

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

JOHN DOE, *a minor, by and through his*)
Mother and next friend, SHARIEKA)
FRAZIER,)
)
Plaintiff,)
)
v.) No. _____)
)
BONNIE HOMMRICH, *in her official*)
capacity as the Commissioner of the)
Tennessee Department of Children’s)
Services, THE TENNESSEE)
DEPARTMENT OF CHILDREN’S)
SERVICES, RUTHERFORD COUNTY,)
TENNESSEE, LYNN DUKE, *in her*)
individual and official capacity as Director)
of the Rutherford County Detention Facility)
and **LIEUTENANT ANGELA**)
ISTVANDITSCH, *in her individual and*)
official capacity as an officer of the)
Rutherford County Juvenile Detention)
Facility,)
)
Defendants.)
_____)

VERIFIED COMPLAINT

Plaintiff John Doe¹, by and through his mother and next friend Sharieka Frazier and his undersigned counsel, sues Defendants, The Tennessee Department of Children’s Services (“DCS”), Rutherford County, Tennessee (“the County”), Lynn Duke (“Duke”), and Lieutenant Angela Istvanditsch, in their individual and official capacities as director and officer of the Facility, showing as follows:

¹ John Doe is a minor, so his name has been redacted pursuant to Local Rules. Similarly, counsel has redacted his name and other identifying information from exhibits and other documents submitted herewith.

NATURE OF THE ACTION

1. This case involves the constitutional rights of John Doe, a child charged with offenses that would render him delinquent under the laws of Tennessee if the Juvenile Court performed an adjudication and found that he had committed the offenses. Currently, he has not received an adjudication, and is housed at the Rutherford County Detention Facility as a pretrial detainee.²

2. At issue in this case is whether the government may lawfully place a child who is a pretrial detainee and likely suffers from mental illness in solitary confinement for long periods of time. At further issue, is whether the government may lawfully place any child in extended solitary confinement.

3. John Doe has been held in solitary confinement at the Rutherford County Juvenile Detention Facility since April 19, 2016 (a period of five (5) days as of the filing of this Complaint) because he allegedly disrupted the Facility's classroom.

4. Defendants have acknowledged that placing juveniles like John Doe in solitary confinement for long periods of time is a violation of applicable regulations, but in at least this one case, they sought and obtained permission from the Juvenile Court to impose such draconian measures in excess of what is allowable even by the regulations promulgated by the Department of Children's Services.

5. Almost no standards exist for imposition of solitary confinement of pretrial detainees in Tennessee's juvenile justice system, and no meaningful opportunity for review exists. John Doe has been subjected to routine periods of solitary confinement during his time in the

² Tennessee, like most other states, allows pretrial detention of juveniles when certain conditions are met. These conditions include a finding of probable cause, that the child is a threat to himself or the community, and that no less restrictive alternatives to detention exist to protect the child or the community.

Rutherford County Juvenile Detention Center, but on April 19th, the Defendants requested (and were granted) permission to hold him alone in a cell with nothing but a toilet and bed for twenty-three (23) hours per day. This practice is subject to repetition, and has been visited upon the named Plaintiff in this cause.

6. Imposition of solitary confinement on pretrial detainee juveniles violates John Doe's and other juvenile pretrial detainees' rights to be free of cruel and unusual punishment under the Eighth Amendment to the United States Constitution, as applied to the states under the Fourteenth Amendment, and their rights to substantive due process under the Fourteenth Amendment.

JURISDICTION AND VENUE

7. Plaintiff brings this action pursuant to 42 U.S.C. § 1983 for Defendants' violations of his civil rights under the Eighth and Fourteenth Amendments to the United States Constitution.

8. This court has subject-matter jurisdiction over this matter pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1343(a)(3) (civil rights).

9. Defendant Bonnie Hommrich is the Commissioner of the Defendant Tennessee Department of Children's Services ("DCS"), which serves as Tennessee's child welfare agency. The agency is statutorily required to provide services, treatment and protection for vulnerable children throughout the State of Tennessee, including children falling under its protection in this judicial District. DCS is specifically mandated to protect children adjudicated delinquent, and supervises all facilities housing juveniles under charges of delinquency. DCS participates in decisions affecting children housed at the Facility and specifically failed to take any action in order to prevent placement of John Doe into solitary confinement as described more fully herein. DCS's

unlawful practices complained of and that give rise to the claims herein occurred within this district and division.

10. The Defendant Rutherford County, Tennessee (“the County”) owns and operates the Rutherford County Juvenile Detention Facility. As an operator of a Juvenile Detention Facility, it is mandated to provide for rehabilitation, education, treatment and protection for juveniles placed into its care, under the laws governing DCS and juvenile justice. The County employs Duke and other representatives of the Facility, and through them requested approval to place John Doe into solitary confinement as described more fully herein, and is responsible for continuing the solitary confinement of this child. Upon information and belief, the practice of placing juveniles in solitary confinement is an unofficial policy and routine practice of the County.

11. Defendant Lynn Duke is the director of the Facility employed by the County, and is responsible for the day to day operations of the Facility, including provision and enforcement of solitary confinement. She is further individually responsible for provision of services, education, treatment and protection of the children placed in her facility. Defendant Lieutenant Angela Istvanditsch is an officer at the Facility, who, under the supervision and direction of Duke, specifically requested that the Court allow them to place John Doe into solitary confinement as described more fully herein. Duke’s and Istvanditsch’s unlawful practices complained of and that give rise to the claims herein occurred within this district and division.

12. Venue is proper in this judicial district and division pursuant to 28 U.S.C. §1391(b).

PARTIES

13. Plaintiff John Doe is a child currently held in Rutherford County, Tennessee as a juvenile pretrial detainee at the Facility in solitary confinement. Sharielka Frazier is his mother. They are citizens and residents of Rutherford County, Tennessee in this judicial district.

14. Plaintiff is subject to the authority and directives of Defendants DCS, the Facility, Duke and Istvanditsch.

15. John Doe has standing to pursue this lawsuit.

16. Defendant Hommrich is the Commissioner of the Tennessee Department of Children's Services. Tennessee Department of Children's Services ("DCS") is an agency of the State of Tennessee statutorily required to provide services, treatment and protection for vulnerable children throughout the State of Tennessee. DCS is specifically mandated to protect children deemed delinquent, and to license and supervise facilities that hold juveniles under charges of delinquency. DCS can be served with process through the Office of the Attorney General and Reporter for the State of Tennessee.

17. The Defendant Rutherford County, Tennessee operates the only detention facility for juveniles in Rutherford County, Tennessee, and specifically oversees the confinement of John Doe and other juveniles like him in that county. The County can be served with process through Director Lynn Duke, at 1710 S Church St #4, Murfreesboro, TN 37130.

18. The Defendant Lynn Duke is the director of the Facility, and is responsible for the day to day operations thereof, including provision and enforcement of solitary confinement. She can be served with process at 1710 S Church St #4, Murfreesboro, TN 37130.

19. The Defendant Lieutenant Angela Istvanditsch is an officer employed at the Facility, and is responsible for the supervision and protection of children housed there, including Q.F. She can be served with process at 1710 S Church St #4, Murfreesboro, TN 37130.

20. At all times material to this lawsuit Defendants Duke and Istvanditsch were employed by the County. They are sued in their individual and official capacities.

21. Defendants DCS, Rutherford County, Tennessee, Duke and Istvanditsch, at all times relevant hereto, were acting under color of law.

ALLEGATIONS SPECIFIC TO JOHN DOE

22. The Juvenile Court for Rutherford County, Tennessee (“the Juvenile Court”) ordered John Doe detained while awaiting adjudication in the Facility on March 18, 2016. The Court set no review of the matter until the child’s plea date on May 5, 2016. (Redacted Detention Order attached hereto as Exhibit 1).

23. The Juvenile Court further ordered that DCS provide the child with a mental evaluation by April 18, 2016, because “there is reason to believe the child has a mental illness and/or mental retardation”. (Redacted Order Attached hereto as Exhibit 2).

24. A mental health provider attempted to conduct the evaluation on April 6, 2016, but was turned away from the facility because the Facility refused to allow face to face contact between the evaluator and the child due to an “incident” at the facility. Accordingly, the evaluation has not been conducted. The Provider informed the Juvenile Court that it had not conducted the evaluation by letter dated April 6, 2016. (Redacted Letter Attached hereto as Exhibit 3).

25. On April 19, 2016, County employees at the Facility, including Duke and Istvanditsch, requested the Rutherford County District Attorney’s Office file a Motion to Review Detention, seeking to place John Doe in seclusion/isolation for 23 hours a day with no books or other materials, and with the window to his cell covered with a board. Lieutenant Istvanditsch expressly acknowledged that she sought permission to use measures in excess of the regulations governing the Facility. Peculiarly, Lieutenant Istvanditsch and the Court refused to acknowledge that this level of isolation amounted to “solitary confinement.”

26. On April 19, 2016, County employees from the Facility, including Istvanditsch under the direction of Duke, prosecuted the motion to place John Doe in solitary confinement. Agents of the Department of Children's Services were present at the hearing, but made no objections to Defendant Istvanditsch's request that the court grant permission to punish John Doe in excess of what is permitted by governing regulations.

27. Defendants urged placement of John Doe into indeterminate solitary confinement because he was disobedient and he had allegedly disrupted the Facility's classroom, "hollered," "rapped," and had "flashed gang symbols." Defendants did not allege that John Doe was a physical danger to himself or others, that an emergency existed or that he had made threats to other inmates or officers at the Facility. Defendants sought solitary confinement for the purposes of punishment and/or discipline.

28. At the solitary confinement hearing, Lieutenant Istvanditsch acknowledged that placement of a juvenile in solitary confinement under such conditions likely violated DCS and other state policy and regulations. Lieutenant Istvanditsch even acknowledged that John Doe likely suffered from some sort of mental illness and that he had been "acting crazy."

29. Upon Court approval, Defendants proceeded to place John Doe in solitary confinement on April 19, 2016, and he has remained there ever since.

30. John Doe's solitary confinement initially included isolation in a concrete cell for 23 out of 24 hours a day, with no access to books, magazines, music or other educational or recreational materials.

31. On April 21, 2016, John Doe returned to Court for a review of his solitary confinement. Defendants acknowledged John Doe's good behavior, and modified his confinement to include access to books and some extra time outside his cell. Otherwise, he continued to be

kept in confinement for most of his days, and for at least an additional 72 hours. Another review of John Doe's confinement is set for April 25th, 2016, at 1:00 p.m.

32. Throughout his solitary confinement, John Doe has been excluded from the Facility's educational program, and no alternative has been provided. John Doe has further been excluded from all recreational activities and has not been allowed meaningful opportunities to exercise his body.

33. John Doe has not been allowed access to a counselor or other mental health professional throughout his detention, and certainly not before or during his period of solitary confinement.

34. John Doe is currently suffering adverse consequences from his continued solitary confinement, including further withdrawal, depression, listlessness and lethargy. He is currently deprived of protected educational opportunities. He is not allowed meaningful opportunities to exercise his body. The total extent of harm visited upon him is unknown.

35. Defendants' actions make it clear that they may continue John Doe's solitary confinement, contingent on whether his behavior is "good," with only slight modification, *ad infinitum*.

36. Defendants have placed John Doe into solitary confinement in the past.

37. Defendants' actions to place John Doe in solitary confinement are not motivated by safety and are, instead, motivated by a desire to punish/discipline John Doe.

38. Upon information and belief, and based upon statements made by Defendants in Court, Defendants routinely place juveniles into solitary confinement for some periods of time based upon a determination to punish or discipline youth.

39. There are no standards that exist at the Facility or under DCS policy to allow for solitary confinement such as that visited upon John Doe, or for pretrial detainees in general.

**ALLEGATIONS RELATED TO JUVENILE SOLITARY CONFINEMENT IN
TENNESSEE IN GENERAL**

40. In Tennessee, juveniles in all forms of custody fall under the purview of DCS. DCS provides care and oversight for juveniles upon adjudication as dependent and neglected minors, or upon adjudication as delinquency for commission of offenses that would be criminal if committed by adults. DCS licenses and supervises facilities that house juveniles awaiting adjudication. The overall goals of DCS are set forth by statute at Tenn. Code Ann. § 37-5-102 (2016) as follows:

- (1) Protect children from abuse, mistreatment or neglect;
- (2) Provide prevention, early intervention, rehabilitative and educational services;
- (3) Pursue appropriate and effective behavioral and mental health treatment;
- (4) Ensure that health care needs, both preventive and practical, are met; and
- (5) Keep children safe.

41. DCS is responsible for the licensing and supervision of detention centers for juveniles, and is specifically responsible for licensing and supervision of the Rutherford County Juvenile Detention Facility pursuant to Tenn. Code Ann. § 37-5-109(1) (2016).

42. Pursuant to Rule 7 of the Tennessee Rules of Juvenile Procedure, juveniles who are detained prior to adjudication for delinquent offenses are entitled to an adjudication of their charges within 30 days of their detention.

43. In practice, pretrial juvenile detainees rarely receive their adjudicatory hearing within the proscribed thirty days. Rather, they are either release before the expiration of thirty days or, like John Doe, they simply remain detained for longer than thirty days in violation of the rule.

44. The Department of Children's Services operates three "Youth Development Centers" ("YDCs") for juvenile offenders in Tennessee, but only the most serious repeat offenders are housed in those facilities. DCS maintains detailed policies and procedures for its YDCs.

45. Pretrial detainees are not housed at DCS's YDCs. Rather, these youths are typically housed at county facilities that have been licensed and that are subject to supervision by DCS.

46. DCS has very limited policies and procedures for the treatment of pretrial detainees who are not housed at YDCs, relying largely on individual providers/facilities to create and maintain their own policies consistent with DCS, state and federal rules, regulations and statutes.

47. Accordingly, although DCS policy appears to prohibit punitive or disciplinary use of solitary confinement for pretrial juvenile detainees, no clear, unified standards exist for the practice.

48. Upon information and belief, pretrial juvenile detainees throughout Tennessee are held by state and county officials in solitary confinement for purposes of punishment and/or discipline, and without regard for their age or mental health status.

49. Upon information and belief, juveniles who are pretrial detainees and who are in custody at DCS's YDCs are subjected to solitary confinement on a routine basis.

SOLITARY CONFINEMENT OF JUVENILES IS EXCEPTIONALLY HARMFUL

50. While isolated in solitary confinement, children are deprived of the services and programming they need for healthy growth and development.

51. Solitary confinement can cause serious psychological, physical, and developmental harm – or, worse, can lead to persistent mental health problems and suicide. These risks are magnified for young people with disabilities or histories of trauma and abuse.

52. Normal human contact and a range of age-appropriate services and programming are essential for the development and rehabilitation of young offenders.

53. There can be no doubt that the solitary confinement of juveniles is objectively harmful, as authorities from state, federal, international and scientific communities agree that such confinement is extremely damaging to youth.

54. An overwhelming number of youth in juvenile detention are victims of psychological, physical or sexual abuse.

55. An overwhelming number of youth in juvenile detention suffer from diagnosed and undiagnosed mental illness.

56. The mind and psyche of juveniles remains in a developmental stage, and is particularly vulnerable to the adverse effects of solitary confinement.

State Acknowledgement of Harm

57. At the state level, DCS has already declared solitary confinement harmful, and has largely prohibited its use except for short-term, emergency, medically approved situations.

58. In DCS's Administrative Policies and Procedures, at 27.2, DCS, referring to solitary confinement as "seclusion", declares that "[t]he use of seclusion is seen as a restrictive intervention and one that poses a risk to the psychological well-being of a child/youth."

59. The policy authorizes seclusion of youth only in emergency situation where the child is a risk of harm to himself or others.

60. Seclusion can only be used upon the order of a doctor, psychologist or other professional.

61. Orders for seclusion are limited to one (1) hour, and no more than two (2) hours in a twenty-four (24) hour period. Seclusion must end when the danger of the child to himself or others has ended.

62. For children in YDCs, which house hardened, repeat felons, DCS policy 19.12 absolutely prohibits the use of seclusion “as a punishment or consequence”. It further limits the use of seclusion on the most hardened juvenile offenders, requiring constant monitoring and daily checks by medical professionals.

63. It is clear that the State of Tennessee, acting through DCS, has acknowledged the objective harm of seclusion, and is subjectively aware of the harm.

Federal Authorities Further Acknowledge the Harm of Solitary Confinement of Juveniles

64. President Obama recently took executive action prohibiting the solitary confinement of juveniles in the federal system, acknowledging the severe harmful effects on children.

65. The US Attorney General’s *National Task Force on Children Exposed to Violence* said, “nowhere is the damaging impact of incarceration on vulnerable children more obvious than when it involves solitary confinement.”

66. Nearly every court to consider the solitary confinement of adults with serious mental disabilities has found the practice to be unconstitutional.³

³ For example, *Ruiz v. Johnson*, Southern Federal District Court of Texas, 1999 (37 F. Supp. 2d. 855, 915 (S.D. Tex. 1999)), rev’d on other grounds, *Ruiz v. Johnson*, Fifth Circuit Federal Court of Appeals, 2001 (243 F.3d 941 (5th Cir. 2001)), adhered to on remand, *Ruiz v. Johnson*, Southern Federal District Court of Texas, 2001 (154 F. Supp. 2d 975 (S.D. Tex. 2001)) (“Conditions in TDCJ-ID’s administrative segregation units clearly violate constitutional standards when imposed on the subgroup of the plaintiff’s class made up of mentally-ill prisoners); *Coleman v. Wilson*, Eastern Federal District Court of California, 1995 (912 F.Supp. 1282, 1320-21 (E.D. Cal. 1995)); *Madrid v. Gomez*, Northern Federal District Court of California, 1995 (889 F. Supp. 1146, 1265-66 (N.D. Cal. 1995)); *Casey v. Lewis*, Federal District Court of Arizona, 1993 (834 F. Supp. 1477, 1549-50 (D. Ariz. 1993)); *Langley v. Coughlin*, Southern Federal District Court of New York, 1988 (715 F. Supp. 522, 540 (S.D.N.Y. 1988)) (holding that evidence of prison officials’ failure to screen out from SHU ‘those individuals who, by virtue of their mental condition, are likely to be severely and adversely affected by placement there’ states an Eighth amendment claim).

67. The US Department of Justice, when it has investigated the isolation and segregation of adolescents in adult facilities, has suggested that there are constitutional limits related to the physical and social isolation of youth with regard to conditions, duration, and process.

68. In 2003, the United States Congress enacted the Prison Rape Elimination Act, and Tennessee has agreed to be bound by its terms. Although in a different context, the law makes clear that solitary confinement of youth is inappropriate. The law bans isolation except as a last resort to keep the juvenile or others safe, and then only until an alternative can be arranged. It bans the practice for both rape victims and perpetrators of rape.

International Law Recognizes the Harm and Cruelty of Juvenile Solitary Confinement

69. With regard to solitary confinement, the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) describe punitive solitary confinement of young people under age 18 as cruel, inhuman, or degrading treatment.

70. The Committee on the Rights of the Child, which interprets the CRC, has also suggested that the punitive solitary confinement of young people under age 18 is cruel, inhuman, or degrading treatment.

71. The United Nations Rules for the Protection of Juveniles Deprived of their Liberty reiterates this conclusion.

72. A number of treaty and regional bodies have suggested that the prolonged solitary confinement of both adults and children can constitute cruel, inhuman, or degrading treatment.

73. The special rapporteur on torture, in his report to the General Assembly, called for an absolute ban on solitary confinement for young people under age 18: “The Special Rapporteur holds the view that the imposition of solitary confinement, of any duration, on juveniles is cruel,

inhuman or degrading treatment and violates article 7 of the International Covenant on Civil and Political Rights and article 16 of the Convention against Torture.”

74. The special rapporteur also called for an absolute ban on solitary confinement of those with mental disabilities because the adverse effects are especially significant for persons with serious mental health problems.

75. Although most research on solitary confinement has focused on adults, the findings of this research reasonably can be applied to youth.

76. Research shows that adults who are subject to solitary confinement generally exhibit a variety of negative physiological and psychological reactions, including: hypersensitivity to external stimuli; perceptual distortions and hallucinations; increased anxiety and nervousness; revenge fantasies, rage, and irrational anger; fears of persecution; lack of impulse control; severe and chronic depression; appetite loss and weight loss; heart palpitations; withdrawal; blunting of affect and apathy; talking to oneself; headaches; problems sleeping; confusing thought processes; nightmares; dizziness; self-mutilation; and lower levels of brain function, including a decline in EEG activity after only a few days in solitary confinement.

77. Young people are even less psychologically able than adults to handle solitary confinement. Youth are also psychologically different than adults. They experience time differently (a day for a child feels longer than a day to an adult) and have a greater need for social stimulation.

78. Experts, such as the American Academy of Child and Adolescent Psychiatry, believe that, due to their “developmental vulnerability,” adolescents are particularly at risk of adverse reactions.

79. Research published by the Department of Justice found that more than 50% of the suicides of children detained in juvenile facilities occurred while youth were confined alone in their room (a form of solitary confinement) – and that more than 60% of young people who committed suicide had a history of being held in isolation.

80. Additionally, the literature recognizes that children held in isolation are far less likely to receive appropriate education or access to physical development.

81. Defendants, who have received training and reviewed literature related to the special needs of children, were either aware or recklessly unaware of the extremely adverse consequences of solitary confinement on children, and especially on children with mental health needs.

**Count One:
Violation of the Eighth and Fourteenth Amendments
(42 U.S.C. §1983)**

82. Plaintiff re-alleges and incorporates by reference all of the preceding paragraphs in this Complaint.

83. Defendants, individually and in concert, deprived, and are continuing to deprive, John Doe of the rights secured to him by the United States Constitution.

84. By subjecting John Doe to lengthy solitary confinement as a means of punishment and without regard to his possible mental illness, Defendants have violated, and are continuing to violate, Plaintiff's right to be free of cruel and unusual punishment, his right to due process, and to be kept in humane conditions while awaiting his adjudication, as guaranteed by the Eighth Amendment and the Fourteenth Amendment to the U.S. Constitution.

85. Subjecting John Doe to solitary confinement is objectively harmful and inhumane.

86. All Defendants were subjectively aware, or should have been aware but for their reckless disregard of the facts and information available to them, that solitary confinement of juveniles in general and John Doe in particular was unreasonably harmful and inhumane.

87. The solitary confinement of John Doe was unnecessary, served no legitimate interest and violated public policy and law in other regards.

88. Defendants all acted with deliberate indifference and/or intent when they deprived John Doe of his constitutionally protected rights.

89. In depriving John Doe of these rights, Defendants acted under color of state law. This deprivation under color of state law is actionable under and may be redressed by 42 U.S.C. §1983.

**Count Two:
Violation of the Eighth and Fourteenth Amendments
(Declaratory Judgment)**

90. Plaintiff re-alleges and incorporates by reference all of the preceding paragraphs in this Complaint.

91. Plaintiff is entitled to a declaration that Defendants' actions, whether authorized by policy, statute, rule, custom or practice, violate his rights and would violate his rights in the future, as guaranteed by the Eighth Amendment and the Fourteenth Amendment to the U.S. Constitution.

**Count Three
TRO, Temporary and Permanent Injunctive Relief
42 U.S.C. § 1983**

92. Based on the allegations contained in previous paragraphs, which are re-alleged here by reference, Plaintiff claims that he is entitled to a Temporary Restraining Order, Preliminary and Permanent injunction.

93. John Doe's Eighth Amendment rights have been violated under color of state law.

94. To end an ongoing violation of John Doe's rights, Defendants must be immediately restrained from placing John Doe in solitary confinement as a punishment or discipline, and from placing him in solitary confinement for any reason until they provide a mental health assessment and obtain appropriate medical advice/consent

95. To make John Doe whole and restore his rights, Defendants must also be enjoined from taking further action to deprive John Doe of his right to humane treatment while awaiting adjudication in the form of placing him in solitary confinement.

96. Defendants have indicated that they use solitary confinement routinely to administer punishment and discipline, and have used the practice routinely on John Doe.

97. Defendants' violation has been ratified by a Court, and no meaningful review is available to him. Accordingly, John Doe has no adequate remedy at law and only injunctive relief can restore John Doe's constitutionally protected rights and ensure the protection of his rights in the future.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the following relief:

A. An order declaring that the Defendants violated the Plaintiff's rights protected under the Eighth and Fourteenth Amendments to the United States Constitution;

B. An immediate temporary restraining order prohibiting the continued solitary confinement of John Doe;

C. An order preliminarily and then permanently enjoining Defendants and their officers, agents, affiliates, subsidiaries, servants, employees and all other persons or entities in active conceit or privity or participation with them, from placing John Doe or other juveniles in pretrial detention in solitary confinement for punitive or disciplinary reasons;

D. An order enjoining the enforcement of any of Defendant's' policies or procedures that authorize the solitary confinement of pretrial detainees or of juveniles who suffer from mental illness;

E. An order directing Defendants to take such affirmative steps necessary to remediate the past use of solitary confinement on juveniles in pretrial detention;

F. An order enjoining Defendants and their officers, agents, affiliates, subsidiaries, servants, employees and all other persons or entities in active concert or privity or participation with them, from taking retaliatory action against Plaintiff for bringing this lawsuit, or against any pretrial detainees for their past or future expressions of support Plaintiff or opposition to Defendants' use of solitary confinement on juvenile pretrial detainees;

F. An entry of judgment for Plaintiff against Defendants for nominal or compensatory damages;

G. An award of Attorneys' fees and costs associated with this action, pursuant to 28 U.S.C. § 1988, *et seq.* or under any other relevant authority;

H. That this Court retain jurisdiction of this matter to enforce the terms of the Court's orders', and

I. Such further and different relief as this Court may deem just and proper or that is necessary to make the Plaintiff whole.

Respectfully Submitted,

/s/ Wesley B. Clark

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