

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION**

**ANNY PAMELA FOSTER,  
Individually, and as Personal  
Representative of the Estate of Glenn  
Foster, Jr.,**

**Plaintiff,**

v.

**PICKENS COUNTY, PICKENS COUNTY  
SHERIFF’S OFFICE, PICKENS  
COUNTY JAIL, TODD HALL, GREG  
CARR, DREW WILBURN,  
JUSTIN WHITE, MICKEY YOUNG,  
LADON HILL, DeMARCO  
EASTERWOOD, WILLIE BROWN, and  
MR. RICHARDSON,**

**Defendants.**

Civil Action No. \_\_\_\_\_

**JURY TRIAL DEMAND**

**COMPLAINT**

Plaintiff, Anny Pamela Foster, as the Personal Representative of the Estate of Glenn Foster, Jr., individually, and on behalf of Glenn Foster, Jr. and the wrongful death beneficiaries of Glenn Foster, Jr. (“Plaintiff”), brings this action against Defendants Pickens County, Pickens County Sherriff’s Office (“PCSO”), Pickens County Jail, Todd Hall (“Hall”), Greg Carr (“Carr”), Drew Wilburn (“Wilburn”), Justin White (“White”), Mickey Young (“Young”), LaDon Hill (“Hill”), DeMarco Easterwood (“Easterwood”), Willie Brown (“Brown”), and Mr. Richardson<sup>1</sup>

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<sup>1</sup> Upon information and belief, Mr. Richardson was the driver of the transport vehicle that transferred Mr. Foster to the Northport Medical Center for medical evaluation on December 6, 2023. Mr. Richardson’s first name is unknown at this time.

(“Richardson”) (collectively, “Defendants”). Plaintiff makes the following allegations upon personal knowledge as to her own acts, upon information and belief and her attorneys’ investigation as to all other matters, and alleges as follows:

### **INTRODUCTION**

This case arises out of the violent and entirely avoidable death of Glenn Foster, Jr. (“Foster”) at the hands of the Pickens County Sheriff’s Office.

Mr. Foster was a dedicated husband, father of four, son, brother, businessman, mentor, and former National Football League (“NFL”) player.

On December 6, 2021, Defendants Pickens County, Pickens County Sheriff’s Office, Pickens County Jail, Hall, Carr, Wilburn, White, Young, Hill, and Easterwood tortured Mr. Foster after his arrest at a traffic stop. Defendants tased, struck, beat, and choked Mr. Foster. Mr. Foster later died from the brutal injuries Defendants inflicted upon him.

Defendants’ excessive and barbaric use of force violated Mr. Foster’s civil rights. Their actions robbed the Foster family of a son, father, and husband. Plaintiff brings this action to recover monetary damages to recover for the unspeakable loss Defendant’s caused them and to punish Defendants for their actions.

### **PARTIES**

#### **A. Plaintiff**

1. At the time of and prior to his death Glenn Foster, Jr. was a 31-year-old resident of Metairie, Louisiana.

2. Mr. Foster is survived by his wife, Anny Pamela Foster, his four daughters, mother, father, and sister.

3. On December 20, 2021, Plaintiff Anny Pamela Foster was appointed by the 24<sup>th</sup> Judicial District Court for the Parish of Jefferson in the State of Louisiana as the Independent Administrator for the Estate of Glenn Foster, Jr. As the Administrator for the Estate, Mrs. Foster has capacity and standing to bring this action on behalf of the wrongful death beneficiaries of Glenn Foster, Jr. pursuant to Ala. Code § 6-5-410.

**B. Defendants**

4. Defendant Pickens County is a political subdivision and unit of local government duly organized under the laws of the State of Alabama, located in the Northern District of Alabama, acting under the color of law. Defendant Pickens County is a “person” under 42 U.S.C. §1983. Defendant Pickens County is responsible for the administration, operation, training and supervision of the Pickens County Jail. Easterwood.

5. Defendant Pickens County Sheriff’s Office is a sheriff’s department with its principal office located at 188 Cemetery Street, Carrollton, Alabama 35447.

6. Defendant Pickens County Jail is a county jail and detention center with its principal office located at 188 Cemetery Street, Carrollton, Alabama 35447.

7. Upon information and belief, Defendant Todd Hall is, and at all times relevant was, a citizen of the State of Alabama. At the time of Mr. Foster’s death, Defendant Hall was the Sheriff of Pickens County, Alabama. Defendant Hall is sued in his individual capacity.

8. Upon information and belief, Defendant Greg Carr is, and at all times relevant was, a citizen of the State of Alabama. At the time of Mr. Foster’s death, Defendant Carr was the Chief Deputy of the Pickens County Alabama Sheriff’s Office. Defendant Carr is sued in his individual capacity.

9. Upon information and belief, Defendant Drew Wilburn, is, and at all times relevant was, a citizen of the State of Alabama. At the time of Mr. Foster's death, Defendant Wilburn was a Lieutenant of the Pickens County, Alabama Sheriff's Office. Defendant Wilburn is sued in his individual capacity.

10. Upon information and belief, Defendant Justin White is, and at all times relevant was, a citizen of the State of Alabama. At the time of Mr. Foster's death, Defendant White was the Pickens County Jail Administrator at the Pickens County Jail. Defendant White is sued in his individual capacity.

11. Upon information and belief, Defendant Mickey Young, is, and at all times relevant was, a citizen of the State of Alabama. At the time of Mr. Foster's death, Defendant Young was working in the course and scope of his employment as a Sheriff's Deputy at the Pickens County Alabama Sheriff's. Defendant Young is sued in his individual capacity.

12. Upon information and belief, Defendant LeDon Hill, is, and at all times relevant was, a citizen of the State of Alabama. At the time of Mr. Foster's death, Defendant Hill was a Corrections Officer at the Pickens County Jail. Defendant Hill is sued in his individual capacity.

13. Upon information and belief, Defendant DeMarco Easterwood, is, and at all times relevant was, a citizen of the State of Alabama. At the time of Mr. Foster's death, Defendant Easterwood was a Corrections Officer at the Pickens County Jail. Defendant Easterwood is sued in his individual capacity.

14. Upon information and belief, Defendant Willie Brown, is, and at all times relevant was, a citizen of the State of Alabama. At the time of Mr. Foster's death, Defendant Brown was an Officer at the Pickens County Jail. Defendant Brown is sued in his individual capacity.

15. Upon information and belief, Defendant Mr. Richardson, is, and at all times relevant was, a citizen of the State of Alabama. At the time of Mr. Foster's death, Defendant Richardson was an Officer at the Pickens County Jail. Defendant Richardson is sued in his individual capacity.

### **JURISDICTION AND VENUE**

16. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331, as certain claims asserted herein arise under the Constitution and the laws of the United States, including the Fourth and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983.

17. This Court also has supplemental jurisdiction over the state law claims asserted herein pursuant to 28 U.S.C. § 1367 because they are so related to the claims in this action with this Court's original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.

18. This Court may properly exercise personal jurisdiction over all Defendants domiciled in the State of Alabama.

19. Venue in this judicial district is proper pursuant to 28 U.S.C. § 1391(b)(1) and (b)(2) because Defendants reside in this judicial district and a substantial part of the events or omissions giving rise to the claims for relief occurred in this judicial district.

### **FACTUAL BACKGROUND**

20. On December 3, 2021, officers from the City of Reform arrest Mr. Foster in Gordo, Alabama for allegedly operating his motor vehicle recklessly while driving on Highway 82.

21. Upon information and belief, Reform officers request assistance from the Pickens County Sheriff's Office to arrest Mr. Foster.

22. Upon information and belief, Defendant Young, a Pickens County Sheriff's Deputy, wrestles Mr. Foster to the ground, slamming Mr. Foster's head into the concrete.

23. EMS arrive at the scene. EMS medical personnel tell police that Mr. Foster needs a mental health and wellness check.

24. Defendants, including Young, refuse EMS's request to transport Mr. Foster for a mental health and wellness check and instead transport Mr. Foster to Pickens County Jail.

25. Reform Police Department Officers book Mr. Foster into Pickens County Jail, sometime after midnight on December 4, 2021.

26. The Reform Police Chief, Richard Black, contacts Mr. Foster's family. Chief Black informs the family that Mr. Foster is in custody and arranges his bond. The Foster family tells the Chief Black that they have concerns about Mr. Foster's mental health and asks that he transfers Mr. Foster to the psychiatric ward at the University of Alabama at Birmingham for an evaluation.

27. Chief Black confirms that Mr. Foster will be released into medical care as part of his "conditional bond."

28. Relying on Chief Black's assurance, the Foster family contacts the hospital at the University of Alabama at Birmingham and schedules a medical examination for Mr. Foster the next day.

29. Later that night, Defendants at Pickens County Jail contact EMS and request a vitality check on Mr. Foster.

30. EMS arrives to examine Mr. Foster. Defendants refuse to allow EMS to conduct a full examination on Mr. Foster.

31. EMS urges Defendants to transfer Mr. Foster immediately to a hospital for medical care. Defendants do not transport Mr. Foster and he remains in Pickens County Jail without a full medical evaluation.

32. Defendants, including specifically Young and Hill, continue torturing Mr. Foster.

33. The next day, December 5, 2021, the Foster family arrives at the Reform Police Department and makes Mr. Foster's bond.

34. Reform Police Department Officers escort the Foster family to Pickens County Jail to facilitate Mr. Foster's release.

35. Pickens County Sherriff's Office tells the Foster family that Mr. Foster will not be released, even though he was bonded out by the Reform Police Department.

36. Mr. Foster is not released from Defendants' custody. Defendant Hall rebooks Mr. Foster on a new set of charges after allegedly using force against a fellow inmate while attempting to steal the inmate's socks.

37. Defendant Hall puts a "hold" on Mr. Foster to keep him in Pickens County Jail. Again, Defendants fail to provide Mr. Foster with necessary and recommended medical evaluation and treatment.

38. Mr. Foster remains at Pickens County Jail and Defendants torture him for over 24 hours, including:

- a. Defendants, including specifically Defendants Young and Hill, restrain and strap Mr. Foster to a chair.
- b. Defendants excessively tase Mr. Foster.
- c. Defendant Hill tases Mr. Foster while he is strapped in a restraint chair.
- d. Defendants strip Mr. Foster naked and tase him repeatedly.

- e. Defendants choke Mr. Foster and put him in headlocks.
- f. Defendant Young chokes Mr. Foster while he is strapped in a restraint chair.
- g. Defendants choke Mr. Foster to the point of unconsciousness.

39. On December 6, 2021, Pickens County Circuit Court Judge Junkin visits Pickens County Jail and meets with Mr. Foster in person.

40. Judge Junkin issues an Order for Mr. Foster to undergo in-patient psychiatric or psychological clinical evaluation. Under this Order, Defendants, including specifically the Pickens County Sheriff's Office are responsible for Mr. Foster's custody, care, and transportation during his medical evaluation.

41. That same day, the Foster family asks the Pickens County Probate Court to declare Mr. Foster incompetent and provide him a guardian.

42. In accordance with Judge Junkin's Order, Defendants arrange to transfer Mr. Foster to Northport Medical Center for medical evaluation.

43. Defendants escort Mr. Foster to the sally port to transfer him to Northport Medical Center. Mr. Foster is shackled with handcuffs and metal chains around his wrists, ankles, and waist.

44. Defendants sit Mr. Foster on the edge of the backseat of the transfer vehicle. Mr. Foster's legs are hanging outside of the vehicle.

45. Mr. Foster stays still and does not move his body further into the transport vehicle.

46. Defendants push and force Mr. Foster into the vehicle, but his body does not budge.

47. Upon information and belief, Defendant White, walks around from the other side of the transport vehicle and yanks Mr. Foster from behind, by his neck, into the vehicle.



48. Upon information and belief, Defendants injure Mr. Foster and the injuries he sustains later contribute to his untimely death.

49. Upon information and belief, video cameras are set up in the sally port. However, Defendants did not share video evidence of Mr. Foster being forced into the transport vehicle with the state investigator assigned to investigate Mr. Foster's death.

50. Upon information and belief, after Defendant White used a chokehold maneuver to force Mr. Foster into the transport vehicle, Mr. Foster never spoke again.

51. Upon information and belief, the moment Mr. Foster is forced into the transport vehicle is the last confirmation that Mr. Foster is alive.

52. Upon information and belief, Mr. Foster makes no movements during transport to Northport Medical Center, he remains slumped over in the backseat.

53. Transport arrives at Northport Medical Center. The transport drivers observe Mr. Foster foaming from his mouth and nostrils. Mr. Foster's skin is discolored.

54. Northport Medical Center pronounces Mr. Foster dead.

55. Upon information and belief, Mr. Foster succumbed to injuries he sustained while in Defendant's custody.

**CLAIMS ALLEGED**

**COUNT I**

**Ala. Code § 6-5-410 - Wrongful Death**

**(Against Defendants Hall, Carr, Wilburn, White, Young, Hill, Easterwood, in their individual capacities)**

56. Plaintiff incorporates herein by reference the allegations contained in paragraphs 1-55.

57. Mr. Foster's death was the direct and proximate result of Defendants' wanton and malicious actions, including subjecting Mr. Foster to torture and refusing to provide critical and recommended medical evaluation and treatment.

58. Defendants Hall, Carr, Wilburn, White, Young, Hill, and Easterwood excessively assaulted, battered, beat, tased, and strangled him and intentionally refused to provide adequate medical assistance.

59. Defendants Hall, Carr, Wilburn, White, Young, Hill and Easterwood were working in the course and scope of their employment with Pickens County, PCSO, and Pickens County and, as a result, Defendants Pickens County, PCSO, and Pickens County are vicariously liable for their conduct alleged herein under the principles of respondent superior and/or agency by estoppel and/or otherwise.

60. Defendants Hall, Carr, Wilburn, White, Young, Hill and Easterwood actions caused Mr. Foster severe pain and suffering and loss of enjoyment of life, and he ultimately died from his injuries. Defendants did not have legal justification for using excessive force against Mr. Foster and said use of force against Mr. Foster was objectively unreasonable.

61. As a direct and proximate result of Defendants Hall, Carr, Wilburn, White, Young, Hill and Easterwood's conduct as alleged above, Plaintiff and Mr. Foster were injured.

62. Plaintiff seeks punitive damages, in accordance with Ala. Code § 6-5-410, in the maximum amount allowable by law to punish Defendants Hall, Carr, Wilburn, White, Young, Hill and Easterwood for their wanton and malicious actions that resulted in the death of Mr. Foster.

**COUNT II**  
**42 U.S.C. § 1983 – Negligent Training, Supervision, and Discipline**  
**(Against Defendants in their Individual Capacities)**

63. Plaintiff incorporates herein by reference the allegations contained in paragraphs 1-55.

64. Defendants Pickens County, Pickens County Sheriff's Office, Pickens County Jail, Hall, Carr, Wilburn, White, Young, Hill and Easterwood acted under the color of law.

65. The actions of Defendants Pickens County, Pickens County Sheriff's Office, Pickens County Jail, Hall, Carr, Wilburn, White, Young, Hill and Easterwood deprived Mr. Foster of his particular rights under the United States Constitution.

66. Defendant Pickens County's training policies were not adequate to train its police officers to handle the usual and recurring situations with which they must deal.

67. Defendant Pickens County was responsible for the training, supervision and discipline of Defendants Hall, Carr, Wilburn, White, Young, Hill and Easterwood.

68. Defendant Pickens County failed to adequately direct, supervise, and/or control the actions of the Defendants Hall, Carr, Wilburn, White, Young, Hill and Easterwood so as to prevent a violation of Mr. Foster's constitutional rights and of other similarly situated individuals.

69. Defendant Pickens County is and was deliberately indifferent to its failure to train, supervise, and discipline Defendants Hall, Carr, Wilburn, White, Young, Hill and Easterwood.

70. Defendant Pickens County's failure to provide adequate training caused the deprivation of Mr. Foster's rights, Defendants Hall, Carr, Wilburn, White, Young, Hill and Easterwood, that is, that Defendant Pickens County's failure to train is so closely related to the deprivation of Mr. Foster's rights as to be the moving force that caused the ultimate injury.

71. By reason of the aforementioned acts and omissions, Plaintiff has suffered loss of the love, companionship, affection, comfort, care, society, training, guidance, and past and future support of Mr. Foster. The aforementioned acts and omissions also caused Mr. Foster's pain and

suffering, loss of enjoyment of life, and death.

72. As a result, Defendants Pickens County, Pickens County Sheriff's Office, Pickens County Jail, Hall, Carr, Wilburn, White, Young, Hill and Easterwood are each, individually liable to Plaintiffs for compensatory damages under 42 U.S.C. § 1983.

**COUNT III**

**42 U.S.C. § 1982 – Excessive Force in Violation of the  
Fourth and Fourteenth Amendments of the United States Constitution  
(Against Defendants Pickens County, PSCO, Pickens County Jail, Hall, Carr, Wilburn,  
White, Young, Hill, and Easterwood, in their Individual Capacities)**

73. Plaintiff incorporates herein by reference the allegations contained in paragraphs 1-55.

74. At the aforementioned time and place, Defendants Hall, Carr, Wilburn, White, Young, Hill, and Easterwood, acting under the color of law, used unnecessary, unreasonable, outrageous, and excessive force on Mr. Foster when they excessively assaulted, battered, beat, tased, and strangled him, causing injuries which contributed to his untimely death, in violation of Mr. Foster's clearly established rights guaranteed under the Fourth and Fourteenth Amendments to the United States Constitution.

75. Defendants Hall, Carr, Wilburn, White, Young, Hill, and Easterwood acted with deliberate indifference to an extreme risk to Mr. Foster's health a safety. Defendants Hall, Carr, Wilburn, White, Young, Hill, and Easterwood completely disregarded the extreme risk, violating Mr. Foster's clearly established Fourth and Fourteenth Amendment rights.

76. Faced with the circumstance present at the aforementioned time and place, reasonable law enforcement officers would or should have known that the use of force at issue, including deadly force, violated Mr. Foster's clearly established Fourth and Fourteenth Amendments rights to be free from unreasonable searches and seizures.

77. As a direct and proximate result of Defendants Hall, Carr, Wilburn, White, Young,

Hill, and Easterwood's use of force in violation of Mr. Foster's clearly established Fourth and Fourteenth Amendment rights, as set forth in the above Paragraphs, Plaintiff has been damaged, including but not limited to: intense physical pain, mental pain, anguish, embarrassment, humiliation, feelings of powerlessness, harm to self-esteem, depression, mental and emotional distress, extreme fear, anxiety, loss of sense of personal safety and dignity, loss of enjoyment of life, funeral expenses, loss of future earnings, economic damages, the pecuniary value of Mr. Foster's life, and all other damages allowed by law.

**COUNT IV**

**42 U.S.C. § 1983 – Violation of Substantive Due Process  
(Against Defendants Pickens County, PSCO, Pickens County Jail, Hall, Carr, Wilburn,  
White, Young, Hill, and Easterwood, in their Individual Capacities )**

78. Plaintiff incorporates herein by reference the allegations contained in 1-55.

79. Plaintiff had cognizable interests under the Due Process Clause of the Fourteenth Amendment of the United States Constitution to be free from state actions that deprive her of life, liberty, or property in such a manner as to shock the conscience, including but not limited to, unwarranted state interference in her familial relationship with her husband, Glenn Foster, Jr., Decedent.

80. The aforementioned actions of Defendants Hall, Carr, Wilburn, White, Young, Hill and Easterwood along with other undiscovered conduct, shock the conscience, in that they acted with deliberate indifference to the constitutional rights of Mr. Foster and Plaintiff, and with purpose to harm unrelated to any legitimate law enforcement objective.

81. Defendants Hall, Carr, Wilburn, White, Young, Hill and Easterwood knew or had reason to believe that Mr. Foster was in medical distress, as advised by EMS, Chief Black, and stated in Judge Junkin's Order, and with knowledge that their actions were going to inflict further injury, continued to excessively and unreasonably abuse Mr. Foster.

82. Specifically, the following conduct of the above-mentioned Defendants shocks the conscience:

- a. excessively tasing Mr. Foster while he was restrained and strapped to a chair;
- b. excessively tasing Mr. Foster while he was stripped naked;
- c. use of headlocks to choke Mr. Foster while he was restrained and strapped to a chair;
- d. choking Mr. Foster to the point of unconsciousness;
- e. refusing to follow the recommendations of medical professionals;
- f. failing to provide critical and adequate medical evaluation and treatment to an individual exhibiting signs of severe mental distress;
- g. failing to provide critical and adequate medical evaluation and treatment to an individual subjected to hours of excessive and extreme torture;
- h. use of headlocks and choking maneuvers to force Mr. Forster into the transport vehicle while he was handcuffed and chained;
- i. all of the above acts together.

83. Defendants Hall, Carr, Wilburn, White, Young, Hill and Easterwood acted under color of state law.

84. Defendants Hall, Carr, Wilburn, White, Young, Hill and Easterwood violated the substantive due process rights of Plaintiff to be free from unwarranted interference with his family, Mr. Foster.

85. Defendants Hall, Carr, Wilburn, White, Young, Hill and Easterwood's conduct was the direct and proximate cause of Mr. Foster's death.

86. As a direct and proximate cause of Defendants Hall, Carr, Wilburn, White, Young,

Hill and Easterwood's actions, Plaintiff has been deprived of the life-long love, companionship, comfort, support, society, care, and sustenance of Mr. Foster, her loved one and family member, and she will continue to be so deprived for the remainder of her natural life.

87. As a direct and proximate cause of Defendants Hall, Carr, Wilburn, White, Young, Hill and Easterwood's actions, Mr. Foster experienced severe pain, suffering and loss of enjoyment of life.

88. Defendants Hall, Carr, Wilburn, White, Young, Hill and Easterwood's conduct was willful, wanton, malicious, and done with reckless disregard for the rights and safety of Mr. Foster and Plaintiff and therefore warrants the imposition of exemplary and punitive damages.

**COUNT V**  
**42 U.S.C. § 1983 – Governmental Liability**  
**(Against Defendant Pickens County)**

89. Plaintiff incorporates herein by reference the allegations contained in Paragraphs 1-55.

90. Defendant Pickens County maintained, and continued to maintain, a custom and/or policy of excessive force. This custom and/or policy is so widespread within Pickens County, Alabama that it has the force of the law.

91. The custom and/or policy at issue was directly linked to the excessive force utilized by Defendants Hall, Carr, Wilburn, White, Young, Hill and Easterwood on Mr. Foster. The custom and/or policy was the moving force behind the deprivation of Plaintiff's rights under the United States Constitution.

92. Defendants Hall, Carr, Wilburn, White, Young, Hill and Easterwood acted under color of law.

93. Defendants Hall, Carr, Wilburn, White, Young, Hill and Easterwood's actions deprived Mr. Foster and Plaintiff of their particular rights under the United States Constitution.

94. Upon information and belief, a final policymaker, acting under color of law, who had final policymaking authority concerning the acts of Defendants Hall, Carr, Wilburn, White, Young, Hill and Easterwood ratified (or will ratify) Defendants' acts and the basis for them. Upon information and belief, the final policymaker knew of and specifically approved of (or will specifically approve of) Defendants Hall, Carr, Wilburn, White, Young, Hill and Easterwood's actions.

95. Upon information and belief, a final policymaker has determined (or will determine) that the acts of Defendants Hall, Carr, Wilburn, White, Young, Hill and Easterwood were "within policy."

96. By reason of the aforementioned acts and omissions, Plaintiff has suffered loss of the love, companionship, affection, comfort, care, society, training, guidance, and past and future support of Mr. Foster. The aforementioned acts and omissions also caused Mr. Foster's pain and suffering, loss of enjoyment of life, and death.

97. As a result, Defendant Pickens County is liable for the damages caused by its officer's violations of Plaintiff's constitutional rights.

#### **COUNT VI**

#### **Tort of Outrage**

**(Against Defendants Pickens County, PSCO, Pickens County Jail, Hall, Carr, Wilburn, White, Young, Hill, Easterwood, Brown, and Richardson, in their Individual Capacities)**

98. Plaintiff incorporates herein by reference the allegations contained in paragraphs 1-55.

99. At the aforementioned time and place, Defendants Pickens County, PSCO, Pickens County Jail, Hall, Carr, Wilburn, White, Young, Hill, Easterwood, Brown, and Richardson intentionally and/or recklessly caused severe emotional distress to Mr. Foster.

100. Defendants Pickens County, PSCO, Pickens County Jail, Hall, Carr, Wilburn,



White, Young, Hill and Easterwood's conduct was so extreme and outrageous as to go beyond all possible bounds of decency and was utterly intolerable in a civilized society.

101. At all times relevant, Defendants Pickens County, PSCO, Pickens County Jail, Hall, Carr, Wilburn, White, Young, Hill, Easterwood, Brown, and Richardson were acting within the course and scope of their employment and/or agency with Defendant Pickens County and, as a result, Defendant Pickens County is vicariously liable for their conduct alleged herein under the principles of respondent superior and/or agency by estoppel and/or otherwise.

102. As a direct and proximate result of Defendants Pickens County, PSCO, Pickens County Jail, Hall, Carr, Wilburn, White, Young, Hill, Easterwood, Brown, and Easterwood's extreme and outrageous conduct as alleged herein, Mr. Foster endured and suffered serious mental injury prior to his death that no reasonable person could be expected to endure.

**COUNT VII**

**Monell**

**(Against Defendants Pickens County, PSCO, Pickens County Jail, Hall, in their Individual Capacities)**

**Unwritten Policy or Custom**

103. Plaintiff incorporates herein by reference the allegations contained in paragraphs 1-55.

104. This claim is brought pursuant to Title 42 U.S.C. § 1983.

105. Defendant Pickens County is the top policy maker for the Pickens County Sheriff's Office and the Pickens County Jail.

106. Defendant Pickens County maintains an armed police force, the Pickens County Sheriff's Office, with the power to arrest citizens.

107. Defendant Pickens County Sheriff's Office has an unwritten policy or custom of inflicting pain to gain compliance of inmates at Pickens County Jail.

108. Defendant Pickens County Jail has unwritten policy or custom of inflicting pain to gain compliance of inmates at Pickens County Jail.

109. During his tenure as Sheriff, Defendant Hall condoned, ratified, and perpetuated this unwritten policy or custom.

110. At all times relevant to this lawsuit, Sheriff Hall and all other policy makers condoned, ratified, and perpetuated the unwritten policy or custom of inflicting pain to gain compliance of inmates, to wit, upon information and belief:

- a. no officers or jailers have been disciplined,
- b. no officers or jailers been terminated,
- c. no officers or jailers have been reprimanded,
- d. no officers or jailers have been written up,

indeed, Defendants Pickens County, Pickens County Sheriff's Office, Pickens County Jail, and Hall have defended actions as they relate to Mr. Foster and other similarly situated inmates.

111. By the aforesaid inaction, all subordinate officers learned that they were allowed to do the very things that happened to Mr. Foster.

112. On information and belief, Mr. Foster is not the only inmate at Pickens County Jail who this unwritten policy or custom of inflicting pain to gain compliance was used against, to wit, the presence of the restraint chair and tasers indicate the conscious use of these tools to carry out this unwritten policy or custom.

113. Defendant Pickens County's refusal to cooperate and be transparent in the events surrounding Mr. Foster's death, demonstrates their desire to continue these practices.

114. The officer's and jailer's actions were done in the spirit of conforming with the unwritten policy or custom and further fostering the climate of lawlessness and other rule breaking that that policy perpetuated within Pickens County Jail.

**Objective Indifference - Failure to Train or Discipline**

115. Plaintiff incorporates herein by reference the allegations contained in paragraphs 1-55.

116. Upon information and belief, Defendant Pickens County does not train its officers and jailers not to use this unwritten policy or custom of inflicting pain to gain compliance of inmates at Pickens County Jail.

117. By the aforesaid inaction, all subordinate officers learned that this unwritten policy or custom was the proper way to ensure compliance and control of inmates.

118. Upon information and belief, Defendant Pickens County does not discipline officers or jailers who ensure compliance through the use of this unwritten policy or custom.

119. The need for said training and discipline, as aforesaid, is so obvious that the failure of Defendants to conduct said training and discipline establishes Defendants' objective deliberate indifference to the constitutional rights of Plaintiff and Decedent and all who live in Pickens County.

120. As a consequence of Defendant Pickens County's unwritten policy or custom and failure to train and discipline as aforesaid, Plaintiff was damaged as detailed in this Complaint.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays that this Honorable Court enter judgement against Defendants, jointly and severally, in an amount exceeding \$75,000, including but not limited to:

- A. Compensatory and consequential damages in an amount to be determined by a jury in excess of the Court's jurisdictional amount;
- B. Punitive damages in an amount to be determined by a jury, for the willful, reckless, and malicious conduct of Defendants in their individual capacities;
- C. Equitable relief, including, without limitation, that Defendants Pickens County Sherriff's Office and Pickens County Jail be made to adopt appropriate policies to prevent future instances of misconduct described herein;
- D. Attorneys' fees and the costs of this action and other costs that may be associated with this action; and
- E. Any and all other relief that this Court deems equitable, just, and proper.

**JURY DEMAND**

Plaintiff respectfully demands a trial by jury of all claims to triable of the within matter.

Dated: December 5, 2023

Respectfully submitted,



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