

IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT,
IN AND FOR DUVAL COUNTY, FLORIDA

CASE NO.:
DIVISION:

16-2011-CA-004903

-XXXX-

KERRIE MERRIFIELD, as Personal
Representative of the Estate of
WILLIAM MERRIFIELD, deceased,
and DONNA MERRIFIELD, widow of deceased,

DIVISION CV-H

Plaintiffs,

vs.

CITY OF JACKSONVILLE, a Florida
Municipal Corporation,

Defendant.

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COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW, the Plaintiff, KERRIE MERRIFIELD, as Personal Representative of the Estate of WILLIAM MERRIFIELD, deceased, and DONNA MERRIFIELD, widow of the decedent, by and through her undersigned counsel, and files this Wrongful Death Complaint against the Defendant, CITY OF JACKSONVILLE (hereinafter referred to as "COJ"), a Florida Municipal Corporation, and states as follows:

1. This is an action for damages in excess of \$15,000.00 pursuant to Florida's Wrongful Death Act, §768.16-768.26, Fla. Stat.
2. Plaintiff, KERRIE MERRIFIELD, is the duly appointed personal representative of the Estate of WILLIAM MERRIFIELD, Case Number: 2009ES0700699, Beaufort County, South Carolina.
3. All actions of the Defendants which give rise to this complaint occurred in Duval County, Florida.
4. On July 5, 2009, WILLIAM MERRIFIELD, died at Shands Hospital, Jacksonville, Florida.

5. Plaintiff KERRIE MERRIFIELD, as Personal Representative of the Estate of WILLIAM MERRIFIELD, is a resident of the State of California.
6. At all times material hereto, Plaintiff DONNA MERRIFIELD was the lawful wedded spouse of WILLIAM MERRIFIELD.
7. Defendant COJ is a Florida Municipal Corporation with control over JACKSONVILLE SHERIFF'S OFFICE (hereinafter referred to as "JSO").
8. JSO is an agency of the COJ, Florida and is subject to the control, supervision and policies of the COJ pursuant to the laws of the State of Florida.
9. All conditions precedent to the filing of this action have been performed, including notice to Defendant as required under Fla. Stat. §768.28 (2011).
10. The potential beneficiaries of this claim for wrongful death, including the decedent's estate, their relationship to the decedent, and the damages which may be awarded pursuant to Fla. Stat. §768.21 are identified as follows:
 - a. The claim made on behalf of the estate of WILLIAM MERRIFIELD includes medical and funeral expenses due to decedent's death which have become a charge against the estate or which were paid by or on behalf of the decedent and includes the decedent's pain and suffering and the loss of the potential net accumulations of the estate which might reasonably have been expected but for decedent's wrongful death, along with any other economic damages recognized under Florida law, reduced to present money value.
 - b. DONNA MERRIFIELD, is the surviving spouse of the decedent, and may recover damages for the loss of her husband's companionship, instruction and guidance from the date of the accident; her mental pain and suffering from the

date of the accident and for the future loss of support and services which she may have received from her husband, reduced to present value.

c. Plaintiff KERRIE MERRIFIELD is the natural daughter of decedent WILLIAM MERRIFIELD.

11. WILLIAM MERRIFIELD was arrested by JSO on June 11, 2009 for operating a vehicle with a suspended driver license.
12. After his arrest, WILLIAM MERRIFIELD was transported to the JSO Detention Facility for booking and incarceration prior to a preliminary hearing.
13. While incarcerated, WILLIAM MERRIFIELD informed JSO officials that he was diabetic and insulin dependent.
14. On June 24, 2009, WILLIAM MERRIFIELD was transported to the Duval County Courthouse for arraignment at or about 7:14 A.M.
15. Defendant owed a special duty of care to the decedent while the decedent was in the Defendant's custody and control.
16. While at the Duval County courthouse, WILLIAM MERRIFIELD displayed symptoms of physical and mental impairment to JSO's officer(s).
17. While at the Duval County courthouse, WILLIAM MERRIFIELD went into diabetic shock.
18. Defendant breached this special duty of care by failing to provide adequate medical treatment and failed to timely call for emergency medical attention for WILLIAM MERRIFIELD.

COUNT I
FAILURE TO TRAIN AS TO DEFENDANT CITY OF JACKSONVILLE

Plaintiff readopts and realleges paragraphs 1 through 18 above as if fully set forth herein and further alleges:

19. Defendant JSO's officers were under a duty to provide reasonable protection for all citizens while performing their duties.
20. Defendant JSO owed a duty to properly train its officers to recognize abnormal behavior of citizens in their custody.
21. Defendant JSO's officers, while acting within the scope and course of their employment, breached their duties owed to Plaintiff by not noticing and acting in a prudent manner when WILLIAM MERRIFIELD was exhibiting abnormal behavior.
22. Decedent's injuries, resulting death, and the damages claimed herein, were the direct, proximate and foreseeable result of Defendant's negligence.

WHEREFORE, the Plaintiff, KERRI MERRIFIELD, as personal representative of the Estate of WILLIAM MERRIFIELD, and DONNA MERRIFIELD demands judgment for damages against Defendant, CITY OF JACKSONVILLE, together with costs, and further demands a trial by jury on all issues herein.

COUNT II
NEGLIGENT SUPERVISION AS TO DEFENDANT CITY OF JACKSONVILLE

Plaintiff readopts and realleges paragraphs 1 through 22 above as if fully set forth herein and further alleges:

23. It was known, or with the exercise of due diligence should have been known, to Defendant JSO's correction officers that WILLIAM MERRIFIELD required close supervision and medical attention prior to the incident in question.
24. Despite Defendant JSO's knowledge of WILLIAM MERRIFIELD'S need for close supervision, the supervisor(s) on the scene failed to take precautions to prevent the incident in question.

25. Defendant JSO's correction officers had a duty to provide protection for its citizens and properly supervise the activity of citizens in custody.
26. Defendant JSO's correction officers have a duty to use reasonable care to ensure the safety of citizens under their custody and control.
27. Defendant JSO's correction officers breached their duty owed to WILLIAM MERRIFIELD by failing to properly supervise WILLIAM MERRIFIELD, while under their custody and control.
28. As a direct and/or proximate result of JSO's correction officers' failure to supervise Plaintiff, the Plaintiff suffered bodily injury resulting in loss of life.

WHEREFORE, the Plaintiff, KERRIE MERRIFIELD, as personal representative of the Estate of WILLIAM MERRIFIELD and DONNA MERRIFIELD demands judgment for damages against Defendant, CITY OF JACKSONVILLE, together with costs, and further demands a trial by jury on all issues herein.

COUNT III
POLICIES, PATTERNS, AND PRACTICES AS TO CITY OF JACKSONVILLE

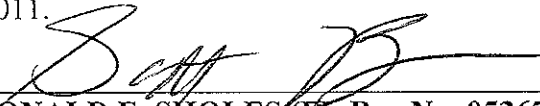
Plaintiff readopts and realleges paragraphs 1 through 28 above as if fully set forth herein and further alleges:

29. Upon information and belief, at all times material hereto, Defendant COJ permitted and/or tolerated a pattern and practice of unreasonable standards of supervision.
30. Upon information and belief, at all times material hereto, Defendant COJ maintained a system of review of staff unawareness which is ineffective and contributed to the incident in question.

31. Upon information and belief, at all times material hereto, Defendant COJ tolerated this pattern of staff unawareness and practice of unreasonable standards of supervision.
32. The acts, omissions, systemic flaws, policies, procedures, customs, and practices of Defendant COJ contributed to the foreseeable result of the officers' conduct in the incident in question.
33. As a direct and/or proximate result of Decedent's supervisory officers' failure to act, the Plaintiff suffered bodily injury resulting in loss of life.

WHEREFORE, the Plaintiff, KERRI MERRIFIELD, as personal representative of the Estate of WILLIAM MERRIFIELD and DONNA MERRIFIELD, demands judgment for damages against Defendant, CITY OF JACKSONVILLE, together with costs, and further demands a trial by jury on all issues herein.

Dated this 23 day of June, 2011.



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