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## Jury awards plaintiff \$1.2 million in lawsuit against Prison Health Services

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Brett Fields shook his head in disappointment today when he heard a jury determined his pain and suffering from being paralyzed after a delay in medical care at the Lee County Jail was worth \$100,000.

After a four-day trial, a federal jury deliberated a little more than 3 hours before finding in Fields' favor in the amount of \$1.2 million against Prison Health Services, the company contracted to provide health care for the sheriff's jail facilities. The jury found nursing supervisor Bettie Joyce Allen and physician's assistant Joseph Richards Jr., both of whom treated Fields at the jail, were not liable.

Fields, 28, shook his head in frustration as the dollar amounts were read aloud by U.S. District Judge John Steele. The jury awarded \$600,000 for lost earnings, medical bills and loss of future earnings, \$100,000 for pain and suffering and \$500,000 to punish the company for its conduct.

Fields' attorneys didn't ask jurors for a specific amount — they decided to allow the jury to decide, said Fields attorney Dion Cassatta of Fort Lauderdale. They didn't have a dollar amount in mind, Cassatta said.

"I'm a little surprised the pain and suffering was \$100,000," said Fields' other attorney, Greg Lauer of Fort Lauderdale. "The pain and suffering I've seen my client endure — it's beyond computation."

At issue during the trial, which started Tuesday, was whether the defendants violated his Constitutional rights when they didn't provide prompt care for his complaints of numbness and paralysis in July 2007. He was booked on July 7, 2007, on misdemeanor charges of criminal mischief, contempt of court and a probation violation and he was serving his sentence at the time of the diagnosis.

According to testimony and evidence, Fields came into the jail with a boil on his arm he believed was a spider bite. He was diagnosed with a staph infection and moved to an isolated area. Within weeks, Fields testified he began experiencing pain in his back he believed would go away.

After collapsing twice the morning of Aug. 8 because of weakness in his legs, Fields saw Richards and the physician's assistant diagnosed him with a muscle strain and prescribed Tylenol and a follow-up in a week.

Around 1:30 a.m. Aug. 9, nurse supervisor Bettie Joyce Allen saw Fields after he and other inmates screamed for help from his cell after he tried to use the bathroom, couldn't walk and said his "insides" were falling out. She diagnosed him with hemorrhoids, pushed them back in, moved him to an observation cell and put him on the list to see a doctor later that morning.

Fields saw Dr. Noel Dominguez at the jail around 10:30 a.m. and he sent Fields to the hospital. There, a neurosurgeon operated and discovered a methicillin-resistant Staphylococcus abscess on his spine, which caused permanent paralysis below the waist.

Fields has a wobbly gait and his legs below the knees are the width of a man's forearms. He is on

disability and can no longer work in construction.

"No, I don't have anything to say," Fields said as he left the courtroom around 6:15 p.m.

Gregg Toomey of Fort Myers, who defended the three parties, had no comment.

It's unclear if Toomey plans to appeal. Lauer said Fields will not be appealing.

## **6:33 p.m.**

A jury awarded \$1.2 million to Brett Fields today to be paid by Prison Health Services for violating his Constitutional rights.

The jury found no liability against the nurse and physicians assistant who treated him at the Lee County Jail in 2007.

At issue during the trial, which started Tuesday, was whether the company and two medical professionals, violated Fields' Constitutional rights when they didn't provide prompt care to his complaints of numbness and paralysis in July 2007 at the Lee County Jail.

Prison Health Services is contracted by the Lee County Sheriff's Office to provide health care to inmates.

## **2:33 p.m.**

Jurors in a federal civil trial against Prison Health Services and two of its employees began their deliberations at 2 p.m.

At issue during the trial, which started Tuesday, was whether the company and two medical professionals, violated Brett Fields' Constitutional rights when they didn't provide prompt care to his complaints of numbness and paralysis in July 2007 at the Lee County Jail. Prison Health Services is contracted by the Lee County Sheriff's Office to provide health care to inmates.

According to testimony and evidence, Fields saw physician's assistant Joseph Richards the morning of Aug. 8 and Richards diagnosed him with a muscle strain and prescribed Tylenol after Fields came to him in a wheelchair and complained of not being able to walk and back pain.

Around 1:30 a.m. Aug. 9, nurse supervisor Bettie Joyce Allen saw Fields after he screamed for help from his cell after trying to use the bathroom and saying his "insides" were falling out and that he couldn't walk.

She diagnosed him with hemorrhoids, pushed them back in, moved him to an observation cell and put him on the list to see a doctor later that morning.

Defense attorney Gregg Toomey told jurors during closing arguments this afternoon that the case isn't about negligence. He implored them to consider whether Allen, Richards and the company through its policies violated Fields' right to not suffer cruel and unusual punishment.

"'Should have' is negligence," he told jurors. "This is a whole other, different problem."

Fields attorney Greg Lauer argued that Allen testified the company told its employees to cut back on sending inmates to the hospital because of the cost. He argued that the fewer inmates they sent to the hospital, the happier the Sheriff's Office would be with their company, which often has to bid to keep the contract in place.

He said Allen and Richards ignored his pleas, which led to his paralysis. Fields did manual labor and

now has a wobbly gait. He testified he has no feeling from the knees down and those muscles will no longer grow.

"I want for Mr. Fields to have been heard," Lauer told jurors. "I'm asking you not to ignore him."

Check back with news-press.com later today for the verdict.

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