

ABC Entities 1-10 are entities, corporations, businesses or government entities employed by or agents of codefendants herein involved in the subject matter of this complaint.

3. Appropriate Tort Claim Notices, pursuant to Title 59, were served upon The State of New Jersey, Tort and Contract Unit, Department of the Treasury, Bureau of Risk Management as well as upon The New Jersey State Police.

4. On or about October 17, 2017, plaintiff, Cheryl Rhines resided at 291 8th Street, City of Jersey City, New Jersey. On October 17, 2017, at approximately 8:00 a.m., Cheryl Rhines, 48 years old, was on her way to work at BASF in Florham Park, New Jersey in business attire where she worked as a senior marketing executive.

5. She drove from her apartment in Jersey City along the NJ Turnpike extension. Several minutes after passing through the toll she was having early onset symptoms of a stroke and pulled over on Route 78 West at Milepost 56, Newark, Essex County, New Jersey.

6. Approximately 30 minutes later the NJ State Police arrived on the scene on Route 78 West at Milepost 56, Newark, Essex County, New Jersey. The vehicle was running and in drive and had hit the right guardrail of the roadway.

7. Due to the stroke Cheryl Rhines was not able to respond to commands using the right side of her body to put the vehicle in park or turn the vehicle off so the defendant trooper turned the vehicle off.

8. The police report indicated that she was unable to speak (with the exception of apparently answering yes to one question), had inaudible speech, she was unable to write to communicate and was unable to move in response to commands (for example, to put the vehicle in park or to retrieve her license from her bag on the front passenger seat, all right sided activities).

9. She was also noted to have facial drooping and in particular drooping eyelids and when the defendant trooper spoke with her, she had a gaze, confusion and was unable to respond to questions.

10. She attempted to exit the vehicle and was unable to appropriately control her body/motor functions.

11. The trooper placed her (and left her) on the car hood near the guardrail and she was unable to hold herself up properly.

12. Rather than calling and/or providing the necessary medical evaluation and treatment by EMS, the stroke victim was wrongfully arrested for being under the influence of an unknown narcotic, handcuffed and physically inappropriately handled and moved into the backseat of the police car. The hospital records confirm bruising to her forearm and arm, outside and inside and to her knee and shin, presumably from a combination of being handled by police and from falling to the pavement.

13. The plaintiff, Cheryl Rhines' vehicle and pocketbook were searched at the scene, while she continued to be deprived of medical evaluation, attention or treatment. Nothing was found in her vehicle.

14. There were no warrants, prior arrests or anything of that nature.

15. She was on her way to work at 8:00 a.m. in professional business attire with no outstanding warrants, no contraband in her pocketbook or vehicle, no smell or suspicion of alcohol.

16. The defendants inquired of the stroke victim whether she was having a diabetic incident and Ms. Rhines was unable to respond. Yet defendants who knew and/or should have known her need for medical evaluation, assessment, attention and treatment failed to call EMS and/or failed

to transport the victim to UMDNJ and/or failed to provide required medical evaluation, assessment, attention or treatment.

17. Despite the signs and symptoms set forth above and other signs and symptoms, defendants failed to call EMS and/or failed to transport the victim to UMDNJ and/or failed to provide required medical evaluation, assessment, attention or treatment.

18. Rather than being taken UMDNJ, a Level 1 trauma center and top rated “Gold Plus Achievement and Target: StrokeSM Honor- RollElite Plus” emergency stroke center, approximately 5 minutes away, she was arrested and driven out to the Somerville Trooper station, resulting in an additional delay of over 2 hours.

19. Defendants not only failed to provide required emergent medical evaluation, medical assessment, medical attention and medical treatment but defendants also, physically prohibited and physically restrained, handcuffed, arrested, detained and confined the stroke victim during a critical early period resulting in approximate two and one half (2 ½) hour delay in time critical brain saving emergent treatment.

20. In fact, Defendant, State of New Jersey has a public awareness campaign emphasizing the critical importance of recognizing and providing imminent emergent medical treatment for strokes. Defendants as emergent public servants and first responders should be fully cognizant and aware of these signs and symptoms.

21. Upon information and belief, defendants mocked and ridiculed the stroke victim, Cheryl Rhines, both on and off audio and video recording of the incident. Defendant’s further accused the stroke victim of “playing games” and “resisting” commands and “not being cooperative” to obey their physical orders.

22. During the ride to the Somerville Trooper Station, the trooper noted in the report that she had vomit on her face and shirt, which occurred during the ride to the Somerville Trooper Station.

23. Upon arrival at the trooper station she was unable to physically get out of the car and the trooper had to call for assistance to carry her out of the car. It is also noted that the defendants needed assistance in physically supporting Cheryl Rhines at the scene and sitting her into the police vehicle, yet still did not emergently call for EMS, medical evaluation, medical assessment or emergent medical care.

24. After lengthy delay as set forth above, at the police station someone realized that she was in need of immediate, emergent medical attention and called EMS.

25. Cheryl Rhines was taken by EMS to RWJ Medical Center Somerset. She had appropriate emergent work up for a stroke including a CT scan (confirming ischemic stroke), neurologic evaluation and administration of tPA.

26. The tPA successfully broke up the clot. Unfortunately, the additional approximate 2 ½ hour delay caused by defendants' conduct resulted in the death of significant brain function and permanent lifelong disability. The defendants failed to call for and/or provide emergent medical care while at the same time physical confining the stroke victim from obtaining medical care. Any ordinary human being observing Cheryl Rhines would immediately recognize and call for emergent medical care.

27. She was later transferred to Robert Wood Johnson New Brunswick (RWJNB) for continued treatment.

28. She was discharged from RWJNB on October 30, 2017 and transferred to JFK Johnson Rehabilitation Institute facility where she was discharged on December 1, 2017.

29. She has continued debilitating speech deficits, cognitive deficits and motor deficits, all of which are permanent.

30. She will not be able to return to work and will require a life care plan for home assistance and future medical care. She will require lifelong medical care and supervision.

31. Defendants owed and breached a duty to Plaintiff, Cheryl Rhines, who was handcuffed, arrested and in their custody and control, to provide emergent medical care, to call for emergent medical evaluation and assistance and otherwise exercise due and reasonable care to preserve her life, health and safety.

32. Defendants conduct was so outrageous in character and so extreme in degree as to go beyond all possible bounds of decency and is regarded as atrocious and utterly intolerable in a civilized community. Any ordinary human being observing Cheryl Rhines would have immediately recognized and called for emergent medical care.

33. Defendants training in first aid and/or as first responders requires the appropriate assessment, response and provision of urgent and emergent medical care to persons who have signs and symptoms such as Cheryl Rhines or who are suspected of having a stroke, brain injury and/or prescription or non-prescription drug interaction, intoxication or overdose or diabetic incident. Defendants knew the failure to provide the emergent assessment, response, evaluation and/or urgent and emergent medical treatment posed a high risk for more serious and life-threatening injuries and complications.

34. By way of example, Defendants knew or should have known, FAST to remember and recognize signs and symptoms of a stroke; F=Face drooping, A=Arm weakness, S=Speech difficulty, T=Time to call 911. (numbness or weakness in face, arm or leg especially on one side,

confusion or trouble understanding other people, difficulty speaking, trouble seeing with one or both eyes, problems walking or staying balance or coordinated, dizziness, severe headache).

35. Defendants breached their duty and failed to call EMS for emergent medical evaluation and provide Plaintiff, Cheryl Rhines, with emergent assessment response, medical care and medical evaluation in accordance with their training and Defendants' own policies, procedures and standards. By way of example, they failed under General Order #1 "to give first aid to the injured and if necessary, call a doctor".

36. As a direct and proximate result of Defendants' negligence, Cheryl Rhines has suffered and will continue to suffer severe and permanent injuries, has been and will continue to endure extreme pain, suffering, emotional distress and mental anguish, has and will continue to suffer the loss of enjoyment of life, economic damages and has sustained other damages including lifelong medical care.

WHEREFORE, plaintiff demands judgment against all defendants jointly and severally, for past and future medical care and expenses, compensatory damages with interest; punitive damages; attorney's fees, costs of suit and for such other and further relief as allowable by law and as the Court deems just and appropriate.

SECOND COUNT

NEGLIGENCE

1. Plaintiff repeats and realleges each and every allegation hereto pled as though fully set forth herein at length.

2. The Defendants owed a duty of care to Cheryl Rhines to perform their police duties in a safe and reasonable manner, including but not limited to their use of force and to provide

appropriate and emergent medical evaluation, assessment and treatment to Cheryl Rhines as a person in their custody and/or control.

3. Defendants further owed a duty of care to Cheryl Rhines to act in a reasonable manner to protect and preserve her life, health and safety.

4. Defendants further owed a duty of care to follow and abide by their own rules, regulations, guidelines and proper police procedures relating to public service, investigation, accidents, provision of medical aid, evaluation and care and to provide appropriate and emergent medical evaluation, assessment and treatment to Cheryl Rhines as a person in their custody and/or control.

5. Defendants knew that Cheryl Rhines had debilitating signs and symptoms which constituted a serious and life-threatening medical condition necessitating appropriate emergent medical care, including but not limited to providing emergent medical evaluation, assessment and treatment, transporting Cheryl Rhines to UMDNJ, the nearest trauma center, approximately five (5) minutes away, calling EMS to evaluate, assess and provide emergent medical care to Cheryl Rhines.

6. Defendants breached their duty of care to Cheryl Rhines and were negligent, and/or acted with wanton, reckless, malicious and gross disregard by way of example in that they disregarded Cheryl Rhines' signs and symptoms, failed to provide emergent medical evaluation, assessment and treatment, failed to transport Cheryl Rhines to UMDNJ, the nearest trauma center, approximately five (5) minutes away, failed to call EMS to evaluate, assess and provide emergent medical care to Cheryl Rhines.

7. Defendants are liable for the wrongful acts of their employees and agents that occur within the scope of their employment and are vicariously liable for the aforesaid acts of negligence by the Defendants.

8. As a direct and proximate result of the aforementioned negligence, Cheryl Rhines will require lifelong medical care and supervision, has suffered and will continue to suffer severe and permanent injuries, has been and will continue to endure extreme pain suffering, emotional distress and mental anguish, has and will continue to suffer the loss of enjoyment of life, and has sustained other damages including lifelong medical care.

WHEREFORE, plaintiff demands judgment against all defendants jointly and severally, for past and future medical care and expenses, compensatory damages with interest; punitive damages; attorney's fees, costs of suit and for such other and further relief as allowable by law and as the Court deems just and appropriate.

THIRD COUNT

NEGLIGENCE FOR FAILURE TO PROPERLY TRAIN, SUPERVISE AND PROMULGATE POLICIES

1. Plaintiff repeats and realleges each and every allegation hereto pled as though fully set forth herein at length.

2. At all relevant times herein all defendants were under a duty to act reasonably in the performance of their duties including but not limited to (1) implementing, following and maintaining proper protocol, procedures, policies, rules, regulations and guidelines with respect to the duties of all police officers, law enforcement and other personnel acting on their behalf; and (2) proper hiring, training, retention, supervision and discipline of all police, law enforcement and other personnel acting on its behalf.

3. Defendants were negligent and/or acted with wanton, gross and willful disregard for their duties, in their failure to properly screen, hire, retain, train and supervise all defendants so as to (1) prevent the arrest, detention and corresponding use of force and/or coercion against a person in

need of medical attention including a stroke victim; (2) prevent causing serious medical complication and injuries to Cheryl Rhines; (3) provide appropriate emergent medical evaluation, assessment and treatment; (4) provide and/or call for emergent EMS medical evaluation, assessment and treatment; and (5) emergently bring Ms. Rhines to UMDNJ, a level I trauma center and highest rated stroke treatment center approximately 5 minutes away.

4. Defendants were negligent, and/or acted with wanton, gross and willful disregard for their duties, in their failure to properly implement, follow and maintain proper protocol, procedures, policies, rules, regulations and guidelines so as to (1) prevent the arrest, detention and corresponding use of force and/or coercion against a person in need of medical attention including a stroke victim; (2) prevent causing serious medical complication and injuries to Cheryl Rhines; (3) provide appropriate emergent medical evaluation, assessment and treatment; (4) provide and/or call for emergent EMS medical evaluation, assessment and treatment; and (5) Emergently bring Ms. Rhines to UMDNJ, a level I trauma center and highest rated stroke treatment center approximately five (5) minutes away.

5. As a direct and proximate result of the aforementioned negligence Cheryl Rhines has suffered and will continue to suffer severe and permanent injuries, has been and will continue to endure extreme pain, suffering, emotional distress and mental anguish, has and will continue to suffer the loss of enjoyment of life, and has sustained other injuries including lifelong medical care.

WHEREFORE, plaintiff demands judgment against all defendants jointly and severally, for past and future medical care and expenses, compensatory damages with interest; punitive damages; attorney's fees, costs of suit and for such other and further relief as allowable by law and as the Court deems just and appropriate.

FOURTH COUNT

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

1. Plaintiff repeats and realleges each and every allegation hereto pled as though fully set forth herein at length.
2. Defendant acted intentionally and recklessly when in the face of signs and symptoms of serious and life-threatening medical condition they failed to provide or call for emergent medical evaluation, assessment and treatment.
3. Upon information and belief, defendants mocked and ridiculed the stroke victim, Cheryl Rhines, both on and off audio and video recording of the incident. Defendant's further accused the stroke victim of "playing games" and "resisting" commands and "not being cooperative" by defendants to obey their physical orders.
4. Defendants conduct was so outrageous in character and so extreme in degree as to go beyond all possible bounds of decency and is regarded as atrocious and utterly intolerable in a civilized community. Any ordinary human being observing Cheryl Rhines would immediately recognize and call for emergent medical care.
5. By virtue of the aforementioned actions, defendants intended to cause Cheryl Rhines severe emotional distress.
6. As a direct and proximate result of the aforementioned wrongful conduct, Cheryl Rhines suffered and will continue to suffer severe and permanent injuries, has been and will continue to endure extreme pain, suffering, emotional distress and mental anguish, has and will continue to suffer the loss of enjoyment of life, economic damages as well as deprivation of her rights and lifelong medical care.

WHEREFORE, plaintiff demands judgment against all defendants jointly and severally, for past and future medical care and expenses, compensatory damages with interest; punitive damages; attorney's fees, costs of suit and for such other and further relief as allowable by law and as the Court deems just and appropriate.

FIFTH COUNT

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

1. Plaintiff repeats and realleges each and every allegation hereto pled as though fully set forth herein at length.
2. Defendants owed a duty to use reasonable care to preserve Cheryl Rhines' life, health and safety and to avoid acts which present the foreseeable risk of harm, including emotional distress.
3. Defendants breach their aforementioned duty of care by in the face of signs and symptoms of a serious and life-threatening medical condition they failed to provide or call for emergent medical evaluation and care in disregard of Cheryl Rhines' life, health and safety.
4. The aforementioned breach of duty of care was done negligently.
5. It was foreseeable that, as a result of defendants' negligent breach of this duty, the plaintiff would suffer severe emotional distress.
6. As a direct and proximate result of the aforementioned wrongful conduct, Cheryl Rhines suffered and will continue to suffer severe and permanent injuries, has been and will continue to endure extreme pain, suffering, emotional distress and mental anguish, has and will continue to suffer the loss of enjoyment of life, economic damages as well as deprivation of her rights and lifelong medical care.

WHEREFORE, plaintiff demands judgment against all defendants jointly and severally, for past and future medical care and expenses, compensatory damages with interest; punitive damages; attorney's fees, costs of suit and for such other and further relief as allowable by law and as the Court deems just and appropriate.

SIXTH COUNT

VICARIOUS LIABILITY UNDER RESPONDEAT SUPERIOR

1. Plaintiff repeats and realleges each and every allegation hereto pled as though fully set forth herein at length.
2. Defendants aforesaid actions and/or omissions with regard to Cheryl Rhines were done while they were acting within the scope and scope of their employment, agency and/or apparent agency relationship with defendants State of New Jersey and New Jersey State Police and/or other entities.
3. As such, defendants, State of New Jersey and New Jersey State police are vicariously liable under respondeat superior.
4. As a direct and proximate result of the aforementioned negligence, Cheryl Rhines suffered and will continue to suffer severe and permanent injuries, has been and will continue to endure extreme pain, suffering, emotional distress and mental anguish, has and will continue to suffer the loss of enjoyment of life and economic damages and lifelong medical care.

WHEREFORE, plaintiff demands judgment against all defendants jointly and severally, for past and future medical care and expenses, compensatory damages with interest; punitive damages; attorney's fees, costs of suit and for such other and further relief as allowable by law and as the Court deems just and appropriate.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury as to all issues involved herein.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R.4:25-4, DENNIS M. DONNELLY, has been designated as trial counsel in the above matter.

DEMAND FOR INTERROGATORIES

Plaintiff demands that defendants answer Form C Interrogatories.

DEMAND FOR DOCUMENTS

Plaintiff hereby requests that defendants immediately produce ALL audio recordings, video recordings and investigative documents. This includes ALL dash cameras, ALL body cameras, ALL video at the NJ State Police Trooper Station, ALL audio transmissions of communications between and among ALL personnel involved including troopers, EMS and supervisory personnel. ALL video and audio shall be produced in unredacted form.

CERTIFICATION

I hereby certify that this matter is not the subject of any other action pending in any Court or a pending Arbitration proceeding, nor is any other action or Arbitration proceeding contemplated. All parties known to plaintiffs at this time who should have been joined in this action, have been joined.

THE DONNELLY LAW FIRM
Attorneys for Plaintiff

A handwritten signature in cursive script, appearing to read "Dennis M. Donnelly".

By: _____
DENNIS M. DONNELLY

DATED: May 30, 2019