

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TRENTON JOHN TOMPKINS,

Plaintiff

v.

**MERCER COUNTY JAIL, ERNA
CRAIG, MAC McDUFFIE, JOSEPH
REICHARD, KENNETH RODGERS,
C.O. SHERMAN, C.O. PETERS, C.O.
COCHRAN, C.O. GIOAN, C.O.
VASCONNI, and C.O. JOHN DOE,**

Defendants

) Docket No. 2:19-CV-01089
)
) Judge J. Nicholas Ranjan
) Magistrate Judge Maureen P. Kelly
)
) **FIFTH AMENDED COMPLAINT**
)
) **JURY TRIAL DEMANDED**
)
) ELECTRONICALLY FILED PLEADING
)
) Filed on behalf of: Trenton John Tompkins
)
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FIFTH AMENDED COMPLAINT

Plaintiff, through his counsel, brings the following Fifth Amended Complaint:

INTRODUCTION

1. This is a civil-rights case filed by Trenton Tompkins, a former prisoner who resides in Pennsylvania.
2. While Mr. Tompkins was a pretrial detainee at the Mercer County Jail, the Jail’s officials subjected Mr. Tompkins to a shocking culture of physical abuse—including beatings, tasings, assaults with pepper spray, solitary confinement, and purposeful sleep deprivation—with no legitimate penological justification.

3. The signs of Defendants' physical abuse of Mr. Tompkins are well documented in Mr. Tompkins's medical charts, independent witness statements, and even video footage from the Jail itself. But only time will reveal the extent of the emotional scars Mr. Tompkins must now carry.

THE PARTIES

4. The Plaintiff, Trenton John Tompkins, is a 35-year-old Pennsylvania resident who was formerly detained at the Mercer County Jail. Mr. Tompkins suffers from severe mental illnesses, including vascular dementia and bipolar disorder.

5. Mercer County Jail (the "Jail") is a Pennsylvania county correctional facility located in Mercer County, Pennsylvania.

6. Defendant Erna Craig is an adult individual who was employed as the Warden of the Mercer County Jail at all relevant times discussed herein.

7. Defendant Mac McDuffie is an adult individual who was employed as the Deputy Warden of Security at the Mercer County Jail at all relevant times discussed herein.

8. Defendant Joseph Reichard is an adult individual who was employed as the Deputy Warden of Operations at the Mercer County Jail at all relevant times discussed herein.

9. Defendant Kenneth Rodgers is an adult individual who was an employee of the Mercer County Jail at all relevant times discussed herein.

10. Defendant C.O. Sherman is an adult individual who was an employee of the Mercer County Jail at all relevant times discussed herein.

11. Defendant C.O. Peters is an adult individual who was an employee of the Mercer County Jail at all relevant times discussed herein.

12. Defendant C.O. Cochran is an adult individual who was an employee of the Mercer County Jail at all relevant times discussed herein.

13. Defendant C.O. Vasconni is an adult individual who was an employee of the Mercer County Jail at all relevant times discussed herein.

14. Defendant C.O. Gioan is an adult individual who was an employee of the Mercer County Jail at all relevant times discussed herein.

15. Defendant C.O. John Doe is an adult individual who was an employee of the Mercer County Jail at all relevant times discussed herein. His true identity is currently unknown.

16. At all times discussed herein, Defendants acted under color of state law.

JURISDICTION AND VENUE

17. Under 28 U.S.C. § 1331, this Court has subject-matter jurisdiction because this case arises under the U.S. Constitution.

18. Under 28 U.S.C. § 1367(a), this Court has supplemental subject-matter jurisdiction over Mr. Tompkins’s state-law claims because Mr. Tompkins’s federal- and state-law claims arise from the same course of conduct and form “part of the same case or controversy[.]”

19. Under 28 U.S.C. § 1391(b)(2), this judicial district is the proper venue because a substantial part of the events giving rise to Mr. Tompkins’s claims occurred in this district.

GENERAL ALLEGATIONS

20. In the summer of 2017, Mr. Tompkins was diagnosed with schizophrenia.

21. Three months later, Mr. Tompkins was arrested and sent to the Mercer County Jail to await trial.

22. Around the time Mr. Tompkins was sent to jail, the Jail had been experiencing a spike in the prevalence of mental illness among its inmates.

23. The Jail’s corrections officers, however, were not adequately trained to deal with mentally ill detainees.

24. In addition, the Jail had a policy or practice of keeping the lights on in detainees' cells at all hours of the day and night.

25. Defendants Craig and McDuffie had ample opportunities to train their corrections officers in non-punitive, de-escalatory, evidence-based methods for dealing with mentally ill detainees.

26. Defendants Craig and McDuffie, however, failed to adequately train their corrections officers in these methods.

27. As a result, the Jail's corrections officers repeatedly resorted to the use of unreasonable violence against Mr. Tompkins.

September-November 2017: Mercer County Jail Officials Subject Mr. Tompkins to Shocking Physical Abuse

28. Soon after Mr. Tompkins arrived at the Jail, corrections officers began regularly assaulting him.

29. On September 30, 2017, Defendant Peters punched and pepper sprayed Mr. Tompkins without provocation.

30. On October 10, 2017, Defendant Rodgers and other Mercer County Jail officials pepper sprayed and beat Mr. Tompkins, again without provocation.

31. On information and belief, the October 10, 2017 beating was captured on surveillance video.

32. Mr. Tompkins visited the Jail's nurse that same day.

33. In Mr. Tompkins's chart, the nurse noted that Mr. Tompkins had recently been pepper sprayed. She also "noted large varying degrees of purple bruises on [Mr. Tompkins's] right bicep, and also left ribcage, below his underarm."

34. After the October 10, 2017 assault, Defendant Rodgers issued a Mr. Tompkins a misconduct citation, falsely claiming that the officers' use of force was justified because Mr. Tompkins had "refus[ed] to obey an order."

35. On October 19, 2017, Mr. Tompkins met with the nurse again. The nurse's notes indicate that Mr. Tompkins had been pepper sprayed a second time.

36. This time, however, nobody at the Jail prepared a misconduct citation documenting this use of pepper spray.

37. On October 27, 2017, Mr. Tompkins was experiencing a psychotic episode.

38. During this episode, Defendant Rodgers ordered Mr. Tompkins to come to the door and submit to handcuffing.

39. In his psychotic state, Mr. Tompkins did not comply.

40. Defendant Rodgers then pepper sprayed Mr. Tompkins three times through the aperture in the cell door.

41. When Mr. Tompkins still would not come to the door, Defendant Rodgers, Defendant Gioan, and other corrections officials entered Mr. Tompkins's cell and proceeded to beat him viciously.

42. Officer Livermore, the reporting officer, justified the October 27, 2017 beating with a misconduct citation in which he falsely claimed that Mr. Tompkins had threatened and attacked Defendant Gioan.

43. Nowhere in this October 27, 2017 misconduct citation does Officer Livermore mention that any of the officers struck Mr. Tompkins. It only says that the officers pepper sprayed him and "placed [him] in a compliance hold[.]"

44. In fact, however, the officers had left Mr. Tompkins bloodied and bruised.

45. Mr. Tompkins's medical records from October 27, 2017 note that he presented with "multiple sporadic bruises."

46. Additionally, Mr. Tompkins's mental health counselor noted on October 27, 2017 that Mr. Tompkins's eye was bruised and that his eye was coated in dried blood.

47. On October 30, 2017, Mr. Tompkins's mental health counselor noted that a new, second bruise had appeared on Mr. Tompkins's other eye.

48. Several times, Defendant Vasconni, Defendant John Doe, and another corrections officer took Mr. Tompkins to AR-18—the Jail's clothing exchange room—and beat him.

49. On an unknown date in October, Defendant Rodgers verbally abused and beat Mr. Tompkins, all while Mr. Tompkins was handcuffed and defenseless.

50. On that same night, Defendant Sherman entered Mr. Tompkins's cell, held Mr. Tompkins against the wall by his throat, and punched Mr. Tompkins twice in the face.

51. Defendant Sherman's punches made Mr. Tompkins's mouth bleed.

52. About an hour later, Defendant Sherman returned to Mr. Tompkins's cell. Petrified, Mr. Tompkins crouched down against the wall and closed his eyes. Defendant Sherman then struck Mr. Tompkins with either his fist or his boot.

53. Later, shortly before October 31, 2017, Defendant Sherman attacked Mr. Tompkins while Mr. Tompkins was showering. Mr. Tompkins fell to floor and curled up into a ball, trying to protect himself. Defendant Sherman kicked Mr. Tompkins in the face with his boot.

54. Perhaps the most disturbing abuse of all, though, occurred at the hands of Officer MacArthur, a Jail employee who used cruel and unreasonable force against Mr. Tompkins at least four times.

55. The first instance of Officer MacArthur's abuse occurred sometime before October 31, 2017.

56. Mr. Tompkins was sitting alone in his cell when Officer MacArthur entered and punched Mr. Tompkins with both of his fists.

57. Officer MacArthur ordered Mr. Tompkins to "stop resisting," even though Mr. Tompkins was not resisting Officer MacArthur.

58. Officer MacArthur punched Mr. Tompkins again in the face.

59. Mr. Tompkins went limp.

60. Officer MacArthur hit Mr. Tompkins once more in the face, and only then did he let Mr. Tompkins up.

61. The second use of force by Officer MacArthur happened later that same night.

62. Again, Mr. Tompkins was alone in his cell.

63. Officer MacArthur was standing outside Mr. Tompkins's door, and Officer MacArthur ordered Mr. Tompkins to come to the door.

64. Officer MacArthur then pepper sprayed Mr. Tompkins through the aperture in the cell door.

65. Mr. Tompkins leaned over the sink, coughing and expectorating as he frantically tried to wipe the pepper spray from his eyes.

66. The pepper spray left severe chemical burns across Mr. Tompkins's entire body.

67. Officer MacArthur's third use of force also occurred while Mr. Tompkins was experiencing a psychotic episode.

68. During this psychotic episode, Mr. Tompkins had inserted his hands into the toilet in his cell.

69. While Mr. Tompkins's hands were in the toilet, an unknown Lieutenant tased Mr. Tompkins, causing Officer MacArthur, who was standing nearby, to be shocked with electricity.

70. Officer MacArthur responded by punching Mr. Tompkins in the kidney.

71. Being tased was one of the most painful experiences of Mr. Tompkins's life.

72. The fourth instance of Officer MacArthur's abuse was perhaps his cruelest.

73. During another psychotic episode, Officer MacArthur entered the cell and again pepper sprayed Mr. Tompkins.

74. In the days that followed, Officer MacArthur joked to numerous individuals about having pepper sprayed Mr. Tompkins while Mr. Tompkins was in a vulnerable state.

October-November 2017: Mr. Tompkins Is Sentenced to Solitary Confinement and Civil Commitment Without Notice of a Hearing

75. Mr. Tompkins's misconduct citations were adjudicated by a panel overseen by Defendant Reichard, the Deputy Warden of Operations at the Mercer County Jail.

76. Mr. Tompkins does not recall if he was present for these hearings.

77. Mr. Tompkins does not recall if he was ever even notified of these hearings.

78. Nevertheless, as a result of these misconduct hearings, Mr. Tompkins was sentenced to solitary confinement.

79. On November 3, 2017, Mr. Tompkins was involuntarily committed to a psychiatric hospital.

80. The Jail's medical records note that Mr. Tompkins "opted not to attend" the involuntary-commitment hearing and that Mr. Tompkins "refused to participate."

81. In actuality, Mr. Tompkins has no memory of ever having been notified of an involuntary-commitment hearing.

November 2017: A Pastor Visits Mr. Tompkins and Notes Disturbing Signs of Abuse

82. In November of 2017, Sharon Dodds, Mr. Tompkins’s pastor, visited Mr. Tompkins in jail.

83. Pastor Dodds wrote a letter documenting her visit with Mr. Tompkins. A true and correct copy of this letter is attached as Exhibit 1.

84. When Pastor Dodds arrived at the regular meeting area, officials told her that Mr. Tompkins could not come to the designated meeting area.

85. The officials took Pastor Dodds to a different room than was originally scheduled.

86. When Pastor Dodds entered, she saw Mr. Tompkins sitting on the floor, naked and covered in bruises and marks.

87. In her letter, Pastor Dodds recounts Mr. Tompkins appearing “confused, scared, and injured.”

88. Pastor Dodds also noted that Mr. Tompkins “had a massive bruise on his hip.”

89. According to Pastor Dodds, both of Mr. Tompkins’s eyes had broken blood vessels, and burn marks surrounded both of his eyes.

January 2018: Mr. Tompkins is Transferred to Allegheny County Jail

90. On January 15, 2018, Mr. Tompkins was temporarily transferred to Allegheny County Jail.

91. During his stay at Allegheny County Jail, Mr. Tompkins was issued no misconduct citations, and he suffered no abuse.

February 2018: Mr. Tompkins Returns to Mercer County Prison, and the Abuse Resumes

92. On February 8, 2018, Defendant Vasconni and other corrections officials attacked Mr. Tompkins. The guards pepper sprayed him, punched him in the face, and tased him while he laid limp, in fear of the guards.

COUNT I: EXCESSIVE FORCE IN VIOLATION OF THE 14TH AMENDMENT
Trenton Tompkins v. Kenneth Rodgers, C.O. Sherman, C.O. Peters, C.O. Cochran, C.O. Vasconni, C.O. Gioan, and C.O. John Doe

93. Plaintiff incorporates all previous paragraphs of this Fifth Amended Complaint as if fully stated here.

94. The Fourteenth Amendment's Due Process Clause prohibits government agents from purposely or knowingly using unreasonable physical force on a pretrial detainee.

95. At all relevant times, the individual Defendants were acting as agents and employees of the Mercer County Jail.

96. As stated above, Defendants Rodgers, Sherman, Peters, Cochran, Vasconni, Gioan, and Doe purposely or knowingly subjected Mr. Tompkins to excessive, unreasonable physical force.

97. By purposely or knowingly subjecting Mr. Tompkins to unreasonable physical force, Defendants violated Mr. Tompkins's Fourteenth Amendment right to be free from pre-conviction punishment.

98. Defendants' attacks were carried out wantonly, maliciously, and with complete disregard for Mr. Tompkins's federal constitutional rights.

99. As a result of Defendants' attacks, Mr. Tompkins suffered serious physical injuries and continues to suffer the following emotional harm:

- (a) Post-traumatic stress disorder;
- (b) Depression;
- (c) Social withdrawal;
- (d) Disruption of the ability to enjoy life's pleasures;
- (e) Destruction of his sense of safety and wellbeing;
- (f) Nightmares, which occur nearly every night; and

(g) Waking flashbacks of the attacks.

WHEREFORE, Plaintiff requests judgment in his favor, as well as compensatory damages, punitive damages, and any other relief that the Court deems just.

COUNT II: DELIBERATE INDIFFERENCE—FAILURE TO TRAIN
Trenton Tompkins v. Mercer County Jail, Erna Craig, and Mac McDuffie

100. Plaintiff incorporates all previous paragraphs of this Fifth Amended Complaint as if fully stated here.

101. As stated above, Defendant Craig knew that her corrections officers needed special training and education to properly deal with mentally ill detainees.

102. On information and belief, Defendant McDuffie also knew that the Jail's corrections officers needed special training and education to properly deal with mentally ill detainees.

103. Despite full knowledge of the need for specialized training, Defendants Craig and/or McDuffie failed to adequately train their corrections officers on the following:

- (a) To use force only when necessary;
- (b) To recognize behaviors and patterns indicative of psychiatric disability;
- (c) To determine when conduct may be a manifestation of a detainee's mental illness, thus requiring treatment rather than punishment;
- (d) To de-escalate conflict with detainees in a state of psychosis; and
- (e) To consult with mental health professionals when a mentally ill detainee engages in problematic behavior, violates rules, or manifests psychotic symptoms.

104. As a result of Defendant Craig's and/or Defendant McDuffie's failure to adequately train the Jail's officials, corrections officers purposely or knowingly used

unreasonable force against Mr. Tompkins in violation of the Fourteenth Amendment's Due Process Clause.

105. Defendants' failure to provide adequate training was wanton, malicious, and carried out with reckless disregard for Mr. Tompkins's federally protected rights.

WHEREFORE, Plaintiff requests judgment in his favor, as well as compensatory damages, punitive damages, and any other relief that the Court deems just.

**COUNT III: INTENTIONAL DISCRIMINATION UNDER SECTION 202 OF THE
AMERICANS WITH DISABILITIES ACT**
Trenton Tompkins v. Mercer County Jail

106. Plaintiff incorporates all previous paragraphs of this Fifth Amended Complaint as if fully stated here.

107. The Jail is a public entity within the meaning of 42 U.S.C. § 12131.

108. The Plaintiff, Trenton John Tompkins, is a qualified individual with a disability.

109. The Jail knew that Mr. Tompkins was a qualified individual with a disability entitled to protections under the Americans with Disabilities Act.

110. The extent of Mr. Tompkins's psychiatric disabilities would have made it clear to any reasonable official that Mr. Tompkins required reasonable accommodations.

111. Examples of such reasonable accommodations for Plaintiff's psychiatric disabilities include the following:

- (a) Provision of training to Jail staff on recognizing when a person's behavior is a manifestation of their psychiatric disability;
- (b) Provision of training on interacting with people who have psychiatric disabilities so as to de-escalate situations;
- (c) Provision of training on the contraindications of use of force on individuals with psychiatric disabilities; and

- (d) Enacting policies mandating consultation with mental health staff before the use of any punitive force or discipline on individuals with psychiatric disabilities.

112. As stated above, the Jail's administrators knew that their corrections officers were not adequately trained to deal with mentally disabled detainees.

113. The Jail's administrators also knew that, without adequate training, the Jail's corrections officers were substantially likely to violate detainees' federally protected rights.

114. Nevertheless, the Jail's administrators failed to take action to prevent that likelihood.

115. The administrators' failure to adequately train the Jail's corrections officers manifests a deliberate indifference for Mr. Tompkins's federally protected rights.

116. As a result of the administrators' failure to adequately train the Jail's corrections officers, the Jail's corrections officers subjected Mr. Tompkins to unreasonable physical force.

117. The Jail's corrections officers used force against Mr. Tompkins because of Mr. Tompkins's disability.

WHEREFORE, Plaintiff requests judgment in his favor, as well as compensatory damages, punitive damages, and any other relief that the Court deems just.

**COUNT IV: INTENTIONAL DISCRIMINATION UNDER SECTION 504 OF THE
REHABILITATION ACT**
Trenton Tompkins v. Mercer County Jail

118. Plaintiff incorporates all previous paragraphs of this Fifth Amended Complaint as if fully stated here.

119. The Jail is an "instrumentality of a State or local government" within the meaning of 29 U.S.C. § 794(b)(1)(A).

120. The Plaintiff, Trenton John Tompkins, is a qualified individual with a disability.

121. The Jail knew that Mr. Tompkins was a qualified individual with a disability entitled to protections under the Rehabilitation Act.

122. The extent of Mr. Tompkins's psychiatric disabilities would have made it obvious to any reasonable person that Mr. Tompkins required reasonable accommodations.

123. Examples of such reasonable accommodations for Plaintiff's psychiatric disabilities include the following:

- (a) Provision of training to Jail staff on recognizing when a person's behavior is a manifestation of their psychiatric disability;
- (b) Provision of training on interacting with people who have psychiatric disabilities so as to de-escalate situations;
- (c) Provision of training on the contraindications of use of force on individuals with psychiatric disabilities; and
- (d) Enacting policies mandating the intervention of mental health staff before the use of any force or discipline on individuals with psychiatric disabilities.

124. As stated above, the Jail's administrators knew that their corrections officers were not adequately trained to deal with mentally disabled detainees.

125. The Jail's administrators also knew that, without adequate training, the Jail's corrections officers were substantially likely to violate detainees' federally protected rights.

126. Nevertheless, the Jail's administrators failed to take action to prevent that likelihood.

127. The Jail's administrators were therefore deliberately indifferent to Mr. Tompkins's federally protected rights.

128. As a result of the administrators' failure to adequately train the Jail's corrections officers, the Jail's corrections officers subjected Mr. Tompkins to unreasonable physical force.

129. The Jail's corrections officers used force against Mr. Tompkins solely because of his disability.

WHEREFORE, Plaintiff requests judgment in his favor, as well as compensatory damages, punitive damages, and any other relief that the Court deems just.

COUNT V: DELIBERATE INDIFFERENCE TO INHUMANE CONDITIONS OF CONFINEMENT

Trenton Tompkins v. Mercer County Jail and Erna Craig

130. Plaintiff incorporates all previous paragraphs of this Fifth Amended Complaint as if fully stated here.

131. Mercer County Jail has a custom, policy, or practice of keeping the lights on in detainees' cells during all hours of the night.

132. This custom, policy, or practice gravely affected Mr. Tompkins's sleep—and his overall mental health—during his confinement at the Mercer County Jail.

133. Sleep is a basic human need.

134. On information and belief, Defendant Craig knew of this custom, policy, or practice and had final decision-making authority over it.

135. Defendant Craig either actively approved of, or passively acquiesced to, this custom, policy, or practice.

136. There is no legitimate penological justification for requiring detainees to live in constant illumination.

137. Requiring Mr. Tompkins to live in constant illumination, unrelated to a legitimate government objective, constitutes pretrial punishment in violation of the Fourteenth Amendment's Due Process Clause.

138. Requiring detainees to live in constant illumination, unrelated to a legitimate government objective, is reckless, malicious, and wanton.

WHEREFORE, Plaintiff requests judgment in his favor, as well as compensatory damages, punitive damages, and any other relief that the Court deems just.

**COUNT VI: UNCONSTITUTIONAL PRETRIAL PUNISHMENT WITHOUT DUE
PROCESS OF LAW**

Trenton Tompkins v. Joseph Reichard

139. Plaintiff incorporates all previous paragraphs of this Fifth Amended Complaint as if fully stated here.

140. The Fourteenth Amendment's Due Process Clause applies to misconduct hearings that occur during pretrial detention.

141. Sentencing a pretrial detainee to solitary confinement without providing him notice of a hearing violates the Fourteenth Amendment's Due Process Clause.

142. Defendant Reichard presided over misconduct hearings while Mr. Tompkins was housed at Mercer County Jail.

143. Mr. Tompkins has no recollection of ever being notified of misconduct hearings or having any opportunity to defend himself.

144. As a result of Mr. Tompkins's misconduct citations, Mr. Tompkins was placed in solitary confinement.

145. Solitary confinement has well-documented, adverse effects on detainees—especially those with mental illnesses.

146. Solitary confinement exacerbated Mr. Tompkins's mental health struggles.

147. Placing Mr. Tompkins in solitary confinement without providing him notice of a hearing was wanton and malicious, and it manifests a reckless disregard for Mr. Tompkins's federally protected rights.

WHEREFORE, Plaintiff requests judgment in his favor, as well as compensatory damages, punitive damages, and any other relief that the Court deems just.

COUNT VII: BATTERY

Trenton Tompkins v. Kenneth Rodgers, C.O. Sherman, C.O. Peters, C.O. Cochran, C.O. Vasconni, C.O. Gioan, and C.O. John Doe

148. Plaintiff incorporates all previous paragraphs of this Fifth Amended Complaint as if fully stated here.

149. As described above, Defendants Rodgers, Sherman, Peters, Cochran, Vasconni, Gioan, and Doe intentionally subjected Mr. Tompkins to harmful or offensive bodily contacts without adequate justification.

150. Defendants' conduct was wanton, malicious, and carried out with reckless disregard for Mr. Tompkins's rights.

151. As a result of Defendants' attacks, Mr. Tompkins suffered serious physical injuries and continues to suffer the following emotional harm:

- (a) Post-traumatic stress disorder;
- (b) Depression;
- (c) Social withdrawal;
- (d) Disruption of the ability to enjoy life's pleasures;
- (e) Destruction of his sense of safety and wellbeing;
- (f) Nightmares, which occur nearly every night; and
- (g) Waking flashbacks of the attacks.

WHEREFORE, Plaintiff requests judgment in his favor, as well as compensatory damages, punitive damages, and any other relief that the Court deems just.

COUNT VIII: ASSAULT

Trenton Tompkins v. Kenneth Rodgers, C.O. Sherman, C.O. Peters, C.O. Cochran, C.O. Vasconni, C.O. Gioan, and C.O. John Doe

152. Plaintiff incorporates all previous paragraphs of this Fifth Amended Complaint as if fully stated here.

153. As described above, Defendants Rodgers, Sherman, Peters, Cochran, Vasconni, Gioan, and Doe intentionally subjected Mr. Tompkins to the imminent apprehension of harmful or offensive bodily contacts without adequate justification.

154. Defendants' conduct was wanton, malicious, and carried out with reckless disregard for Mr. Tompkins's rights.

155. As a result of Defendants' conduct, Mr. Tompkins suffered serious physical injuries and continues to suffer the following emotional harm:

- (a) Post-traumatic stress disorder;
- (b) Depression;
- (c) Social withdrawal;
- (d) Disruption of the ability to enjoy life's pleasures;
- (e) Destruction of his sense of safety and wellbeing;
- (f) Nightmares, which occur nearly every night; and
- (g) Waking flashbacks of the attacks.

WHEREFORE, Plaintiff requests judgment in his favor, as well as compensatory damages, punitive damages, and any other relief that the Court deems just.

JURY TRIAL DEMANDED

Respectfully submitted,

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