officer Roger Pate on January 24, 2007 when he performed a search of her body, in violation of policy and procedure.

PATRICIA BIGBEE

468. Defendants were or should have been aware that Plaintiff Patricia Bigbee has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

469. While incarcerated at Camp Branch, Plaintiff Patricia Bigbee was sexually assaulted by Quartermaster Steven Davis.

470. Beginning in May of 2000, Quartermaster Davis groped Plaintiff Bigbee, exposed himself, masturbated in front of her and forced her to perform oral sex.

471. When Plaintiff Bigbee reported these sexual assaults she was retaliated against which effected her job and parole.

472. Subsequently, Plaintiff Bigbee was sent to Camp Brighton where she was again abused, subjected to privacy violations, sexual harassment and degrading treatment until her release in 2003.

DARLENE GRECO

473. While working at an MDOC warehouse, Plaintiff Darlene Greco was sexually assaulted by Quartermaster Steven Davis.

474. Beginning in May of 2000, Quartermaster Davis groped Plaintiff Greco, exposed himself and masturbated in front of her.

475. Ms. Greco was subsequently transferred to TRV where she continued to be subject to sexual harassment, privacy violations and abuse.

LATONYA LEWIS

476. Defendants were or should have been aware that Plaintiff LaTonya Lewis has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

477. While Plaintiff LaTonya Lewis was incarcerated at Camp Branch, she was assigned work at a warehouse operated by the MDOC and run by Storekeeper/Quartermaster Steven Davis.

478. Beginning in March of 2000, Storekeeper Davis began sexually harassing Plaintiff Lewis and groping her.

479. After months of abuse he began masturbating in front of Ms. Lewis and telling her what he wanted to do to her and making threats. In May of that year, he forced her to perform oral sex on him.

480. When Plaintiff Lewis reported this sexual assault to inspectors in June of 2000, she was retaliated against. When Camp Branch closed, Plaintiff was transferred to Western Wayne and then Camp Brighton where she was sexually harassed and abused by Thomas Clark.

481. Plaintiff Lewis continued to be subjected to abuse, sexual touchings, harassment and privacy violations until her release from prison in 2005.

LASHUNDA LEWIS

482. Defendants were or should have been aware that Plaintiff LaShunda Lewis has a prior history of sexual trauma and abuse that makes her particularly vulnerable and

they failed to take adequate steps to protect Plaintiff.

483. Plaintiff LaShunda Lewis was repeatedly sexually assaulted by Storekeeper Dennis Iford while working at an MDOC warehouse.

484. In June of 2001, Storekeeper Iford assaulted Plaintiff L. Lewis by fondling her breasts, forcing her to touch his penis and digitally penetrating her.

485. Plaintiff L. Lewis reported these sexual assaults in June of 2001, was retaliated against for her report by supervisory personnel by the issuance of the misconduct ticket and the abusive and sexual misconduct against Ms. Lewis continued until her release in April, 2006.

HEATHER SMITH

486. Defendants were or should have been aware that Plaintiff Heather Smith has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

487. While at Camp Gilman TRV, Plaintiff Heather Smith was sexually assaulted by Corrections Officer Robertson when he began to sexually harass her in August, 2001.

488. When Plaintiff reported these sexual assaults in September of 2001, the officer was moved temporarily then continued to assault and abuse Plaintiff Smith until she was released on parole in 2003.

JANUARY ESTRADA

489. Sergeant Brian Johnson sexually assaulted Plaintiff January Estrada at

Camp Gilman TRV beginning in October 2000, by groping, pinching and fondling her breasts and buttocks while performing a pat down search of her.

490. Sgt. Johnson continued to grope and harass Plaintiff Estrada until she left TRV.

491. Plaintiff Estrada reported this sexual assault by filing a grievance in 2000 and was retaliated against.

492. When Ms. Estrada was transferred to Western Wayne Correctional Facility, she was subjected to ongoing sexual harassment, abuse, sexual touching and degrading treatment and privacy violations through 2006.

CHARMAINE HARRIS

493. Defendants were or should have been aware that Plaintiff Charmaine Harris has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

494. Plaintiff Charmaine Harris was subjected to sexual harassment and sexually assaulted by Corporal Hector Hernandez at the Special Alternative Incarceration facility, commonly known as Boot Camp.

495. In the fall of 2002, Corporal Hernandez began sexually assaulting Plaintiff Harris by rubbing against her breasts, groping her inner thigh and vaginal area and made sexually degrading statements and violated Plaintiffs' privacy while she was incarcerated in the Boot Camp.

496. Plaintiff continued to be subjected to sexual harassment, privacy violations

and a sexually hostile environment until her release in August of 2003.

ZETTA MALLETT

497. Plaintiff Zetta Mallett was sexually assaulted while at the Special Alternative Incarceration program, commonly known as Boot Camp, in June 2000 by a Corporal Peete.

498. Corporal Peete ordered Plaintiff Mallett into a boiler room at the Boot Camp and raped her. Corporal Peete threatened her against reporting, stating he would make sure she stayed in prison and was hurt.

499. As a result of the rape and to avoid further assaults, Plaintiff Mallett requested she be returned to prison.

500. Ms. Mallett was incarcerated in the Scott Correctional Facility where she was subjected to privacy violations and degrading treatment and sexual harassment and extended incarceration until her release in October 2004.

JAYNE SCHWERIN

501. Defendants were or should have been aware that Plaintiff Jane Schwerin has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

502. While participating in the Special Alternative Incarceration program, commonly known as Boot Camp, Plaintiff Jane Schwerin was sexually assaulted by Corporal Steven Sampier, who groped and bruised her breasts.

503. Corporal Sampier threatened to prevent Plaintiff's completion of the

program and parole is she reported his assaults.

504. When Plaintiff did report on August 10, 2002, she was retaliated against for reporting, given a major misconduct and suffered increased incarceration and loss of parole.

505. Plaintiff Schwerin was returned to a prison when she was subjected to sexual harassment, privacy violations and degrading treatment until her release in 2004.

PAMELA BRIGGS

506. Defendants were or should have been aware that Plaintiff Pamela Briggs has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

507. Plaintiff Pamela Briggs was incarcerated in the Benton Harbor Correctional Center when Ellis Johnson began sexually harassing her.

508. When Plaintiff Pamela Briggs was released on parole, Johnson stalked her and began to sexually harm her. When Plaintiff Briggs returned to the center for three days, upon release, Defendant Johnson picked her up, took her to his house and raped her. Ellis Johnson repeatedly assaulted her through December, 2002.

509. Plaintiff Briggs reported these sexual assaults on February 24, 2003.

PATRICIA MINNER

510. Defendants were or should have been aware that Plaintiff Patricia Minner has a prior history of sexual trauma and abuse that makes her particularly vulnerable and they failed to take adequate steps to protect Plaintiff.

511. While at Woodward Correctional Center, Plaintiff Patricia Minner was sexually assaulted by Corrections Officer Purry beginning in March of 2000.

512. Officer Purry repeatedly groped and fondled Plaintiff Minner's breasts and vaginal areas, entered her cell while she was in bed, and forced her to touch his penis

513. Plaintiff Minner attempted to report these sexual assaults in June of 2000 and was retaliated against resulting in her continued incarceration and abuse until her release in November, 2002.

CLASS ACTION ALLEGATIONS

514. This action is brought by the named Plaintiffs on behalf of all women prisoners similarly situated who, since March of 2000, have been, are now or will be hereafter incarcerated under the jurisdiction of the Michigan Department of Corrections correctional system. Plaintiffs seek class action status pursuant to the provisions of Fed. R. Civ. P. Rule 23(a) and (b).

515. The number of female prisoners who have alleged they have been subjected to custodial sexual abuse while under the jurisdiction of the MDOC since March of 2000, exceeds two hundred women. Class action status is the most practical method for Plaintiffs to challenge the policies, procedures and practices of the MDOC which are a proximate cause of the ongoing custodial sexual misconduct in Michigan's women prisons.

516. There are common questions of law and fact in the action that relate to and effect the rights of each member of the class. The Plaintiffs as women prisoners have all

been subjected to Defendants' policies, procedures and failures to provide for proper screening, training and supervision of male staff at the various facilities where they have been housed. The policies and procedures with regard to reporting, investigating and disciplining of custodial sexual misconduct apply to all facilities and Plaintiffs. Plaintiffs seek injunctive relief, declaratory relief and damages for themselves and class members for the injuries caused by Defendants' acts and omissions.

517. The claims of Plaintiffs who are representatives of the class herein are typical of the claims of the class of women prisoners under the jurisdiction of the Michigan Department of Corrections that are subjected to custodial sexual misconduct and degrading treatment by male employees of the Michigan Department of Corrections, while incarcerated under the jurisdiction of the MDOC.

518. All women prisoners have been subjected to Defendants' assignment of male staff to unsupervised positions in women's housing units, all women have been housed under the inadequate policies and procedures for training, assignment, supervision, investigation and discipline of its male employees assigned to Michigan women's prisons. All have been deterred from reporting by Defendants' inadequate and unusable policies. As a result, all Plaintiffs have been incarcerated in a hostile and unsafe sexual environment which has resulted in a pervasive risk of harm to their safety.

519. The named Plaintiffs are the representative parties of the class, and are able to and will fairly and adequately protect the interests of the class. The attorneys for Plaintiffs are experienced and capable litigants in the field of civil rights and prison

litigation and have successfully represented claimants in other litigation of this nature.

520. The class consists of all former, current and future female prisoners under the jurisdiction of the MDOC who suffered and who will suffer damages and injuries as a result of sexual assaults, sexual harassment, degrading treatment, violation of their privacy and retaliation for reporting same, and deprivation of their constitutional and statutory rights to fully and equally utilize prison programs and facilities and who seek injunctive and remedial relief.

521. This action meets the requirements of F.R.C.P. 23(a) and (b) because:

- A. The class is so numerous that joinder of all members is impracticable, there are questions of law or fact common to the class, the claims of the representative parties are typical of the claims of the class, and the representative parties will fairly and adequately protect the interests of the class.
- B. Additionally, the prosecution of separate actions by individual members of the class would create a risk of inconsistent or varying adjudications or adjudications with respect to individual members of the class where as a practical matter it would be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests; or the party opposing the class has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole; or the court finds that questions of law or fact common to the members of the class predominate over any questions affecting only individual members, and that a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

522. Further, Plaintiffs constitute a sub-class of a previously certified class action in the state action of *Neal, et al. v MDOC, et al.*, No. 96-6986-CZ, who are

prevented from pursuing their claims for violations of their statutory rights under the state civil rights act.

Accordingly, this action meets all the requirements for a class action under F.R.C.P. 23(a) and F.R.C.P. 23(b)(1), (2) or (3).

**CAUSES OF ACTION
FIRST CAUSE OF ACTION
(VIOLATION OF 42 U.S.C. § 1983)**

_____523. ___ Plaintiffs incorporate by reference paragraphs 1 through 522 as if set forth fully herein.

524. Defendants' failure to prevent and remedy the sexual assaults, harassment, degrading treatment and privacy violations by Defendants and employees of MDOC upon the Plaintiffs, constitutes an official policy, custom, pattern or practice that has deprived Plaintiffs of their constitutional right to bodily integrity and right to privacy without due process of law in violation of the Fourth, Eighth and Fourteenth Amendments of the United States Constitution and 42 U.S.C. §1983.

525. The supervision of Plaintiffs by male officers and subjection of Plaintiffs to unnecessary viewing and touching by male officers violates the prohibition against cruel and unusual punishments as guaranteed by the Eighth Amendment of the United States Constitution, the prohibition against unreasonable searches and seizures as guaranteed by the Fourth Amendment of the United States Constitution, and deprived Plaintiffs and all similarly-situated prisoners of the equal protection of laws under the Fourteenth Amendment of the United States Constitution. The supervision of Plaintiffs by male

officers and subjection of Plaintiffs to verbal and physical sexual harassment and unnecessary viewing and touching by male officers also violate the customary international law norm prohibiting cruel, inhuman or degrading treatment or punishment.

526. The deprivation of constitutional rights alleged in this complaint are the direct result of official policy, custom and practices of Defendants and each of them.

527. The supervision of Plaintiffs by male officers, subjecting Plaintiffs to unnecessary viewing and touching by male staff and the sexual assaults and degrading treatment, deprived Plaintiffs and all similarly-situated female prisoners of the right to humane treatment, the right to privacy, and the right to equal treatment under the law and equal protection against discrimination in violation of customary international law and articles 7, 10, 17 and 26 of the International Covenant on Civil and Political Rights, and articles 1, 2 and 16 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Punishment.

**SECOND CAUSE OF ACTION
(BODILY INTEGRITY)**

528. Plaintiffs incorporate by reference paragraphs 1 through 527 above as if set forth fully herein.

529. The above described acts constitute unreasonable searches and seizures, deprivations of liberty and invasions of privacy and bodily integrity, without adequate penological justification and without due process of law in violation of the Fourth Amendment to the United States Constitution and 42 U.S.C. §1983.

**THIRD CAUSE OF ACTION
(CRUEL & UNUSUAL PUNISHMENT)**

530. Plaintiffs incorporate by reference paragraphs 1 through 529 above as if set forth fully herein.

531. The above-described acts of the Defendants constitute the unnecessary and wanton infliction of pain and suffering and emotional distress on the Plaintiffs, without penalogical justification.

532. Defendants' failure to prevent and remedy the sexual assaults, abuse, harassment, degrading treatment and retaliatory acts which Plaintiffs have been and are subjected constitutes deliberate indifference to the Plaintiffs' medical, psychological and emotional needs and amounts to cruel and unusual punishment under the Eighth Amendment to the United States Constitution and 42 U.S.C. §1983, and constitutes cruel and degrading treatment or punishment in derogation of Article 16 of the Convention Against Torture and Other Cruel, Inhumane and Degrading Treatment or Punishment.

**FOURTH CAUSE OF ACTION
(EQUAL PROTECTION)**

533. Plaintiffs incorporate by reference paragraphs 1 through 532 above as if set forth fully herein.

534. Defendants' failure to prevent and remedy the sexual abuse, harassment, degrading treatment, retaliation and ongoing violations of Plaintiffs' privacy violates Plaintiffs' rights to equal protection of the law under the Fourteenth Amendment of the United States Constitution, 42 U.S.C. §1983 and customary international law standards.

535. Defendants' employment and assignment of male officers and other male employees in the women's prisons, in positions where they commonly observe women in states of undress and performing basic bodily functions and Defendants' failure to remedy the resultant sexual assaults and sexual harassment of women prisoners and ratification of the hostile conditions and treatment for women prisoners constitutes discrimination based on sex. This inferior treatment is not substantially related to an important and legitimate governmental interest and violates Plaintiffs' rights to equal protection under the law and 42 U.S.C. §1983.

536. The denial of Plaintiffs, and those similarly situated, of the right to equal opportunity for rehabilitation and the subjection of the Plaintiffs and those similarly situated to a hostile prison environment constitutes prohibited discrimination based on their sex in violation of the Fifth and Fourteenth Amendments to the United States Constitution and customary international law standards.

537. At all times relevant to this action, Defendants and each of them were acting under color of law and, in doing so, deprived Plaintiffs and all similarly-situated female prisoners of the equal protection of the law under the Fifth and Fourteenth Amendments of the United States Constitution, and under customary international law and articles 2, 3 and 26 of the International Covenant on Civil and Political Rights.

**FIFTH CAUSE OF ACTION
(RETALIATION AND INTIMIDATION)**

538. Plaintiffs incorporate by reference paragraphs 1 through 537 above as if set

forth fully herein.

539. Defendants' retaliation and failure to prevent or remedy retaliation against Plaintiffs for reporting staff misconduct constitutes a violation of their rights to freedom of speech and association guaranteed under the First and Fourteenth Amendments to the United States Constitution.

**SIXTH CAUSE OF ACTION
(DECLARATION THAT THE ELCRA'S MARCH 10, 2000
AMENDMENT IS UNCONSTITUTIONAL)**

540. Plaintiffs incorporate by reference paragraphs 1 through 539 above as if set forth fully herein.

541. Prior to March 10, 2000, the facilities, camps and centers housing Plaintiffs were recognized as a "public service" facility within the meaning of the ELCRA, MCL 37.2301(b). *Neal, et al. v MDOC, et al*, 232 Mich App 730 (1998). (Dkt. 2, Exhibit 2)

542. On December 20, 1999, the State of Michigan amended the ELCRA's definition of "public service" by excluding from the definition "a state or county correctional facility with respect to actions and decisions regarding an individual serving a sentence of imprisonment." Michigan Public Act No. 202 of 1999. (Dkt. 2, M.C.L. 37.2301). The amendment took effect on March 10, 2000. The stated purpose of the amendment was to target Plaintiffs who were and are part of a class of prisoners in *Neal, et al. v MDOC, et al.*, No. 96-6986-CZ (Dkt. 2, Exhibit 1, Enactment Language).

543. The amendment of the ELCRA deprives Plaintiffs, and all those similarly-situated, of equal protection of the laws in violation of the Fourteenth Amendment, because

the amendment targeted deprivation of a single class of persons (Michigan female prisoners) for all state statutory protection from unconstitutional discrimination. This deprivation of protection lacks any rational relationship to any legitimate state purpose.

544. The amendment to the ELCRA subsequent to the limitations contained in the Prison Litigation Reform Act, 42 U.S.C. § 1997, deprives Plaintiffs of an effective remedy or redress for serious deprivations of their rights under customary international law and in violation of the International Covenant on Civil and Political Rights, article 2, and the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, article 14.

545. The Amendment to the Elliot-Larsen Civil Rights Act is a violation of the federal due process and the equal protection clauses of the Fourteenth Amendment of the United States Constitution.

**SEVENTH CAUSE OF ACTION
(BILL OF ATTAINDER)**

546. Plaintiffs incorporate by reference paragraphs 1 through 545 above as if set forth fully herein.

547. The amendment to the Elliott-Larsen Civil Rights Act, precluding Plaintiffs from the protection of the Civil Rights Act and its protection against sexual discrimination in Michigan, constitutes a Bill of Attainder in violation of Article I, §10 of the United States Constitution.

548. This amendment punishes Plaintiffs based upon their gender and status as a

prisoner.

549. The amendment disqualifies Plaintiffs from the protections of their rights as women, allows for sexual harassment and discriminatory treatment based on their gender without recourse under state laws.

550. The amendment does not serve any purpose of the Civil Rights Act but instead its sole purpose is to punish Plaintiffs.

DAMAGES

551. Plaintiffs incorporate by reference paragraphs 1 through 550 above as if set forth fully herein.

552. The acts and omissions of Defendants constituting violation of Plaintiffs' constitutional, statutory and common law rights were and are a proximate cause of Plaintiffs' damages.

553. As a result of Defendants' acts and omissions, Plaintiffs, individually and as a class, have suffered emotional and physical injuries and damages, loss of freedom and rehabilitation opportunities.

554. As a result of Defendants' acts and omissions, Plaintiffs have suffered the following injuries and damages, among others: physical injuries; increased levels and length of incarceration, loss of freedom and rehabilitation opportunities; loss of wages and income; loss of educational and training opportunities; severe psychological injuries and damages; exacerbation of prior medical conditions and injuries; exacerbation of prior psychological conditions and emotional harm; interference with re-entry to society; and interference with

family and intimate relationships.

RELIEF REQUESTED

_____ WHEREFORE, Plaintiffs pray for a judgment against the Defendants and each of them and requests that this Court:

- a. Issue a declaratory judgment that the policies, practice, acts and omissions complained of herein violate Plaintiffs' constitutional rights guaranteed by the specified sections of the United States Constitution, statutory law, customary international law and treaties;
- b. Certify this case as a class action;
- c. Issue preliminary and permanent injunctions against Defendants' practices, acts and omissions complained of herein;
- d. Order remedial action to remedy Defendants' unlawful policies, practices, acts and omissions and to deter future violations;
- e. Issue a declaratory judgment that the amendment to the ELCRA is unconstitutional as violative of Plaintiffs' rights to equal protection and constitutes a bill of attainder, and violates Plaintiffs' rights under customary international law and treaties;
- f. Retain jurisdiction over this action until such time as the Court is satisfied that the unlawful policies, practices, rules, acts and omissions complained of herein have been satisfactorily rectified;
- g. Award compensatory damages to Plaintiffs for injuries incurred;
- h. Award punitive and exemplary damages;
- i. Award Plaintiffs attorney fees and costs;
- j. Award such other and further relief as seems just and proper.

DEMAND FOR TRIAL BY JURY

NOW COME Plaintiffs by and through their counsel and hereby demand a trial by jury as to all those issues so triable as of right.

Respectfully submitted,

DATED: November 20, 2007

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