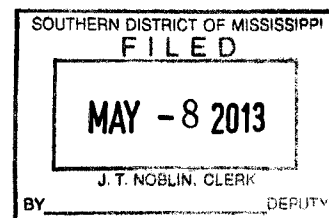


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION



HUGH CARITHERS, BRENDA CARITHERS,
AND JOEY CARITHERS AS WRONGFUL
DEATH BENEFICIARIES OF CATLIN
HUGH CARITHERS, DECEASED

PLAINTIFFS

v.

CIVIL ACTION NO. 5:13 CV 66 DCB-
MTP

CCA OF TENNESSEE, LLC, CORRECTIONS
CORPORATION OF AMERICA, CCA PROPERTIES
OF AMERICA, LLC, AND JOHN DOES 1-10

DEFENDANTS

COMPLAINT

(Jury Trial Demanded)

The Plaintiffs, through counsel, file this lawsuit against the Defendants and respectfully request this Court to enter an judgment in their favor for the relief requested herein. In support of this Complaint, the Plaintiffs submit the following:

PARTIES

1. Hugh Carithers is an adult resident citizen of Franklin County, Mississippi, and is the father of Catlin Hughes Carithers, Deceased.
2. Brenda Carithers is an adult resident citizen of Franklin County, Mississippi, and is the mother of Catlin Hughes Carithers, Deceased.
3. Joey Carithers is an adult resident citizen of Franklin County, Mississippi, and is the natural sibling of Catlin Hughes Carithers, Deceased.
4. CCA of Tennessee, LLC, is a foreign limited liability company registered to do business in Mississippi with it principal place of business in Nashville, Tennessee.
5. Corrections Corporation of America is a foreign company with its principal place of business in Nashville, Tennessee.

6. CCA Properties of America, LLC, is a foreign limited liability company registered to do business in Mississippi with its principal place of business in Nashville, Tennessee.

7. John Does 1-10 are unknown parties that may be joined as their identity is discovered.

JURISDICTION AND VENUE

8. This Court has jurisdiction exists in this action pursuant to 28 U.S.C. §1332 because diversity of citizenship exists among the parties and the amount in controversy exceeds the jurisdictional minimum.

9. Venue is proper in this Court pursuant to 28 U.S.C. §1391 because a substantial part of the events and omission giving rise to this lawsuit occurred in this Court's district.

FACTS

10. Catlin Hugh Carithers, Deceased ("Catlin") was employed by the Adams County Correctional Facility in Adams County, Mississippi, ("Facility") beginning in 2009. At the time of his death, Catlin was employed as a senior correction officer.

11. The Facility was owned, managed, and staffed by the Defendants.

12. The Defendants maintained a less than adequate staff at the Facility, was underequipped, and did not properly train its officers which all created a dangerous atmosphere for the correction officers.

13. The Defendants further created a dangerous atmosphere for the correction officers by depriving the inmates of basic needs and treating them inhumanely.

14. Prior to Catlin's death, the Defendants were informed by correction officers they employed and former correction officers that the facility was short staffed and underequipped,

and the inadequate staffing and treatment of the inmates created dangerous working conditions for correction officers working there.

15. The Defendants did not increase the staff at the Facility, modify the treatment of the inmates, or resolve the dangerous atmosphere experienced by the correction officers.

16. In May 2012, the inmates at the Facility began organizing a plan to submit a number of demands to the Facility Warden regarding conditions at the Facility.

17. On or about May 18, 2012, an inmate informant informed a Facility security officer that the inmates were "ready to fight" and around eight correctional officers were on "the hit list."

18. Catlin was included on this "hit list." The inmate informant warned the Facility security officer to take this information seriously.

19. On or about May 19, 2012, the inmate informant again informed the Facility security officer that the situation was more serious than first thought. Again, the inmate warned that certain correction officers were on a "black list" and any officer that disrespected an inmate would be punished.

20. On or about May 20, 2012, the Facility security officer communicated with the inmate informant and requested the names of the inmate representatives that were organizing the demands. The Facility security officer also requested a list of the names of all correction officers on the "hit list."

21. On the afternoon of May 20, 2012, a riot broke out at the Facility.

22. Catlin was not working on May 20, 2012, but was called in to work by the Facility security officer due to the riot.

23. The Facility security officer knew that Catlin was on the "hit list" when he called him into work the riot and knew the inmates intended on injuring, or punishing, the correction officers on the "hit list."

24. The Facility security officer did not tell Catlin he was on the "hit list" when he sent him into the Facility on the day of the riot.

25. Catlin entered the prison at the direction of the Defendants and proceeded to perform his duties as instructed.

26. The inmates killed Catlin on the afternoon of May 20, 2012.

27. The next day, May 21, 2012, after the riot, the Facility security officer thanked the inmate informant for helping end the riot. The facility administration also advised the inmate informant that he took the warning serious, but the Warden did not.

28. On or about May 25, 2012, the inmate informant corresponded with the Facility security officer regarding the riot. The inmate informant stated all the Facility administration should have listened to the inmates, but instead of doing so, the Facility administration closed the yard and sent the correction officers that were on the "hit list" to stop the riot. The inmate informant further asked why the Facility security officer put Catlin on the front line when the Facility administration knew he would be "eaten alive" by the inmates.

29. The Facility security officer responded by stating, "how do you think I feel [sic] that boy worked for me and I was the one who called him in on Sunday." He also responded that "I am sorry I wasn't there sooner to stop this awful situation but I was glad to be there to end this without any other blood shed [sic]."

BATTERY

30. The Defendants knew that Catlin was on the inmates "hit list" and the inmates would act violently toward Catlin.

31. The Defendants ordered Catlin to come to the Facility on his day off and enter the Facility where the violent inmates were located.

32. The Defendants intended to cause harmful or offensive contact to Catlin.

33. The Defendants were certain that harmful or offensive contact would occur to Catlin.

34. Catlin was killed by harmful or offensive contact.

35. The Plaintiffs suffered damages as result of the Defendants' actions.

ASSAULT

36. The Defendants knew that Catlin was on the inmates "hit list" and the inmates would act violently toward Catlin.

37. The Defendants ordered Catlin to come to the Facility on his day off and enter the Facility where the violent inmates were located.

38. The Defendants intended to cause an imminent apprehension of harmful or offensive contact to Catlin.

39. The Defendants were certain that an imminent apprehension of harmful or offensive contact would occur to Catlin.

40. Catlin did suffer an imminent apprehension of harmful or offensive contact.

41. The harmful or offensive contact did occur and Catlin was killed.

42. The Plaintiffs suffered damages as result of the Defendants' actions.

FRAUDULENT CONCEALMENT

43. The Defendants knew Catlin was on the inmates "hit list" and the inmates would act violently toward Catlin.

44. The Defendants had an obligation to inform Catlin he was on the inmates "hit list" and the inmates were going to act violently toward him.

45. The Defendants concealed the fact that Catlin was on the inmates "hit list" from Catlin.

46. The fact that Catlin was on the inmates "hit list" is material.

47. Catlin was prevented from discovering he was on the "hit list."

48. Catlin was killed as a result of the Defendants' actions.

DAMAGES

49. The Plaintiffs are entitled to damages in an amount to be determined by a jury for the following:

- a. past medical expenses;
- b. past pain and suffering;
- c. past emotional distress;
- d. funeral and related expenses;
- e. future lost income;
- f. future emotional distress;
- g. loss of consortium;
- h. attorney fees;
- i. punitive damages;
- j. prejudgment and post judgment interest; and

k. any other damages warranted under the circumstances.

WHEREFORE, THE ABOVE PREMISES CONSIDERED, the Plaintiffs request that a judgment be entered in their favor for damages, pre-judgment interest, post-judgment interest, and all costs of court.

Respectfully submitted,

HUGH CARITHERS, BRENDA CARITHERS
AND JOEY CARITHERS

By: 
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