

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA**

PAULETTE TENNISON, as Administrator of the	)	
Estate of JOHN SCOTT JR., deceased,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Case No.
CITY OF DECATUR, ALABAMA,	)	
ELI CARNES, JONATHAN ESPINO,	)	
LANDON WALLACE, KEITH RUTHERFORD,	)	
OFFICER PEDRO & MIKE BURLESON,	)	
MORGAN COUNTY SHERIFF'S OFFICE,	)	
MARTHA HUDSON-PEPPER, SUSAN GOOCH,	)	
BRIAN HANDCOCK, LEVI DENNEY,	)	
JESSE HILLS, SABRINA BROWN,	)	
GEORGE SALES, MR. KIKUT,	)	
DONALD WHITT, JESSE GARCIA,	)	
CITY OF PRICEVILLE, ALABAMA &	)	
GARRY CHAPMAN,	)	
	)	
Defendants.	)	

**COMPLAINT**

Now comes Plaintiff, PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, by and through her attorneys, Douglas Fees of The Cochran Firm, Lee Merritt, and Cannon D. Lambert, Sr. of Karchmar & Lambert, P.C. and complains as follows of Defendants City of Decatur Alabama, Eli Carnes, Jonathan Espino, Landon Wallace, Keith Rutherford, Officer Pedro, Mike Burleson, Morgan County Sheriff's Office, Martha Hudson-Pepper, Susan Gooch, Brian Handcock, Levi Denney, Jesse Hills, Sabrina Brown, George Sales, Mr. Kikut, Donald Whitt, Jesse Garcia, City of Priceville Alabama and Garry Chapman, by alleging the following:

## **PARTIES**

1. Plaintiff PAULETTE TENNISON is a citizen of the United States and a resident of Morgan County, Decatur, Alabama and is the mother and duly-appointed Administrator of the Estate of JOHN SCOTT JR., Deceased.
2. Defendant, CITY OF DECATUR, ALABAMA, is a municipal corporation organized and existing under the laws of the State of Alabama, with its principal place of business in the CITY OF DECATUR, ALABAMA, County of Morgan, State of Alabama.
3. Upon information and belief, Defendants ELI CARNES, JONATHAN ESPINO, LANDON WALLACE, KEITH RUTHERFORD, OFFICER PEDRO & MIKE BURLESON are citizens of the United States and are police officers employed by Defendant, CITY OF DECATUR, ALABAMA. At all times relevant, Defendants ELI CARNES, JONATHAN ESPINO, LANDON WALLACE, KEITH RUTHERFORD, OFFICER PEDRO & MIKE BURLESON were agents, servants, and/or employees of Defendant, CITY OF DECATUR, ALABAMA, acting within the scope of said agency, service, and/or employment. Defendants ELI CARNES, JONATHAN ESPINO, LANDON WALLACE, KEITH RUTHERFORD, OFFICER PEDRO & MIKE BURLESON are sued in their official and individual capacities.
4. The Defendant, MORGAN COUNTY SHERIFF'S OFFICE, is a municipal corporation organized and existing under the laws of the State of Alabama, with its principal place of business in the CITY OF DECATUR, ALABAMA, County of Morgan, State of Alabama.
5. Upon information and belief, Defendants MARTHA HUDSON-PEPPER, SUSAN GOOCH, BRIAN HANDCOCK, LEVI DENNEY, JESSE HILLS, SABRINA BROWN, GEORGE SALES, MR. KIKUT, DONALD WHITT, AND JESSE GARCIA, are citizens of the United States and are law enforcement officers employed by Defendant MORGAN COUNTY

SHERIFF'S OFFICE. Further, at all times relevant, Defendants MARTHA HUDSON-PEPPER, SUSAN GOOCH, BRIAN HANDCOCK, LEVI DENNEY, JESSE HILLS, SABRINA BROWN, GEORGE SALES, MR. KIKUT, DONALD WHITT, AND JESSE GARCIA were agents, servants, and/or employees of Defendant MORGAN COUNTY SHERIFF'S OFFICE acting within the scope of said agency, service, and/or employment. Defendants MARTHA HUDSON-PEPPER, SUSAN GOOCH, BRIAN HANDCOCK, LEVI DENNEY, JESSE HILLS, SABRINA BROWN, GEORGE SALES, MR. KIKUT, DONALD WHITT, AND JESSE GARCIA are each sued in their official and individual capacities.

6. Defendant, CITY OF PRICEVILLE, ALABAMA, is a municipal corporation organized and existing under the laws of the State of Alabama, with its principal place of business in the CITY OF PRICEVILLE, ALABAMA, County of Morgan, State of Alabama.

7. Upon information and belief, Defendant GARRY CHAPMAN is a citizen of the United States and is a police officer employed by Defendant, CITY OF PRICEVILLE, ALABAMA. At all times relevant, Defendant GARRY CHAPMAN was an agent, servant, and/or employee of Defendant, CITY OF PRICEVILLE, ALABAMA acting within the scope of said agency, service, and/or employment. Defendant GARRY CHAPMAN is sued in her/his official and individual capacities.

#### **JURISDICTION AND VENUE**

8. This action is brought pursuant to 42 U.S.C. § 1983, the Fourth and Fourteenth Amendments to the United States Constitution, and Alabama state law. This Court has jurisdiction over Plaintiff's federal claims pursuant to 28 U.S.C. § 1331 and 1343. This Court has supplemental jurisdiction over Plaintiffs' state law claims pursuant to 28 U.S.C. § 1367.

9. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, in that a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in this District.

**FACTS COMMON TO ALL COUNTS**

10. On April 15, 2025, and at all times relevant, the Decedent, JOHN SCOTT JR., was a 39 year old father of five who was visiting his mother at 1602 Brookridge Drive SouthWest, City of Decatur, County of Morgan, State of Alabama.

11. On April 15, 2025, and at all times relevant, the Decedent, JOHN SCOTT JR., was a taxpaying citizen of the City of Decatur, County of Morgan, State of Alabama, who was active in his community.

12. The evening of April 15, 2025, and at all times relevant, Decedent, JOHN SCOTT JR., was at and around 1602 Brookridge Drive SouthWest, Decatur Alabama when a call to law enforcement was placed out of concern for JOHN SCOTT JR.'s safety and well-being in that he was in the throes of a mental health crisis.

13. On April 15, 2025, at all relevant times, Decatur police arrived at and near 1602 Brookridge Drive SouthWest, Decatur, Alabama, and engaged in conversation with Decedent, JOHN SCOTT JR.

14. On April 15, 2025, at all times relevant, it is believed that Priceville police arrived at and near 1602 Brookridge Drive SouthWest, Decatur, Alabama, and engaged in conversation with Decedent, JOHN SCOTT JR.

15. On April 15, 2025, throughout when Defendant Decatur and Priceville police engaged in conversation with Decedent, JOHN SCOTT JR., it was readily apparent and Mr. SCOTT JR., was-in-fact sweating in a profuse and uncontrollable manner.

16. At all relevant times on April 15, 2025, Defendant Decatur police knew or should have known that Decedent, JOHN SCOTT JR., was experiencing a mental health episode.

17. At all relevant times on April 15, 2025, Defendant Priceville police knew or should have known that Decedent, JOHN SCOTT JR., was experiencing a mental health episode.

18. At all relevant times on April 15, 2025, and beyond, it was easily observable that Decedent, JOHN SCOTT JR., appeared to be in a confused mental state.

19. On the above date and time, when law enforcement arrived on the scene of 1602 Brookridge Drive SouthWest, Decatur, Alabama, Decedent, JOHN SCOTT JR., greeted them cordially and sought to shake the hands of the officers present.

20. During their exchange with Decedent, JOHN SCOTT JR., on April 15, 2025, Decatur Police officers began trying to coax Mr. SCOTT JR., into an ambulance.

21. During their exchange with Decedent, JOHN SCOTT JR., on April 15, 2025, GARRY CHAPMAN began trying to coax Mr. SCOTT JR., into an ambulance.

22. During his exchange with law enforcement on April 15, 2025, Decedent, JOHN SCOTT JR., continuously apologized to police saying, "I'm sorry...I'm Sorry ....I'm Sorry".

23. During his exchange with law enforcement on April 15, 2025, Decedent, JOHN SCOTT JR., shared with law enforcement that he was afraid to get into an ambulance because he "might get hurt".

24. During his exchange with law enforcement on April 15, 2025, Decedent, JOHN SCOTT JR., shared with law enforcement that he was trying to get situated prior to getting into the ambulance.

25. At no time on April 15, 2025, did Decedent, JOHN SCOTT JR., ever tell law enforcement that he would not get in an ambulance for transport.

26. That on April 15, 2025, at all times prior to grabbing Decedent, JOHN SCOTT JR., Defendant Decatur police officers knew that the appropriate course of conduct was to take Mr. SCOTT JR. to get mental health care.

27. That on April 15, 2025, at all times prior to grabbing Decedent, JOHN SCOTT JR., Defendant GARRY CHAPMAN knew that the appropriate course of conduct was to take Mr. SCOTT JR., to get mental health care.

28. That at some point prior to grabbing Decedent, JOHN SCOTT JR., Defendant Decatur police became frustrated and upset to the point where, despite understanding that Decedent, JOHN SCOTT JR., posed no threat to anyone and merely needed verbal cajoling, officers used unnecessary, excessive and unreasonable force to man-handle and brutalize Decedent, JOHN SCOTT JR.

29. On information and belief, Defendant Priceville police, prior to grabbing Decedent, JOHN SCOTT JR., became frustrated and upset to the point where despite understanding that Decedent, JOHN SCOTT JR., posed no threat to anyone and merely needed verbal cajoling, officers used unnecessary, excessive and unreasonable force to man-handle and brutalize Decedent, JOHN SCOTT JR.

30. Both before and after hand-cuffing Decedent, JOHN SCOTT JR., and placing him in ankle irons, Defendant Decatur police officers kicked, punched, tazed, battered, hooded and bludgeoned Mr. SCOTT JR., causing him great pain, anguish, suffering, injury and ultimately death.

31. Both before and after hand-cuffing Decedent, JOHN SCOTT JR., and placing him in ankle irons, Defendant GARRY CHAPMAN kicked, punched, tazed, battered, hooded and bludgeoned Mr. SCOTT JR., causing him great pain, anguish, suffering, injury and ultimately death.

32. On information and belief, the Decatur Police Department had mental health specialists on staff whose responsibility was to respond to mental health episodes in a manner so as to avoid violent outcomes.

33. On information and belief, the Decatur Police Department has mental health specialists on staff who are responsible for preventing violent police responses and encounters relative to mental health crisis.

34. On information and belief, the Priceville Police Department had mental health specialists on staff whose responsibility was to respond to mental health episodes in a manner so as to avoid violent outcomes.

35. On information and belief, the Priceville Police Department has mental health specialists on staff who are responsible for preventing violent police responses and encounters relative to mental health crisis.

36. At no time on April 15, 2025, did the Decatur Alabama Police Department enlist, deploy and/or utilize any of its mental health personnel to address Decedent, JOHN SCOTT JR.'s mental health episode.

37. At no time on April 15, 2025, did the Priceville Alabama Police Department enlist, deploy and/or utilize any of its mental health personnel to address Decedent, JOHN SCOTT JR.'s mental health episode.

38. On April 15, 2025, Defendant Decatur Alabama police officers, deliberately engaged in violent, hostile and brutal conduct designed to inflict serious harm to Decedent, JOHN SCOTT JR.

39. On April 15, 2025, Defendant Priceville Alabama police officers deliberately engaged in violent, hostile and brutal conduct designed to inflict serious harm to Decedent, JOHN SCOTT JR.

40. On April 15, 2025, Defendant Decatur Alabama police officers kicked, punch, beat, battered, hooded, tased and bludgeoned Decedent, JOHN SCOTT JR., with deliberate indifference to the substantial risk that Mr. SCOTT JR., would sustain serious bodily injury and death.

41. On April 15, 2025, Defendant Priceville Alabama police officers kicked, punched, beat, battered, hooded, tased and bludgeoned Decedent, JOHN SCOTT JR., with deliberate indifference to the substantial risk that Mr. SCOTT JR., would sustain serious bodily injury and death.

42. On April 15, 2025, Defendant Decatur Alabama police officers deprived Decedent, JOHN SCOTT JR., of a minimal civilized measure of life's necessities in the manner and way that they handcuffed, leg shackled, kicked, punched, beat, battered, hooded, tased and bludgeoned Decedent, JOHN SCOTT JR., thereby causing him injury and death.

43. On April 15, 2025, Defendant Priceville Alabama police officers deprived Decedent, JOHN SCOTT JR., of a minimal civilized measure of life's necessities in the manner and way that they handcuffed, leg shackled, kicked, punched, beat, battered, hooded, tased and bludgeoned Decedent, JOHN SCOTT JR., thereby causing him injury and death.

44. On April 15, 2025, as Defendant Decatur Alabama police officers hit, punched, kicked, beat, battered, hooded and bludgeoned Decedent, JOHN SCOTT JR., said officers were consciously aware that their conduct placed Decedent, JOHN SCOTT JR., at substantial risk of

harm, injury, danger and death, yet despite the same, said officers disregarded that risk ultimately causing Decedent, JOHN SCOTT JR., to suffer injuries and death.

45. On April 15, 2025, as Defendant PRICEVILLE Alabama police officers hit, punched, kicked, beat, battered, hooded, tased and bludgeoned Decedent, JOHN SCOTT JR., said officers were consciously aware that their conduct placed Decedent, JOHN SCOTT JR., at substantial risk of harm, injury, danger and death, yet despite the same, said officers disregarded that risk ultimately causing Decedent, SCOTT JR., to suffer injuries and death.

46. On April 15, 2025, and at all times relevant and at/near 1602 Brookridge Drive SouthWest, City of Decatur, County of Morgan, State of Alabama, Defendant Decatur Police officers were acting under color of law when they each engaged, punched, kicked, beat, battered, hooded, tased and bludgeoned Decedent, JOHN SCOTT JR.

47. On April 15, 2025, and at all times relevant and at/near 1602 Brookridge Drive SouthWest, City of Decatur, County of Morgan, State of Alabama, Defendant GARRY CHAPMAN was acting under color of law when he engaged, punched, kicked, beat, battered, hooded, tased and bludgeoned Decedent, JOHN SCOTT JR.

48. On April 15, 2025, and at all times relevant, Defendant Decatur Police Department officers were acting within the course and scope of their employment with the City of Decatur when they hit, punched, kicked, beat, battered, hooded, tased and bludgeoned Decedent, JOHN SCOTT JR.

49. On April 15, 2025, and at all times relevant, Defendant Priceville Police Department officers were acting within the course and scope of their employment with the City of Priceville when they hit, punched, kicked, beat, battered, hooded, tased and bludgeoned Decedent, JOHN SCOTT JR.

50. On April 15, 2025, and at all times relevant, there was no probable cause or legal justification to hit punch, kick, beat, batter, hood, tase and bludgeon Decedent, JOHN SCOTT JR., the way it was done.

51. On April 15, 2025, and at all times relevant, there was no legal justification to hit, punch, kick, beat, batter, hood, tase and bludgeon Decedent, JOHN SCOTT JR., the way it was done on April 15, 2025 or at any time prior to his death on April 22, 2025.

52. On April 15, 2025, through and including the time that Decedent, JOHN SCOTT JR., died on April 22, 2020, each Defendant law enforcement officer's decision to deprive medical care to Decedent, JOHN SCOTT JR., along with hitting, punching, kicking, beating, battering, hooding, bludgeoning, and/or tasing him was unjustified.

53. On April 15, 2025, the aforementioned conduct of Defendant Decatur Police Officers constituted the use of excessive force.

54. On April 15, 2025, the aforementioned conduct of Defendant GARRY CHAPMAN constituted the use of excessive force.

55. On April 15, 2025, through the date of Decedent, JOHN SCOTT JR.'s death, the aforementioned conduct of each Defendant Morgan County Sheriff's officer constituted the use of excessive force.

56. On April 15, 2025, the aforementioned conduct by Defendant, CITY of Decatur Police officers constituted reckless conduct by said officers.

57. On April 15, 2025, the aforementioned conduct by the Defendant, CITY of Priceville Police officer constituted reckless conduct by said officer.

58. On April 15, 2025, through the date of Decedent, JOHN SCOTT JR.'s death, the

aforementioned conduct by each Defendant Morgan County Sheriff's officer constituted reckless conduct by said officers.

59. On April 15, 2025, through the date of Decedent, JOHN SCOTT JR.'s death, the conduct by each Defendant officer of the Morgan County Sheriff's Office and its Defendant officers, resulted in and constituted an unjustifiable homicide.

60. On April 15, 2025, through the date of Decedent, JOHN SCOTT JR.'s death, the conduct by Defendant, CITY of Decatur Police Department and its officers resulted in and constituted an unjustifiable homicide.

61. On April 15, 2025, and at all times relevant, after initially grabbing Decedent, JOHN SCOTT JR., none of the Defendant Decatur Police officers checked on the condition and/or well-being of Mr. SCOTT JR.

62. On April 15, 2025, and at all times relevant, after initially grabbing Decedent, JOHN SCOTT JR., Defendant GARRY CHAPMAN never checked on the condition and/or well-being of Mr. SCOTT JR.

63. On April 15, 2025, and at all times relevant, after initially grabbing Decedent, JOHN SCOTT JR., none of the Defendant Morgan County Sheriff's officers checked on the condition and/or well-being of Mr. SCOTT JR. until well after he became non-responsive and was foaming from the mouth.

64. On April 15, 2025, and at all times relevant, after initially grabbing Decedent, JOHN SCOTT JR., Defendant Decatur police officers made certain statements for those in close proximity to hear regarding their actions including statements that admitted to hitting and beating Decedent, JOHN SCOTT JR.

65. On April 15, 2025, and at all times relevant, after initially grabbing Decedent, JOHN

SCOTT JR., Defendant GARRY CHAPMAN made certain statements for those in close proximity to hear regarding his actions including statements that admitted to hitting and beating Decedent, JOHN SCOTT JR.

66. On April 15, 2025, and at all times relevant, after initially grabbing Decedent, JOHN SCOTT JR., Defendant Morgan County Sheriff's officers made certain statements for those in close proximity to hear regarding their actions including statements that admitted to hitting and beating Decedent, JOHN SCOTT JR.

67. On April 15, 2025, and at all times relevant, Defendant, CITY of Decatur Police officers/investigators, upon information and belief, seized, confiscated, and otherwise took control of video recordings that captured portions of Decatur and Priceville Police Department officers' response to the scene at and near 1602 Brookridge Drive SouthWest, City of Decatur Alabama as well as the subsequent events that took place at the Morgan County Jail.

68. On April 15, 2025, and at all times relevant, City of Priceville Police Department officers/investigators, upon information and belief, seized, confiscated, and otherwise took control of video recordings that captured portions of Decatur and Priceville Police Department officers' response to the scene at and near 1602 Brookridge Drive SouthWest, City of Decatur, Alabama, as well as the subsequent events that took place at the Morgan County Jail.

69. On April 15, 2025, and at all times relevant, Morgan County Sheriff's officers officers/investigators, upon information and belief, seized, confiscated, and otherwise took control of video recordings that captured portions of Decatur and Priceville Police Department officers' response to the scene at and near 1602 Brookridge Drive SouthWest, City of Decatur, Alabama, as well as the subsequent events that took place at the Morgan County Jail.

70. On or about April 15, 2025, through and including April 22, 2025, and at all times

relevant, as a direct and proximate result of the Defendant, CITY OF DECATUR, ALABAMA, and its Defendant Police officers' conduct, Decedent, JOHN SCOTT JR., was injured and died.

71. On information and belief, the use of excessive force on April 15, 2025, on and against JOHN SCOTT JR., was one of several police-involved incidents to occur in the City of Decatur, Alabama, under circumstances that did not justify or warrant the use of force, including lethal force.

72. The use of excessive force on April 15, 2025, on and against Decedent, JOHN SCOTT JR., was one of several police-involved incidents and post-occurrence investigations to occur in the City of Decatur, Alabama, suggesting a policy and practice of condoning, permitting, or otherwise authorizing the use of excessive and even deadly force when it is not warranted and not in compliance with accepted industry policing and jailing practices, investigative procedures, Alabama State Statutes and the United States Constitution.

73. On or about April 15, 2025, through and including April 22, 2025, and at all times relevant, as a direct and proximate result of the Defendant, CITY OF PRICEVILLE, ALABAMA, and its Defendant officer GARRY CHAPMAN's conduct, Decedent, JOHN SCOTT JR., was injured and died.

74. On information and belief, the use of excessive force on April 15, 2025, on and against JOHN SCOTT JR., was one of several police-involved incidents to occur in the City of Decatur, Alabama, where Defendant, CITY of PRICEVILLE, ALABAMA, and its officer, Defendant GARRY CHAPMAN participated, under circumstances that did not justify or warrant the use of force, including lethal force.

75. The use of excessive force on April 15, 2025, on and against Decedent, JOHN SCOTT JR., was one of several police-involved incidents and post-occurrence investigations to occur in the City of Decatur, Alabama, where THE CITY OF PRICEVILLE, ALABAMA, and its officer, Defendant GARRY CHAPMAN participated, suggesting a policy and practice of condoning, permitting, or otherwise authorizing the use of excessive and even deadly force when it is not warranted and not in compliance with accepted industry policing and jailing practices, investigative procedures, Alabama State Statutes and the United States Constitution.

76. On or about April 15, 2025, through and including April 22, 2025, and at all times relevant, as a direct and proximate result of the Defendant MORGAN COUNTY SHERIFF'S OFFICE and its Defendant correctional officers' conduct, Decedent, JOHN SCOTT JR., was injured and died.

77. On information and belief, the use of excessive force on April 15, 2025, on and against Decedent, JOHN SCOTT JR., was one of several police involved incidents to occur in the City of Decatur, Alabama, at the Morgan County Jail, under circumstances that did not justify or warrant the use of force, including lethal force.

78. The use of excessive force on April 15, 2025, on and against Decedent, JOHN SCOTT JR. was one of several correctional officer-involved incidents and post-occurrence investigations to occur in the City of Decatur, Alabama, at the Morgan County Jail, suggesting a policy and practice of condoning, permitting, or otherwise authorizing the use of excessive and even deadly force when it is not warranted and not in compliance with accepted industry policing and jailing practices, investigative procedures, Alabama State Statutes and the United States Constitution.

79. On and prior to April 15, 2025, Defendant, CITY OF DECATUR, ALABAMA employed a policy, procedure, or custom, of assessing Decatur police officers' performance, including

DECATUR POLICE OFFICERS. This policy, procedure, or custom was commonly referred to as the “STATS” system.

80. Under this policy, practice, or custom, Defendant, CITY OF DECATUR, ALABAMA, kept statistics, or “stats,” regarding each of its police officers’ particular police actions taken or performed by each individual officer, including DECATUR POLICE OFFICERS.

81. Under the “STATS” system, different types of citizen interactions taken by CITY OF DECATUR, ALABAMA police officers, including DECATUR POLICE OFFICERS, were assigned different numerical values, with different values for issuing tickets to citizens being given low numerical values, and citizen arrests being given high numerical values. Each officers’ statistics, or “STATS” were kept and utilized by Defendant, CITY OF DECATUR, ALABAMA, in various employment decisions related to its police officers, including pay, promotion, and assignment decisions. The officers with higher total “STATS” were given preferential treatment in pay, promotion, and assignment decisions, over officers with lower total “STATS.”

82. The effect of this system was to encourage CITY OF DECATUR, ALABAMA, police officers, including DECATUR POLICE OFFICERS, to attempt to make arrests of citizens with the use of force rather than to issue a ticket or resolve citizen interactions without formal police involvement or the use of force. This system incentivized CITY OF DECATUR, ALABAMA police officers, including DECATUR POLICE OFFICERS, to escalate citizen interactions to the point of effecting a forcible arrest, rather than de-escalate citizen interactions and resolve the matter without the use of force.

83. A further effect of this system was to encourage CITY OF DECATUR, ALABAMA police officers, including DECATUR POLICE OFFICERS, to use force during their citizen

interactions, rather than refrain from using force during their citizen interactions. As a direct and proximate result of this system, CITY OF DECATUR, ALABAMA police officers, including DECATUR POLICE OFFICERS, were encouraged to, and did, use excessive and unconstitutional force against citizens during arrests and other citizen encounters.

84. At all times relevant, Defendant, CITY OF DECATUR, ALABAMA knew that the “STATS” system resulted in its officers using excessive and unconstitutional force against citizens, including the use of excessive force, under circumstances where such force was not justified, and took no action to change or correct its policy.

85. On or about April 15, 2025, in the morning, Plaintiff’s decedent, JOHN SCOTT JR., was at his home in Decatur, Alabama, when PAULETTE TENNISON, Decedent, JOHN SCOTT JR.’s mother, thought Plaintiff’s decedent, JOHN SCOTT JR. was acting unusually and called the Decatur Alabama police. Decedent’s mother, PAULETTE TENNISON told dispatch and the officers that were eventually present at the scene that Plaintiff’s decedent, JOHN SCOTT JR., suffered from a mental disorder and illnesses and was in the throes of a mental health episode.

86. On or about April 15, 2025, in the morning, following PAULETTE TENNISON’s call for assistance with Plaintiff’s decedent, JOHN SCOTT JR., police officers and the mental health liaison determined that Mr. SCOTT JR., posed no threat of bodily harm to himself or anyone else and that he was not to be arrested.

87. On or about April 15, 2025, in the evening, Plaintiff’s decedent, JOHN SCOTT JR., was at home when his mother again contacted Decatur Alabama police out of concern that Mr. SCOTT JR. was again struggling with a mental health episode.

88. On April 15, 2025, in the evening, Defendant DECATUR POLICE OFFICERS arrived at Plaintiff’s decedent’s home for the purpose of responding to a mental health call.

89. At the time Defendant DECATUR POLICE OFFICERS arrived at Plaintiff's decedent's home, they knew or should have known that they were encountering Mr. SCOTT JR., who had mental health challenges and was in the midst of a mental health episode.

90. At the time Defendant DECATUR POLICE OFFICERS arrived at Plaintiff's decedent's home, they knew or should have known that Decatur Police officers were called to Mr. SCOTT JR.'s home earlier in the day for reasons involving a mental health episode and that those officers also left that call with no incident because Mr. SCOTT JR., posed no threat to himself or others at that time.

91. At all relevant times Defendant DECATUR POLICE OFFICERS, when they arrived at Mr. SCOTT's home the second time, knew or should have known that when officers were initially called to the home earlier in the day for reasons of a mental health episode that a mental health liaison was contacted and/or present in accordance with proper Decatur Police policy and procedure.

92. On information and belief, at all relevant times, CITY OF DECATUR, ALABAMA police procedure, when assisting with a mental health episode, called for involved officers to either be accompanied by or advised by a mental health liaison to de-escalate and appropriately handle the matter. Under proper protocol and procedure, if a mental health liaison was contacted and present on the scene, police officers would remain on the scene to keep the peace.

93. Defendant DECATUR POLICE OFFICERS knew or should have known the aforementioned policy and procedure but despite the same, Defendant DECATUR POLICE OFFICERS agreed and decided that, rather than follow proper police procedures, they would attempt to arrest Plaintiff's decedent, JOHN SCOTT JR. This decision was made, at least in part, pursuant to the "STATS" system in place previously described.

94. At all relevant times, Defendant DECATUR POLICE OFFICERS agreed and decided to escalate the use of force during their interaction with Plaintiff's Decedent, and effect an arrest of Plaintiff's decedent. Defendants made this agreement, at least in part, pursuant to the CITY OF DECATUR, ALABAMA, "STATS" policy and further decided and agreed to forego resolving Mr. SCOTT JR.'s mental health episode peacefully, which would have resulted in lower or no "stats". Said decision and agreement in favor of arresting Plaintiff's Decedent, was made with the understanding that said arrest would have resulted in higher "stats." Defendants made this agreement and decision, at least in part, to increase the numerical value of their "stats" and receive preferential treatment in pay, promotions, and assignments.

95. Defendants DECATUR POLICE OFFICERS decided and agreed to arrest Decedent, JOHN SCOTT JR., predicated, at least in part, on the City of Decatur Alabama's "stats" policy.

96. When Defendant DECATUR POLICE OFFICERS arrived at Plaintiff's decedent's home, they did not have a mental health liaison present, nor did they contact one to accompany them.

97. At all times relevant, Defendant DECATUR POLICE OFFICERS were positioned around Decedent, JOHN SCOTT JR.'s person so as to be able to see and communicate with each other.

98. At all times relevant, Defendant DECATUR POLICE OFFICERS were positioned around Decedent, JOHN SCOTT JR., so as to be able to see Mr. SCOTT JR.'s obvious signs of a peaceful mental health episode.

99. At all relevant times and during their conversations with Decedent, JOHN SCOTT JR., DECATUR POLICE OFFICERS became aware that Plaintiff's Decedent, was peaceful, not a threat to others or himself, and was experiencing a mental health episode.

100. At all times relevant, Plaintiff's Decedent, was clearly exhibiting signs of an episode where he was having difficulty fully understanding the situation while showing no signs of

aggression or danger to himself or those around him, Plaintiff's Decedent, continued to thank the officers and shake their hands repeatedly, asking them to hold on a moment. This led the Defendants to become hostile and aggressive.

101. Defendant DECATUR POLICE OFFICERS then threw Decedent, JOHN SCOTT JR., to the ground, beat and punched him, cuffed his hands behind his back, tased him, hit him in the head, and threatened further abuse.

102. Throughout the entirety of the incident at bar, Decedent, JOHN SCOTT JR., apologized to the officers, did not understand the situation at hand, and told them that he was in pain and could not breathe.

103. The conduct of Defendant DECATUR POLICE OFFICERS was done intentionally and willfully, and exhibited a flagrant disregard for Decedent, JOHN SCOTT JR.'s federally secured constitutional rights and deprived Mr. SCOTT JR., of his rights in violation of the Fourth and Fourteenth Amendments to the United States Constitution.

104. As a direct and proximate result of the unconstitutional and unreasonable conduct of Defendant DECATUR POLICE OFFICERS, Decedent, JOHN SCOTT JR., died.

105. As a further direct and proximate result of all Defendants' conduct, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., and Mr. SCOTT's heirs/beneficiaries suffered losses of personal and pecuniary nature, including emotional pain and suffering, and loss of love, companionship, and society.

**COUNT I**

**Violation of Federal Civil Rights Under 42 U.S.C. § 1983, et seq.  
Fourth Amendment - CITY OF DECATUR, ALABAMA**

106. Plaintiff realleges and incorporates by reference each and every allegation contained in Paragraphs 1-105 of this Complaint, as if fully set forth herein.

107. At all times relevant, Defendant, CITY OF DECATUR, ALABAMA, acted under color of law by and through its officers and/or deputies.

108. The conduct of the Defendant, CITY OF DECATUR, ALABAMA, through its agents, employees, officers and/or deputies, including but not limited to hitting, tasing, hooding, punching, kicking, shackling, beating, battering and bludgeoning Decedent, JOHN SCOTT JR., even when he did not pose a threat of death or injury to others, was objectively unreasonable in light of the facts and circumstances presented, and was in direct violation of clearly established law.

109. The conduct and actions of the Defendant, CITY OF DECATUR, ALABAMA, through its agents, employees, officers and/or deputies, injured and ultimately killed JOHN SCOTT JR., without provocation and without justification when Mr. SCOTT JR., did not pose a threat of death or bodily harm to others; said conduct and actions constituted the use of unconstitutional and excessive force.

110. On information and belief, the instant beating and attack of and on JOHN SCOTT JR., was one of several police-involved occurrences, and post-occurrence investigations to within the CITY OF DECATUR, ALABAMA, within the last year; the same suggesting a policy and practice of condoning, permitting, or otherwise authorizing the use of excessive and even deadly force when it is not warranted and not in compliance with accepted industry police practices and investigative procedures.

111. At all times relevant, it was the duty of Defendant, CITY OF DECATUR, ALABAMA, to refrain from willful and wanton, unreasonable, careless, and/or unskilled conduct so as to avoid injuring JOHN SCOTT JR.

112. On or about April 15, 2025, through and including April 22, 2025, and at all relevant times, this Defendant had a duty to serve and protect the citizens of Decatur, Alabama, including inmates in the Morgan County Jail and decedent, JOHN SCOTT JR.

113. Notwithstanding said duties, Defendant, CITY OF DECATUR, ALABAMA, by and through its agents, employees, officers and/or deputies, committed one or more of the following willful and wanton acts and/or omissions:

- (a) Willfully and wantonly failed to de-escalate the situation involving JOHN SCOTT JR., when Defendant knew or should have known that Mr. SCOTT JR., was in the throes of a mental health episode and did not present a threat of injury to himself or others;
- (b) Willfully and wantonly exercised and administered excessive and unreasonable force in seeking compliance from Decedent, JOHN SCOTT JR.;
- (c) Willfully and wantonly failed to warn JOHN SCOTT JR., that this Defendant intended to use force, deadly or otherwise, in an effort to obtain compliance;
- (d) Willfully and wantonly failed to give credence, recognition and/or otherwise consideration to the fact that JOHN SCOTT JR., was in the throes of a mental health episode;
- (e) Willfully and wantonly failed to observe obvious signs and signals that less aggressive, violent and excessive means could and should have been deployed;
- (f) Willfully and wantonly failed to insist that its officers, agents and/or employees follow their training, police education, police protocols, procedures, practices and customs before, during and after engaging in an incident with Decedent, JOHN SCOTT JR.;
- (g) Willfully and wantonly failed to insist that its agents, employees and officers secure and deploy the use of a mental health professional during their engagement with Decedent, JOHN SCOTT JR.;
- (h) Willfully and wantonly failed to train its agents, employees and officers on when and how to discharge their tasers and further determine whether such conduct was

necessary;

- (i) Willfully and wantonly allowed, condoned and/or overlooked when its agents, employees and officers discharged their tasers without legal or lawful justification regarding Decedent, JOHN SCOTT JR.;
- (j) Willfully and wantonly allowed, condoned and/or overlooked when its agents, employees and officers used excessive force resulting in injury and death without legal or lawful justification regarding Decedent, JOHN SCOTT JR.;
- (k) Willfully and wantonly allowed, condoned and/or overlooked when its agents, employees and officers failed to provide medical care to Decedent, JOHN SCOTT JR., after causing him injuries and death;
- (l) Willfully and wantonly allowed, condoned and/or overlooked when its agents, employees and officers failed to timely request medical care and assistance for Decedent, JOHN SCOTT JR.;
- (m) Willfully and wantonly allowed, condoned and/or overlooked when its agents, employees and officers engaged in a practice and course of conduct of utilizing excessive force in both pre- and post-incident investigations in a manner that condoned and supported the use of unnecessary, excessive and even deadly force even when it was unjustified by the circumstances.

114. The conduct and actions of the Defendant, CITY OF DECATUR, ALABAMA, by and through its agents, employees, officers and deputies was done intentionally and willfully, and exhibited a flagrant disregard for Decedent, JOHN SCOTT JR.'s federally secured constitutional rights, and such conduct also deprived Mr. SCOTT JR., of his rights in violation of the Fourth and Fourteenth Amendments to the United States Constitution.

115. As a direct and proximate result of the unconstitutional and unreasonable conduct of the Defendant, CITY OF DECATUR, ALABAMA, Decedent, JOHN SCOTT JR., was injured and killed.

116. As a further direct and proximate result of the above, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, and the heirs/beneficiaries to said estate suffered and will continue to suffer losses of a personal and pecuniary nature, including

emotional pain and suffering, as well as loss of love, companionship, care, affection, guidance, counsel, attention, services, resources, and society. Plaintiff and Mr. SCOTT JR.'s heirs/beneficiaries further suffered and will continue to suffer other damages including, but not limited to, the loss of benefits previously provided to them by Decedent, JOHN SCOTT JR.

WHEREFORE, Plaintiff prays for judgment in her favor and against the Defendant, CITY OF DECATUR, for compensatory and any other damages as determined by the jury in this action, along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

## **COUNT II**

### **Violation of Federal Civil Rights Under 42 U.S.C. § 1983 et. seq. Fourteenth Amendment - CITY OF DECATUR**

117. Plaintiff realleges and incorporates by reference each and every allegation contained in Paragraphs 1-105 of this Complaint as if fully set forth herein.

118. This cause of action is pleaded by Plaintiff, PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, against Defendant, CITY OF DECATUR, ALABAMA.

119. The Fourteenth Amendment prohibits a state from depriving “any person of life, liberty, or property, without due process of law.” The Fourteenth Amendment encompasses a “constitutional right to associate with family members.” *Lipscomb By & Through DeFehr v. Simmons*, 884 F.2d 1242, 1244 (9<sup>th</sup> Cir. 1989). A decedent’s family members generally have the right to assert substantive due process claims under the Fourteenth Amendment for the death of their loved one. *Wheeler v. City of Santa Clara*, 894 F.3d 1046, 1057 (9<sup>th</sup> Cir. 2018).

120. Based on the allegations set forth herein Defendant the CITY OF DECATUR, ALABAMA deprived Plaintiff, Plaintiff's Decedent, JOHN SCOTT JR., and his heirs/beneficiaries of their substantive due process rights.

121. The manner in which the Defendant, CITY OF DECATUR, ALABAMA, by and through its agents, employees and officers, conducted a search and seizure and then injured and ultimately killed JOHN SCOTT JR., shocks the conscience, as the Defendant, CITY OF DECATUR, ALABAMA, knowing that JOHN SCOTT JR., was hooded, handcuffed behind his back, bound by ankle shackles, tased, hit, punched, kicked and defenseless, deliberately participated in and/or allowed for Mr. SCOTT JR., to inhumanely be dragged, assaulted and battered in a manner resulting in his injury and ultimate death.

122. The manner in which the Defendant, CITY OF DECATUR, ALABAMA, conducted a search and seizure and then injured and ultimately killed Decedent, JOHN SCOTT JR., shocks the conscience, as the Defendant, CITY OF DECATUR, ALABAMA, knowing that JOHN SCOTT JR., was hooded, handcuffed behind his back, bound by ankle shackles, tased, hit, punched, kicked, defenseless and in need of medical services, deliberately withheld and/or prevented and/or disallowed Mr. SCOTT JR., to receive necessary medical care in a manner resulting in his injury and ultimate death.

123. The acts of the Defendant, CITY OF DECATUR, ALABAMA, which were done in concert with the other defendants, deprived Plaintiff, Plaintiff's Decedent, JOHN SCOTT JR., and his heirs/beneficiaries of their rights, privileges, and/or immunities secured by the Constitution and laws of the United States.

124. The Defendant, CITY OF DECATUR, ALABAMA, lacked any valid justification or Constitutional exception for their unlawful actions.

125. At all times alleged herein, the Constitutional rights of Decedent, JOHN SCOTT JR., and the heirs/beneficiaries of Mr. SCOTT JR.'s estate were clearly established, and it would be clear to a reasonable officer/actor that his/her conduct was unlawful in the situation with which he/she was confronted.

126. As a result of the constitutional violations, Decedent, JOHN SCOTT JR.'s heirs/beneficiaries have experienced their own grief, loss, sorrow and companionship of their loved one and father. These damages will be determined at trial.

127. The aforementioned acts of this Defendant were a proximate cause of Plaintiff's Decedent's JOHN SCOTT JR.'s injuries and ultimate death.

128. The conduct and acts of this Defendant were taken with oppression, fraud or malice and/or their conduct was motivated by evil motive or intent or involved reckless or callous indifference to the federally protected rights of others; therefore, Plaintiff seeks punitive damages.

129. Plaintiff is entitled to attorney's fees, costs of suit, expert fees and interest, including attorney's fees and expert fees pursuant to 42 U.S.C. § 1988 and all other applicable law.

130. WHEREFORE, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, prays for judgment in her favor and against the Defendant, CITY OF DECATUR, ALABAMA, for damages as determined by the jury in this action, along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

**COUNT III**

**Wrongful Death - CITY OF DECATUR, ALABAMA**

131. Plaintiff realleges and incorporates by reference each and every allegation contained in Paragraphs 1-105 of this Complaint, as if fully set forth herein.

132. This Count is brought pursuant to the Alabama Wrongful Death Act, Ala. Code § 6-5-410.

133. ELI CARNES, JONATHAN ESPINO, LANDON WALLACE, KEITH RUTHERFORD, OFFICER PEDRO & MIKE BURLESON, when attempting to apprehend Plaintiff's decedent, JOHN SCOTT JR., were agents, servants, and/or employees acting within the scope of said agency, service, and/or employment and were acting within the corporate power of Defendant, CITY OF DECATUR, ALABAMA.

134. At all times relevant, it was the duty of Defendants CITY OF DECATUR, ALABAMA, by and through its authorized agents, servants and/or employees ELI CARNES, JONATHAN ESPINO, LANDON WALLACE, KEITH RUTHERFORD, OFFICER PEDRO & MIKE BURLESON, to refrain from neglectful, careless, willful and wanton, and/or unskilled conduct so as to not injure JOHN SCOTT JR.

135. Notwithstanding said duty, Defendants CITY OF DECATUR, ALABAMA, by and through its authorized agents, servants, and/or employees ELI CARNES, JONATHAN ESPINO, LANDON WALLACE, KEITH RUTHERFORD, OFFICER PEDRO & MIKE BURLESON, committed one or more of the following neglectful, careless, and/or unskillful acts and/or omissions:

- (a) Willfully and wantonly failed to de-escalate the situation involving Decedent, JOHN SCOTT JR., when Defendant knew or should have known that Mr. SCOTT JR., was in the throes of a mental health episode and did not present a threat of injury to himself or others;
- (b) Willfully and wantonly exercised and administered excessive and unreasonable force in seeking Decedent, JOHN SCOTT JR.'s compliance;
- (c) Willfully and wantonly failed to warn Decedent, JOHN SCOTT JR. that this Defendant intended to use force, deadly or otherwise, in an effort to obtain compliance;
- (d) Willfully and wantonly failed to give credence, recognition and/or otherwise consideration to the fact that JOHN SCOTT JR. was in the throes of a mental health episode;
- (e) Willfully and wantonly failed to observe obvious signs and signals that less aggressive, violent and excessive means could and should have been deployed;
- (f) Willfully and wantonly failed to insist that its officers, agents and/or employees follow their training, police education, police protocols, procedures, practices and customs before during and after engaging in an incident with Decedent, JOHN SCOTT JR.;
- (g) Willfully and wantonly failed to insist that its agents, employees and officers secure and deploy the use of a mental health professional during their engagement with Decedent, JOHN SCOTT JR.
- (h) Willfully and wantonly failed to train its agents, employees and officers on when and how to discharge their tasers and further determine whether such conduct was necessary;
- (i) Willfully and wantonly allowed, condoned and/or overlooked when its agents, employees and officers discharged their tasers without legal or lawful justification regarding JOHN SCOTT JR.;
- (j) Willfully and wantonly allowed, condoned and/or overlooked when its agents, employees and officers used excessive force resulting in injury and death without legal or lawful justification regarding JOHN SCOTT JR.;
- (k) Willfully and wantonly allowed, condoned and/or overlooked when its agents, employees and officers failed to provide medical care to JOHN SCOTT JR. after causing him injuries and death;
- (l) Willfully and wantonly allowed, condoned and/or overlooked when its agents,

employees and officers failed to timely request medical care and assistance for JOHN SCOTT JR;

- (m) Willfully and wantonly allowed, condoned and/or overlooked when its agents, employees and officers engaged in a practice and course of conduct of utilizing excessive force in both pre- and post-incident investigations in a manner that condoned and supported the use of unnecessary, excessive and even deadly force even when it was unjustified by the circumstances.

136. The actions of Defendant, CITY OF DECATUR, ALABAMA, in failing to prevent Defendants ELI CARNES, JONATHAN ESPINO, LANDON WALLACE, KEITH RUTHERFORD, OFFICER PEDRO & MIKE BURLESON from drawing their taser weapons and pointing it at Plaintiff's Decedent, JOHN SCOTT JR., under circumstances where Mr. SCOTT JR., presented no threat of death or great bodily harm to anyone, and failing to warn Mr. SCOTT JR., that deadly force or force likely to cause serious bodily injury was threatened against him, and in participating in inflicting harm upon Mr. SCOTT JR., that was likely to cause serious bodily injury which ultimately led to his death was done willfully, maliciously, fraudulently, in bad faith, beyond their authority, or under a mistaken interpretation of the law.

137. As a direct and proximate result of one or more of the aforementioned acts and/or omissions, JOHN SCOTT JR., died.

138. As a further direct and proximate result, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, and MR. SCOTT's heirs/beneficiaries suffered losses of personal and pecuniary nature, including emotional pain and suffering, and loss of the love, companionship, and society of JOHN SCOTT JR.

139. On June 14, 2025, Plaintiff served notice of this claim on Defendants pursuant to Ala. Code § 11-47-192.

WHEREFORE, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, prays for judgment in her favor and against Defendants CITY OF

DECATUR, ALABAMA, for damages as determined by the jury in this action, along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

**COUNT IV**

**Monell Claim - CITY OF DECATUR, ALABAMA**

140. Plaintiff realleges and incorporates by reference each and every allegation contained in Paragraphs 1-105 of this Complaint, as if fully set forth herein.

141. This cause of action is pleaded by Plaintiff against Defendant, CITY OF DECATUR, ALABAMA.

142. This cause of action is pleaded to assert liability of CITY OF DECATUR, ALABAMA, pursuant to *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 98 S. Ct. 2018 (1978) and 42 U.S.C. § 1983.

143. Decedent, JOHN SCOTT JR., was deprived of his constitutional rights in violation of the Federal and State Constitutions and he was injured and killed as a result.

144. Defendant, CITY OF DECATUR, ALABAMA, had a policy, practice or custom that caused the Constitutional deprivation.

145. More specifically, Defendant, CITY OF DECATUR, ALABAMA, has a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate and/or retaining officers who use excessive and/or unjustified force upon persons with whom they come into contact in violation of their constitutional rights.

146. Defendant, CITY OF DECATUR, ALABAMA, had a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate and/or retaining officers who fail to exercise, use and deploy de-escalation techniques during citizen interactions, such as the underlying interaction set forth in the instant Complaint.

147. Defendant, CITY OF DECATUR, ALABAMA, had a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate and/or retaining officers who intentionally and blatantly fail to follow CITY OF DECATUR, ALABAMA'S required training, education, teachings, tutorials, policies and internal instruction related to when and how to use deadly force in violation of constitutional rights.

148. Defendant, CITY OF DECATUR, ALABAMA, had a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate their police officers/employees upon complaints of misconduct or claims for damages involving police misconduct, even when such complaints of misconduct or claims for damages were in violation of citizens' constitutional rights.

149. Defendant, CITY OF DECATUR, ALABAMA, had a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate and/or retaining officers who fail to provide and/or withheld necessary medical treatment to citizens and inmates at the Morgan County Jail in Decatur, Alabama.

150. Defendant, CITY OF DECATUR, ALABAMA'S policy, custom and/or practices, as described herein, and in the instant Complaint were within the control of Defendant, CITY OF DECATUR, ALABAMA, and within the feasibility of Defendant to alter, adjust and/or correct so as to prevent some of the unlawful acts and injuries complained of herein by Plaintiff.

151. The policy, custom and/or practices, as described herein, and in the Instant Complaint illustrate a longstanding practice or custom which in effect constitute the "standard operating procedure" of the Defendant, CITY OF DECATUR, ALABAMA, acting as a local government entity and/or an official with final policymaking authority within Defendant, CITY OF DECATUR, ALABAMA'S paramilitary structure has ratified these decisions by subordinates.

152. At all relevant times the policies, procedures, practices, protocols, training, education and/or custom described in the paragraphs above were practiced in a widespread fashion and were permanent and well-settled constituting the custom and usage of Defendant, CITY OF DECATUR, ALABAMA, which had the force of law.

153. Defendant, CITY OF DECATUR, ALABAMA, had actual and/or constructive knowledge of its policies, procedures, practices, protocols, training, education and/or customs, referenced in the paragraphs above, yet did nothing to monitor or ensure compliance to the same. Nor did it do anything to reduce and/or curtail the failure to adhere to said policies, procedures, protocols and/or practices.

154. Defendant, CITY OF DECATUR, ALABAMA'S policy or custom amounted to deliberate indifference to JOHN SCOTT JR.'s constitutional rights.

155. Defendant, CITY OF DECATUR, ALABAMA'S policy or custom was the moving force behind the constitutional violation.

156. In addition, Defendant, CITY OF DECATUR, ALABAMA, failed to properly screen, train, supervise and/or discipline its attendant and protective personnel. These and other training failures caused or contributed to the injury and killing of JOHN SCOTT JR.

157. As a direct and proximate result of the unconstitutional policies, procedures, customs and practices of Defendant, CITY OF DECATUR, ALABAMA, Decedent, JOHN SCOTT JR., and his heirs/beneficiaries were deprived of their federally secured constitutional rights.

158. As a result of the violation of JOHN SCOTT JR.'s civil rights, he was injured and died. Prior to his death, he sustained physical injury with tremendous pain and suffering, emotional distress, and in an amount to be proven at trial. Decedent, John Scott's heirs /beneficiaries also

experienced their own grief, loss, sorrow and companionship of their loved one and father. These damages will be determined at trial.

159. The aforementioned acts of this Defendant proximately caused JOHN SCOTT JR.'s injuries and death.

160. Plaintiff brings this wrongful death and survivorship action in her capacity as Decedent's mother and administrator of JOHN SCOTT JR.'s estate for all damages recoverable under law.

161. Plaintiff is entitled to attorney's fees, costs of suit, expert fees and interest.

WHEREFORE, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, prays for judgment in her favor and against Defendants CITY OF DECATUR, ALABAMA, for damages as determined by the jury in this action, along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

#### **COUNT V**

##### **Assault & Battery – CITY OF DECATUR, ALABAMA**

162. Plaintiff realleges and incorporates by reference, each and every allegation contained in Paragraphs 1-105 of this Complaint, as if fully set forth herein.

163. This cause of action is pleaded by Plaintiff as Administrator of the Estate of JOHN SCOTT JR., deceased, against Defendant, CITY OF DECATUR, ALABAMA.

164. On or about April 15, 2025, through April 22, 2025, JOHN SCOTT JR., was physically contacted by this Defendant, by and through its agents, employees and officers, in a manner that was harmful, injurious, offensive and that resulted in his death, including being beaten, battered, hit, kicked, punched, tased, hooded, handcuffed, hog-tied and bludgeoned.

165. This Defendant, by and through its agents, employees and officers, intended to contact JOHN SCOTT JR., in a non-consenting manner, and did so.

166. As a result of the assault and battery on JOHN SCOTT JR., he ultimately died. Prior to his death, JOHN SCOTT JR., sustained physical injuries with tremendous pain and suffering, emotional distress in an amount to be proven at trial. The heirs/beneficiaries to JOHN SCOTT JR.'s, Estate also experienced their own grief, loss, sorrow and companionship of their loved one and father. These damages will be determined at trial.

167. The acts of this Defendant were the proximate cause of JOHN SCOTT JR.'s injuries and death.

168. Plaintiff brings this wrongful death and survivorship action in her capacity as Mother of JOHN SCOTT JR., and further brings this action as administrator of JOHN SCOTT JR.'s estate for all damages recoverable under law.

169. The CITY OF DECATUR, ALABAMA was the principal employer of the Defendant DECATUR POLICE OFFICERS named in this Complaint at the time of the events herein and, therefore, is vicariously liable for said officers' conduct and actions.

170. The conduct and acts of this Defendant were taken with oppression, fraud or malice and/or their conduct was motivated by evil motive or intent, or involved reckless or callous indifference to the federally protected rights of others; therefore, Plaintiff seeks punitive damages.

171. Plaintiff is entitled to attorney fees, costs of suit, expert fees and interest.

WHEREFORE, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, prays for judgment in her favor and against Defendant, CITY OF DECATUR, ALABAMA, for damages as determined by the jury in this action, along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

**COUNT VI**

**Violation of Federal Civil Rights Under 42 U.S.C. § 1983, et seq.**

**Fourth Amendment**

**ELI CARNES, JONATHAN ESPINO, LANDON WALLACE,  
KEITH RUTHERFORD, OFFICER PEDRO & MIKE BURLESON**

172. Plaintiff realleges and incorporates by reference each and every allegation contained in Paragraphs 1-105 of this Complaint, as if fully set forth herein.

173. At all times relevant, Defendants ELI CARNES, JONATHAN ESPINO, LANDON WALLACE, KEITH RUTHERFORD, OFFICER PEDRO and MIKE BURLESON acted under color of law.

174. Defendants', ELI CARNES, JONATHAN ESPINO, LANDON WALLACE, KEITH RUTHERFORD, OFFICER PEDRO and MIKE BURLESON, conduct which included hitting, tasing, hooding, punching, kicking, shackling, beating, battering and bludgeoning Decedent, JOHN SCOTT JR., even when Mr. SCOTT JR. did not pose a threat of death or injury to others was objectively unreasonable in light of the facts and circumstances presented, and was in direct violation of clearly established law.

175. The actions of Defendants, ELI CARNES, JONATHAN ESPINO, LANDON WALLACE, KEITH RUTHERFORD, OFFICER PEDRO and MIKE BURLESON, which injured and ultimately killed JOHN SCOTT JR., without provocation and without justification, when Mr. SCOTT JR. did not pose a threat of death or bodily harm to others, constituted the use of unconstitutional and excessive force.

176. On information and belief, the instant beating and attack of and on JOHN SCOTT JR., was one of several police-involved occurrences, and post-occurrence investigations to occur in the City of Decatur, Alabama, and/or within the Decatur Police Department's jurisdiction, by Defendant Decatur Police Department officers within the last calendar year; The same suggesting a policy

and practice of condoning, permitting, or otherwise authorizing the use of excessive and even deadly force when it is not warranted and not in compliance with accepted industry police practices and investigative procedures.

177. At all times relevant, it was the duty of Defendant DECATUR POLICE OFFICERS, to refrain from willful and wanton, unreasonable, careless, and/or unskilled conduct so as to avoid injuring JOHN SCOTT JR.

178. On or about April 15, 2025, through and including April 22, 2025, and at all relevant times, these Defendants had a duty to serve and protect citizens of the City of Decatur, Alabama, including the Decedent, JOHN SCOTT JR.

179. Notwithstanding said duties, these Defendant DECATUR POLICE OFFICERS, committed one or more of the following willful and wanton acts and/or omissions:

- (a) Willfully and wantonly failing to de-escalate the situation involving JOHN SCOTT JR., when Defendant knew or should have known that Mr. SCOTT JR., was in the throes of a mental health episode and did not present a threat of injury to himself or others;
- (b) Willfully and wantonly exercised and administered excessive and unreasonable force in seeking compliance from Decedent, JOHN SCOTT JR.;
- (c) Willfully and wantonly failing to warn JOHN SCOTT JR., that this Defendant intended to use force, deadly or otherwise, in an effort to obtain compliance;
- (d) Willfully and wantonly failing to give credence, recognition and/or otherwise consideration of the fact that JOHN SCOTT JR., was in the throes of a mental health episode;
- (e) Willfully and wantonly failed to observe obvious signs and signals that less aggressive, violent and excessive means could have been deployed;
- (f) Willfully and wantonly failing to follow his training, police education, police protocols, procedures, practices and customs before during and after engaging in an incident with Decedent, JOHN SCOTT JR.;
- (g) Willfully and wantonly failed to secure and deploy the use of a mental health professional during his engagement with Decedent, JOHN SCOTT JR.

- (h) Willfully and wantonly handling and discharging his taser in such a manner as to shoot JOHN SCOTT JR.;
- (i) Willfully and wantonly handling and discharging his taser in such a manner as to shoot JOHN SCOTT JR., without legal or lawful justification;
- (j) Using excessive force resulting in deadly force without legal or lawful justification;
- (k) Willfully and wantonly failed to exercise the proper level of force warranted under the circumstances;
- (l) Willfully and wantonly Failing to provide medical care to JOHN SCOTT JR., after causing him injuries and death;
- (m) Willfully and wantonly failing to timely request medical care and assistance for JOHN SCOTT JR.;
- (n) Willfully and wantonly engaging in a practice and course of conduct that utilized lethal force when such lethal force was not warranted;
- (o) Willfully and wantonly engaging in a practice and course of conduct of utilizing excessive force and both pre- and post-incident investigation that condones and supports the use of deadly force even when it is unjustified by the circumstances.

180. The conduct of Defendant DECATUR POLICE OFFICERS was done intentionally and willfully and exhibited a flagrant disregard for JOHN SCOTT JR.'s federally secured constitutional rights, and such conduct also deprived Mr. SCOTT JR. of his rights in violation of the Fourth and Fourteenth Amendments to the United States Constitution.

181. As a direct and proximate result of the unconstitutional and unreasonable conduct of Defendant DECATUR POLICE OFFICERS, JOHN SCOTT JR. was injured and was killed.

182. As a further direct and proximate result of the above, Plaintiff, Paulette Tennison, as the administrator of the Estate of JOHN SCOTT JR. and the heirs/beneficiaries to said estate suffered and will continue to suffer losses of a personal and pecuniary nature, including emotional pain and suffering, as well as loss of love, companionship, care, affection, guidance, counsel, attention, services, resources, and society. Plaintiff further suffered and will continue to suffer

other damages including, but not limited to, the loss of benefits previously provided to them by Decedent, JOHN SCOTT JR.

WHEREFORE, Plaintiff prays for judgment in her favor and against Defendants ELI CARNES, JONATHAN ESPINO, LANDON WALLACE, KEITH RUTHERFORD, OFFICER PEDRO & MIKE BURLESON, for compensatory and punitive damages as determined by the jury in this action, along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

**COUNT VII**

**Violation of Federal Civil Rights Under 42 U.S.C. § 1983 et. seq.  
Fourteenth Amendment  
ELI CARNES, JONATHAN ESPINO, LANDON WALLACE,  
KEITH RUTHERFORD, OFFICER PEDRO & MIKE BURLESON**

183. Plaintiff realleges and incorporates by reference each and every allegation contained in Paragraphs 1-105 of this Complaint as if fully set forth herein.

184. This cause of action is pleaded by Plaintiff, PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, against Defendants ELI CARNES, JONATHAN ESPINO, LANDON WALLACE, KEITH RUTHERFORD, OFFICER PEDRO & MIKE BURLESON, in their individual capacities as state actors.

185. The Fourteenth Amendment prohibits a state from depriving “any person of life, liberty, or property, without due process of law.” The Fourteenth Amendment encompasses a “constitutional right to associate with family members.” *Lipscomb By & Through DeFehr v. Simmons*, 884 F.2d 1242, 1244 (9<sup>th</sup> Cir. 1989). A decedent’s family members generally have the right to assert substantive due process claims under the Fourteenth Amendment for the death of their loved one. *Wheeler v. City of Santa Clara*, 894 F.3d 1046, 1057 (9<sup>th</sup> Cir. 2018).

186. Based on the allegations set forth herein these Defendants and all other Defendants deprived Plaintiffs of their substantive due process rights to associate with JOHN SCOTT JR, deceased.

187. The manner in which these Defendants conducted a search and seizure and then injured and ultimately killed JOHN SCOTT JR., shocks the conscience, as these Defendants, knew that JOHN SCOTT JR. was hooded, handcuffed behind his back, bound by ankle shackles, and defenseless, deliberately participated in and/or allowed for Mr. SCOTT JR. to inhumanely be dragged, assaulted and battered in a manner resulting in his injury and ultimate death.

188. The manner in which these Defendants conducted a search and seizure and then injured and ultimately killed JOHN SCOTT JR., shocks the conscience, as these Defendants, knowing that JOHN SCOTT JR was hooded, handcuffed behind his back, bound by ankle shackles, defenseless and in need of medical services, deliberately withheld and/or prevented and/or disallowed Mr. SCOTT JR., to receive necessary medical care in a manner resulting in his injury and ultimate death.

189. The acts of these Defendants and all other Defendants, which were done in concert, deprived both Plaintiff and Plaintiff's Decedent, JOHN SCOTT JR., of their rights, privileges, and/or immunities secured by the Constitution and laws of the United States.

190. These Defendants and all other Defendants lacked any valid justification or Constitutional exception for their unlawful actions.

191. At all times alleged herein, the Constitutional rights of JOHN SCOTT JR., and the heirs/beneficiaries to his estate were clearly established and it would be clear to a reasonable officer/actor that their conduct was unlawful in the situation they confronted.

192. As a result of the constitutional violations, Plaintiff and Mr. SCOTT JR.'s heirs/beneficiaries have experienced their own grief, loss, sorrow and companionship of their loved one and father. These damages will be determined at trial.

193. The aforementioned acts of the Defendants were a proximate cause of Plaintiffs injuries and ultimate death.

194. The acts of these Defendants and all other Defendants were taken with oppression, fraud or malice and/or their conduct was motivated by evil motive or intent, or involved reckless or callous indifference to the federally protected rights of others; therefore, Plaintiff seeks punitive damages.

195. Plaintiff is entitled to attorney fees, costs of suit, expert fees and interest, including attorney fees and expert fees pursuant to 42 U.S.C. § 1988 and all other applicable law.

WHEREFORE, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, prays for judgment in her favor and against Defendants ELI CARNES, JONATHAN ESPINO, LANDON WALLACE, KEITH RUTHERFORD, OFFICER PEDRO & MIKE BURLESON, in their individual capacities as state actors, for damages as determined by the jury in this action, along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

**COUNT VIII**

**Wrongful Death**

**ELI CARNES, JONATHAN ESPINO, LANDON WALLACE,  
KEITH RUTHERFORD, OFFICER PEDRO & MIKE BURLESON**

196. Plaintiff realleges and incorporates by reference each and every allegation contained in Paragraphs 1-105 of this Complaint, as if fully set forth herein.

197. This Count is being brought pursuant to the Alabama Wrongful Death Act, Ala. Code § 6-5-410.

198. ELI CARNES, JONATHAN ESPINO, LANDON WALLACE, KEITH RUTHERFORD, OFFICER PEDRO & MIKE BURLESON, when attempting to apprehend Plaintiff's decedent, JOHN SCOTT JR., were agents, servants, and/or employees acting within the scope of said agency, service, and/or employment and were acting within the corporate power of Defendant, CITY OF DECATUR, ALABAMA.

199. At all times relevant it was the duty of Defendants ELI CARNES, JONATHAN ESPINO, LANDON WALLACE, KEITH RUTHERFORD, OFFICER PEDRO & MIKE BURLESON, to refrain from neglectful, careless, willful and wanton, and/or unskilled conduct so as to not injure JOHN SCOTT JR.

200. Notwithstanding said duty, Defendants ELI CARNES, JONATHAN ESPINO, LANDON WALLACE, KEITH RUTHERFORD, OFFICER PEDRO & MIKE BURLESON, committed one or more of the following neglectful, careless, and/or unskillful acts and/or omissions:

- (a) Willfully and wantonly failed to de-escalate the situation involving JOHN SCOTT JR. when Defendants knew or should have known that Mr. SCOTT JR., was in the throes of a mental health episode and did not present a threat of injury to himself or others;
- (b) Willfully and wantonly exercised and administered excessive and

unreasonable force in seeking Decedent, JOHN SCOTT JR.'s compliance;

- (c) Willfully and wantonly failed to warn JOHN SCOTT JR., that these Defendants intended to use force, deadly or otherwise, in an effort to obtain compliance;
- (d) Willfully and wantonly failed to give credence, recognition and/or otherwise consideration to the fact that JOHN SCOTT JR. was in the throes of a mental health episode;
- (e) Willfully and wantonly failed to observe obvious signs and signals that less aggressive, violent and excessive means could and should have been deployed;
- (f) Willfully and wantonly failed to follow their training, police education, police protocols, procedures, practices and customs before, during and after engaging in an incident with Decedent, JOHN SCOTT JR.;
- (g) Willfully and wantonly failed to secure and deploy the use of a mental health professional during their engagement with Decedent, JOHN SCOTT JR.
- (h) Willfully and wantonly failed to follow their policies, protocols, procedures and/or training on when and how to discharge their tasers and further determine whether such conduct was necessary;
- (i) Willfully and wantonly allowed others and/or discharged their tasers without legal or lawful justification regarding JOHN SCOTT JR.;
- (j) Willfully and wantonly allowed and used excessive force resulting in injury and death without legal or lawful justification regarding JOHN SCOTT JR.;
- (k) Willfully and wantonly allowed others and/or themselves failed to provide medical care to JOHN SCOTT JR., after causing him injuries and death;
- (l) Willfully and wantonly allowed and failed to timely request medical care and assistance for JOHN SCOTT JR.;
- (m) Willfully and wantonly allowed and engaged in a practice and course of conduct of utilizing excessive force in both pre- and post-incident investigations in a manner that condoned and supported the use of unnecessary, excessive and even deadly force even when it was unjustified by the circumstances.

201. The actions of Defendants ELI CARNES, JONATHAN ESPINO, LANDON WALLACE, KEITH RUTHERFORD, OFFICER PEDRO & MIKE BURLESON, under circumstances where Mr. SCOTT presented no threat of death or great bodily harm to anyone, and in failing to warn

MR. SCOTT that deadly force or force likely to cause serious bodily injury was threatened against him, and in participating in inflicting harm upon Mr. SCOTT JR., that was likely to cause serious bodily injury which ultimately led to his death, were done willfully, maliciously, fraudulently, in bad faith, beyond their authority, or under a mistaken interpretation of the law.

202. As a direct and proximate result of one or more of these Defendants' aforementioned acts and/or omissions, JOHN SCOTT JR. died.

203. As a further direct and proximate result, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., and MR. SCOTT JR.'s heirs/beneficiaries suffered losses of personal and pecuniary nature, including emotional pain and suffering, and loss of the love, companionship, and society of JOHN SCOTT JR.

204. On June 14, 2025, Plaintiff served notice of this claim on Defendants pursuant to Ala. Code § 11-47-192.

WHEREFORE, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, prays for judgment in her favor and against Defendants ELI CARNES, JONATHAN ESPINO, LANDON WALLACE, KEITH RUTHERFORD, OFFICER PEDRO & MIKE BURLESON, for damages as determined by the jury in this action, along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

### **COUNT IX**

#### **Monell Claim**

**ELI CARNES, JONATHAN ESPINO, LANDON WALLACE,  
KEITH RUTHERFORD, OFFICER PEDRO & MIKE BURLESON**

205. Plaintiff realleges and incorporates by reference each and every allegation contained in Paragraphs 1-105 of this Complaint, as if fully set forth herein.

206. This cause of action is pleaded by Plaintiff against Defendants ELI CARNES, JOHNATHAN ESPINO, LANDON WALLACE, KEITH RUTHERFORD, OFFICER PEDRO & MIKE BURLESON in both their individual and professional capacities with the Defendant, CITY OF DECATUR, ALABAMA.

207. This cause of action is pleaded to assert liability of Defendants, KEITH RUTHERFORD, OFFICER PEDRO & MIKE BURLESON, pursuant to *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 98 S. Ct. 2018 (1978) and 42 U.S.C. § 1983.

208. Decedent, JOHN SCOTT JR., was deprived of his constitutional rights in violation of the Federal and State Constitutions, and he was injured and killed as a result.

209. Defendants, KEITH RUTHERFORD, OFFICER PEDRO & MIKE BURLESON followed, implemented and deployed policies, practices and/or customs that caused the Constitutional deprivation of rights enjoyed by Decedent, JOHN SCOTT JR.

210. More specifically, these Defendants followed, carried out, implemented and deployed a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate and/or retain officers, including themselves, who use excessive and/or unjustified force upon persons with whom they come into contact in violation of their constitutional rights.

211. These Defendants followed, carried out, implemented and deployed a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate and/or retain officers, including themselves, who fail to exercise, use and deploy de-escalation techniques during citizen interactions, such as the underlying interaction set forth in the instant Complaint.

212. These Defendants followed, carried out, implemented and deployed a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate and/or retain officers, including themselves, who intentionally and blatantly fail to follow the Morgan County

Sheriff's Department's required training, education, teachings, tutorials, policies and internal instruction related to when and how to use deadly force in violation of constitutional rights.

213. These Defendants followed, carried out, implemented and deployed a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate police officers/employees, including themselves, upon complaints of misconduct or claims for damages involving police misconduct, even when such complaints of misconduct or claims for damages were in violation of citizens' constitutional rights.

214. These Defendants followed, carried out, implemented and deployed a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate and/or retaining officers who, including themselves, failed to provide and/or withheld necessary medical treatment to citizens and inmates, including JOHN SCOTT JR., at the Morgan County Jail in Decatur, Alabama.

215. These Defendants followed, carried out, implemented and deployed policies, customs and/or practices, as described herein and in the instant Complaint, that were within the control of these Defendants and within the feasibility of said Defendants to alter, adjust and/or correct so as to prevent some of the unlawful acts and injuries complained of herein by Plaintiff.

216. The policies, customs and/or practices, as described herein, illustrate longstanding practices and/or customs which in effect constitute the "standard operating procedure" of these Defendants.

217. At all relevant times the policies, procedures, practices, protocols, training, education and/or custom described in the paragraphs above were practiced in a widespread fashion and were permanent and well-settled constituting the custom and usage of these Defendants, which had the force of law.

218. These Defendants had actual and/or constructive knowledge of proper, appropriate and accepted police and jailing policies, procedures, practices, protocols, training, education and/or customs, yet did nothing to monitor or ensure compliance to the same. Nor did these Defendants do anything to reduce and/or curtail the failure to adhere to said policies, procedures, protocols and/or practices.

219. These Defendants' failure to adhere to proper police and jailing policies and/or customs amounted to deliberate indifference to JOHN SCOTT JR.'s constitutional rights.

220. The failure of these Defendants to follow and adhere to proper police and/or jailing policies and/or customs was the moving force behind the constitutional violations that Decedent, JOHN SCOTT JR., suffered.

221. In addition, these Defendants failed to properly screen, train, supervise and/or discipline their fellow law enforcement officers involved in injuring and ultimately killing JOHN SCOTT JR. These breaches of duty and other training failures caused and/or contributed to the injury and killing of JOHN SCOTT JR.

222. As a direct and proximate result of the unconstitutional policies, procedures, customs and practices of these Defendants, JOHN SCOTT JR., and his heirs/beneficiaries were deprived of their federally secured constitutional rights.

223. As a result of the violations of JOHN SCOTT JR.'s civil rights described in this Complaint, he was injured and died. Prior to his death he sustained physical injury with tremendous pain and suffering, emotional distress, and in an amount to be proven at trial. Plaintiff's decedent's heirs /beneficiaries also experienced their own grief, loss, sorrow and companionship of their loved one and father. These damages will be determined at trial.

224. The aforementioned acts of these Defendants were a proximate cause of JOHN SCOTT JR.'s injuries and death.

225. Plaintiff brings this wrongful death and survivorship action in her capacity as Decedent's mother and administrator of JOHN SCOTT JR.'s estate for all damages recoverable under law.

226. Plaintiff is entitled to attorney fees, costs of suit, expert fees and interest.

WHEREFORE, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, prays for judgment in her favor and against Defendants ELI CARNES, JOHNATHAN ESPINO, LANDON WALLACE, KEITH RUTHERFORD, OFFICER PEDRO & MIKE BURLESON, for damages as determined by the jury in this action, along with costs, attorney fees, and any

### **COUNT X**

#### **Assault and Battery/Wrongful death and Survivorship ELI CARNES, JOHNATHAN ESPINO, LANDON WALLACE, KEITH RUTHERFORD, OFFICER PEDRO & MIKE BURLESON**

227. Plaintiff realleges and incorporates by reference, each and every allegation contained in Paragraphs 1-105 of this Complaint, as if fully set forth herein.

228. This cause of action is pleaded by Plaintiff as Administrator of the Estate of JOHN SCOTT JR., deceased, against Defendants, ELI CARNES, JOHNATHAN ESPINO, LANDON WALLACE, KEITH RUTHERFORD, OFFICER PEDRO & MIKE BURLESON, in their individual capacity as state actors.

229. On or about April 15, 2025, through April 22, 2025, JOHN SCOTT JR., was physically contacted by this Defendant in a manner that was harmful, injurious, offensive and that caused his death, including being beaten, battered, hit, kicked, punched, tased, hooded, handcuffed, hog-tied and bludgeoned.

230. These Defendants intended to physically contact JOHN SCOTT JR., in an unconsented manner, and did so.

231. As a result of the assault and battery on JOHN SCOTT JR., he ultimately died. Prior to his death, JOHN SCOTT JR., sustained physical injuries with tremendous pain and suffering, emotional distress in an amount to be proven at trial. The heirs/beneficiaries to JOHN SCOTT JR.'s, Estate also experienced their own grief, loss, sorrow and companionship of their loved one and father. These damages will be determined at trial.

232. The acts of this Defendant were the proximate cause of JOHN SCOTT JR.'s injuries and death.

233. Plaintiff brings this wrongful death and survivorship action in her capacity as Mother of JOHN SCOTT JR, and further brings this action as administrator of JOHN SCOTT JR.'s estate for all damages recoverable under law.

234. The City of DECATUR, Alabama was the principal employer of Defendants ELI CARNES, JOHNATHAN ESPINO, LANDON WALLACE, KEITH RUTHERFORD, OFFICER PEDRO & MIKE BURLESON at the time of the events herein and, therefore, is vicariously liable for said officers' conduct and actions.

235. These Defendants are liable for their acts and conduct described above in their individual capacity as State Actors.

236. The conduct and acts of these Defendants were taken with oppression, fraud or malice and/or their conduct was motivated by evil motive or intent, or involved reckless or callous indifference to the federally protected rights of others; therefore, Plaintiff seeks punitive damages.

237. Plaintiff is entitled to attorney fees, costs of suit, expert fees and interest and all other damages recognized by law.

WHEREFORE, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, prays for judgment in her favor and against Defendants, ELI CARNES, JOHNATHAN ESPINO, LANDON WALLACE, KEITH RUTHERFORD, OFFICER PEDRO & MIKE BURLESON, for damages as determined by the jury in this action, along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

**COUNT XI**

**Violation of Federal Civil Rights Under 42 U.S.C. § 1983, et seq.  
Fourth Amendment - CITY OF PRICEVILLE, ALABAMA**

238. Plaintiff realleges and incorporate by reference each and every allegation contained in Paragraphs 1-105 of this Complaint, as if fully set forth herein.

239. At all times relevant, Defendant, CITY OF PRICEVILLE, ALABAMA, acted under color of law by and through its agents, employees, officers and/or deputies.

240. The conduct of the Defendant, CITY OF PRICEVILLE, ALABAMA, though its agents, employees, officers and/or deputies, including but not limited to hitting, tasing, hooding, punching, kicking, shackling, beating, battering and bludgeoning Decedent, JOHN SCOTT JR., even when he did not pose a threat of death or injury to others, was objectively unreasonable in light of the facts and circumstances presented, and was in direct violation of clearly established law.

241. The conduct and actions of the Defendant, CITY OF PRICEVILLE, ALABAMA, though its agents, employees, officers and/or deputies, injured and ultimately killed JOHN SCOTT JR., without provocation and without justification when Mr. SCOTT JR., did not pose a threat of death or bodily harm to others; said conduct and actions constituted the use of unconstitutional and excessive force.

242. On information and belief, the instant beating and attack of and on JOHN SCOTT JR., was one of several police-involved occurrences, and post-occurrence investigations involving CITY OF PRICEVILLE, ALABAMA, police department within the last year; the same suggesting a policy and practice of condoning, permitting, or otherwise authorizing the use of excessive and even deadly force when it is not warranted and not in compliance with accepted industry police practices and investigative procedures.

243. At all times relevant, it was the duty of Defendant, CITY OF PRICEVILLE, ALABAMA, to refrain from willful and wanton, unreasonable, careless, and/or unskilled conduct so as to avoid injuring JOHN SCOTT JR.

244. On or about April 15, 2025, through and including April 22, 2025, and at all relevant times, this Defendant had a duty to serve and protect the citizens of Decatur Alabama including inmates in the Morgan County Jail and JOHN SCOTT JR.

245. Notwithstanding said duties, Defendant, CITY OF PRICEVILLE, ALABAMA, by and through its agents, employee, officers and/or deputies, committed one or more of the following willful and wanton acts and/or omissions:

- (a) Willfully and wantonly failed to de-escalate the situation involving JOHN SCOTT JR., when Defendant knew or should have known that Mr. SCOTT JR. was in the throes of a mental health episode and did not present a threat of injury to himself or others;
- (b) Willfully and wantonly exercised and administered excessive and unreasonable force in seeking compliance from Decedent, JOHN SCOTT JR.;
- (c) Willfully and wantonly failed to warn JOHN SCOTT JR., that this Defendant intended to use force, deadly or otherwise, in an effort to obtain compliance;
- (d) Willfully and wantonly failed to give credence, recognition and/or otherwise consideration to the fact that JOHN SCOTT JR. was in the throes of a mental health episode;
- (e) Willfully and wantonly failed to observe obvious signs and signals that less

aggressive, violent and excessive means could and should have been deployed;

- (f) Willfully and wantonly failed to insist that its officers, agents and/or employees follow their training, police education, police protocols, procedures, practices and customs before during and after engaging in an incident with Decedent, JOHN SCOTT JR.;
- (g) Willfully and wantonly failed to insist that its agents, employees and officers secure and deploy the use of a mental health professional during their engagement with Decedent, JOHN SCOTT JR.;
- (h) Willfully and wantonly failed to train its agents, employees and officers on when and how to discharge their tasers and further determine whether such conduct was necessary;
- (i) Willfully and wantonly allowed, condoned and/or overlooked when its agents, employees and officers discharged their tasers without legal or lawful justification regarding JOHN SCOTT JR.;
- (j) Willfully and wantonly allowed, condoned and/or overlooked when its agents, employees and officers used excessive force resulting in injury and death without legal or lawful justification regarding JOHN SCOTT JR.;
- (k) Willfully and wantonly allowed, condoned and/or overlooked when its agents, employees and officers failed to provide medical care to JOHN SCOTT JR. after causing him injuries and death;
- (l) Willfully and wantonly allowed, condoned and/or overlooked when its agents, employees and officers failed to timely request medical care and assistance for JOHN SCOTT JR.;
- (m) Willfully and wantonly allowed, condoned and/or overlooked when its agents, employees and officers engaged in a practice and course of conduct of utilizing excessive force in both pre- and post-incident investigations in a manner that condoned and supported the use of unnecessary, excessive and even deadly force even when it was unjustified by the circumstances.

246. The conduct and actions of the Defendant, CITY OF PRICEVILLE, ALABAMA, by and through its agents, employees, officers and deputies were done intentionally and willfully and exhibited a flagrant disregard for JOHN SCOTT JR.'s federally secured constitutional rights, and such conduct also deprived Mr. SCOTT JR. of his rights in violation of the Fourth and Fourteenth Amendments to the United States Constitution.

247. As a direct and proximate result of the unconstitutional and unreasonable conduct of the Defendant, CITY OF PRICEVILLE, ALABAMA, JOHN SCOTT JR. was injured and killed.

248. As a further direct and proximate result of the above, Plaintiff Paulette Tennison, as the administrator of JOHN SCOTT JR.'s estate and the heirs/beneficiaries to said estate suffered and will continue to suffer losses of a personal and pecuniary nature, including emotional pain and suffering, as well as loss of love, companionship, care, affection, guidance, counsel, attention, services, resources, and society. Plaintiff and Mr. SCOTT JR.'s heirs/beneficiaries further suffered and will continue to suffer other damages including, but not limited to, the loss of benefits previously provided to them by Decedent, JOHN SCOTT JR.

WHEREFORE, Plaintiff prays for judgment in her favor and against the Defendant, CITY OF PRICEVILLE, ALABAMA, for compensatory and any other damages as determined by the jury in this action, along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

## **COUNT XII**

### **Violation of Federal Civil Rights Under 42 U.S.C. § 1983 et. seq. Fourteenth Amendment - CITY OF PRICEVILLE, ALABAMA**

249. Plaintiff realleges and incorporates by reference each and every allegation contained in Paragraphs 1-105 of this Complaint as if fully set forth herein.

250. This cause of action is pleaded by Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, against Defendant, CITY OF PRICEVILLE, ALABAMA.

251. The Fourteenth Amendment prohibits a state from depriving "any person of life, liberty, or property, without due process of law." The Fourteenth Amendment encompasses a "constitutional right to associate with family members." *Lipscomb By & Through DeFehr v.*

*Simmons*, 884 F.2d 1242, 1244 (9<sup>th</sup> Cir. 1989). A decedent's family members generally have the right to assert substantive due process claims under the Fourteenth Amendment for the death of their loved one. *Wheeler v. City of Santa Clara*, 894 F.3d 1046, 1057 (9<sup>th</sup> Cir. 2018).

252. Based on the allegations set forth herein Defendant the CITY OF PRICEVILLE, ALABAMA, deprived Plaintiff, Plaintiff's Decedent, JOHN SCOTT JR. and his heirs/beneficiaries of their substantive due process rights.

253. The manner in which the Defendant, CITY OF PRICEVILLE, ALABAMA, by and through its agents, employees and officers, conducted a search and seizure and then injured and ultimately killed JOHN SCOTT JR., shocks the conscience, as the Defendant, CITY OF PRICEVILLE, ALABAMA, knowing that JOHN SCOTT JR. was hooded, handcuffed behind his back, bound by ankle shackles, tased, hit, punched, kicked and defenseless, deliberately participated in and/or allowed for Mr. SCOTT JR., to inhumanely be dragged, assaulted and battered in a manner resulting in his injury and ultimate death.

254. The manner in which the Defendant, CITY OF PRICEVILLE, ALABAMA, conducted a search and seizure and then injured and ultimately killed JOHN SCOTT JR., shocks the conscience, as the Defendant, CITY OF PRICEVILLE, ALABAMA, knowing that JOHN SCOTT JR., was hooded, handcuffed behind his back, bound by ankle shackles, tased, hit, punched, kicked, defenseless and in need of medical services, deliberately withheld and/or prevented and/or disallowed Mr. SCOTT JR., to receive necessary medical care in a manner resulting in his injury and ultimate death.

255. The acts of the Defendant, CITY OF PRICEVILLE, ALABAMA, which were done in concert with the other defendants, deprived Plaintiff's Decedent, JOHN SCOTT JR., and his

heirs/beneficiaries of their rights, privileges, and/or immunities secured by the Constitution and laws of the United States.

256. The Defendant, CITY OF PRICEVILLE, ALABAMA, lacked any valid justification or Constitutional exception for their unlawful actions.

257. At all times alleged herein, the Constitutional rights of JOHN SCOTT JR., and the heirs/beneficiaries of Mr. SCOTT JR.'s estate were clearly established, and it would be clear to a reasonable officer/actor that his/her conduct was unlawful in the situation with which he/she was confronted.

258. As a result of the constitutional violations, JOHN SCOTT JR.'s heirs/beneficiaries have experienced their own grief, loss, sorrow and companionship of their loved one and father. These damages will be determined at trial.

259. The aforementioned acts of this Defendant were a proximate cause of Plaintiff's Decedent's injuries and ultimate death.

260. The conduct and acts of this Defendant were taken with oppression, fraud or malice and/or their conduct was motivated by evil motive or intent or involved reckless or callous indifference to the federally protected rights of others; therefore, Plaintiff seeks punitive damages.

261. Plaintiff is entitled to attorney fees, costs of suit, expert fees and interest, including attorney's fees and expert fees pursuant to 42 U.S.C. § 1988 and all other applicable law.

262. WHEREFORE, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, prays for judgment in her favor and against the Defendant, CITY OF PRICEVILLE, ALABAMA, for damages as determined by the jury in this action,

along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

**COUNT XIII**

**Wrongful Death - CITY OF PRICEVILLE, ALABAMA**

263. Plaintiff realleges and incorporates by reference each and every allegation contained in Paragraphs 1-105 of this Complaint, as if fully set forth herein.

264. This Count is brought pursuant to the Alabama Wrongful Death Act, Ala. Code § 6-5-410.

265. Defendant GARRY CHAPMAN, when attempting to apprehend Plaintiff's decedent, JOHN SCOTT JR., was Defendant, CITY OF PRICEVILLE, ALABAMA's agent, servant, and/or employee acting within the scope of said agency, service, and/or employment and was acting within the corporate power of Defendant, CITY OF PRICEVILLE, ALABAMA.

266. At all times relevant, it was the duty of Defendants CITY OF PRICEVILLE, ALABAMA, by and through its authorized agents, servants and/or employees GARRY CHAPMAN, to refrain from neglectful, careless, willful and wanton, and/or unskilled conduct so as to not injure JOHN SCOTT JR.

267. Notwithstanding said duty, Defendants CITY OF PRICEVILLE, ALABAMA, by and through its authorized agents, servants, and/or employees, including Defendant GARY CHAPMAN, committed one or more of the following neglectful, careless, and/or unskillful acts and/or omissions:

- (c) Willfully and wantonly failed to de-escalate the situation involving JOHN SCOTT JR., when Defendant knew or should have known that Mr. SCOTT JR., was in the throes of a mental health episode and did not present a threat of injury to himself or others;

- (b) Willfully and wantonly exercised and administered excessive and unreasonable force in seeking Decedent, JOHN SCOTT JR.'s compliance;
- (c) Willfully and wantonly failed to warn JOHN SCOTT JR., that this Defendant intended to use force, deadly or otherwise, in an effort to obtain compliance;
- (d) Willfully and wantonly failed to give credence, recognition and/or otherwise consideration to the fact that JOHN SCOTT JR., was in the throes of a mental health episode;
- (e) Willfully and wantonly failed to observe obvious signs and signals that less aggressive, violent and excessive means could and should have been deployed;
- (f) Willfully and wantonly failed to insist that its officers, agents and/or employees follow their training, police education, police protocols, procedures, practices and customs before during and after engaging in an incident with Decedent, JOHN SCOTT JR.;
- (g) Willfully and wantonly failed to insist that its agents, employees and officers secure and deploy the use of a mental health professional during their engagement with Decedent, JOHN SCOTT JR.;
- (h) Willfully and wantonly failed to train its agents, employees and officers on when and how to discharge their tasers and further determine whether such conduct was necessary;
- (ii) Willfully and wantonly allowed, condoned and/or overlooked when its agents, employees and officers discharged their tasers without legal or lawful justification regarding JOHN SCOTT JR.;
- (j) Willfully and wantonly allowed, condoned and/or overlooked when its agents, employees and officers used excessive force resulting in injury and death without legal or lawful justification regarding JOHN SCOTT JR.;
- (k) Willfully and wantonly allowed, condoned and/or overlooked when its agents, employees and officers failed to provide medical care to JOHN SCOTT JR., after causing him injuries and death;
- (l) Willfully and wantonly allowed, condoned and/or overlooked when its agents, employees and officers failed to timely request medical care and assistance for JOHN SCOTT JR.;
- (m) Willfully and wantonly allowed, condoned and/or overlooked when its agents,

employees and officers engaged in a practice and course of conduct of utilizing excessive force in both pre- and post-incident investigations in a manner that condoned and supported the use of unnecessary, excessive and even deadly force even when it was unjustified by the circumstances.

268. The actions of Defendant, CITY OF PRICEVILLE, ALABAMA, in failing to prevent Defendant GARRY CHAPMAN from his conduct referenced above including but not limited to drawing his taser weapon and pointing it at Plaintiff's decedent, JOHN SCOTT JR., under circumstances where Mr. SCOTT JR., presented no threat of death or great bodily harm to anyone and failed to warn MR. SCOTT JR. that deadly force or force likely to cause serious bodily injury was threatened against him, and in participating in inflicting harm upon Mr. SCOTT JR., that was likely to cause serious bodily injury which ultimately led to his death, was done willfully, maliciously, fraudulently, in bad faith, beyond their authority, and/or under a mistaken interpretation of the law.

269. As a direct and proximate result of one or more of the aforementioned acts and/or omissions, JOHN SCOTT JR. died.

270. As a further direct and proximate result, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., and MR. SCOTT JR.'s heirs/beneficiaries suffered losses of personal and pecuniary nature, including emotional pain and suffering, and loss of the love, companionship, and society of JOHN SCOTT JR.

271. On June 14, 2025, Plaintiff served notice of this claim on Defendants pursuant to Ala. Code § 11-47-192.

WHEREFORE, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, prays for judgment in her favor and against Defendants CITY OF PRICEVILLE, ALABAMA, for damages as determined by the jury in this action, along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

**COUNT XIV**

**Monell Claim - CITY OF PRICEVILLE, ALABAMA**

272. Plaintiff realleges and incorporates by reference each and every allegation contained in Paragraphs 1-105 of this Complaint, as if fully set forth herein.

273. This cause of action is pleaded by Plaintiff against Defendant, CITY OF PRICEVILLE, ALABAMA.

274. This cause of action is pleaded to assert liability of CITY OF PRICEVILLE, ALABAMA, pursuant to *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 98 S. Ct. 2018 (1978) and 42 U.S.C. § 1983.

275. JOHN SCOTT JR. was deprived of his constitutional rights in violation of the Federal and State Constitutions, and he was injured and killed as a result.

276. Defendant, CITY OF PRICEVILLE, ALABAMA, had a policy, practice or custom that caused the Constitutional deprivation.

277. More specifically, Defendant, CITY OF PRICEVILLE, ALABAMA, had a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate and/or retaining officers who use excessive and/or unjustified force upon persons with whom they come into contact in violation of their constitutional rights.

278. Defendant, CITY OF PRICEVILLE, ALABAMA, had a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate and/or retaining officers who fail to exercise, use and deploy de-escalation techniques during citizen interactions, such as the underlying interaction set forth in the instant Complaint.

279. Defendant, CITY OF PRICEVILLE, ALABAMA, had a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate and/or retaining officers who intentionally and blatantly fail to follow CITY OF PRICEVILLE, ALABAMA's required training, education, teachings, tutorials, policies and internal instruction related to when and how to use deadly force in violation of constitutional rights.

280. Defendant, CITY OF PRICEVILLE, ALABAMA, had a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate their police officers/employees upon complaints of misconduct or claims for damages involving police misconduct, even when such complaints of misconduct or claims for damages were in violation of citizens' constitutional rights.

281. Defendant, CITY OF PRICEVILLE, ALABAMA, had a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate, hiring and/ or retaining officers who failed to provide and/or withheld necessary medical treatment to inmates at the Morgan County Jail in Decatur Alabama.

282. Defendant, CITY OF PRICEVILLE, ALABAMA's policy, customs and/or practices, as described herein, and in the instant Complaint were within the control of Defendant, CITY OF PRICEVILLE, ALABAMA, and within the feasibility of Defendant to alter, adjust and/or correct so as to prevent some of the unlawful acts and injuries complained of herein by Plaintiff.

283. The policy, customs and/or practices, as described herein, and in the Instant Complaint illustrate a longstanding practice or custom which in effect constitutes the "standard operating procedure" of the Defendant, CITY OF PRICEVILLE, ALABAMA, acting as a local government entity and/or an official with final policymaking authority within Defendant, CITY

OF PRICEVILLE, ALABAMA's, paramilitary structure has ratified these decisions by subordinates.

284. At all relevant times the policies, procedures, practices, protocols, training, education and/or customs described in the paragraphs above were practiced in a widespread fashion and were permanent and well-settled constituting the custom and usage of Defendant, CITY OF PRICEVILLE, ALABAMA, which had the force of law.

285. Defendant, CITY OF PRICEVILLE, ALABAMA, had actual and/or constructive knowledge of its policies, procedures, practices, protocols, training, education and/or customs referenced in the paragraphs above; yet did nothing to monitor or ensure compliance to the same. Nor did it do anything to reduce and/or curtail the failure to adhere to said policies, procedures, protocols and/or practices.

286. Defendant, CITY OF PRICEVILLE, ALABAMA's policy or customs amounted to deliberate indifference to JOHN SCOTT JR.'s constitutional rights.

287. Defendant, CITY OF PRICEVILLE, ALABAMA's policy or customs was the moving force behind the constitutional violation.

288. In addition, Defendant, CITY OF PRICEVILLE, ALABAMA, failed to properly screen, train, supervise and/or discipline its attendant and protective personnel. These and other training failures caused or contributed to the injury and killing of JOHN SCOTT JR.

289. As a direct and proximate result of the unconstitutional policies, procedures, customs and practices of Defendant, CITY OF PRICEVILLE, ALABAMA, JOHN SCOTT JR., and his heirs/beneficiaries were deprived of their federally secured constitutional rights.

290. As a result of the violation of JOHN SCOTT JR.'s civil rights, he was injured and died. Prior to his death he sustained physical injury with tremendous pain and suffering, emotional

distress, and in an amount to be proven at trial. Plaintiff's Decedent's heirs/beneficiaries also experienced their own grief, loss, sorrow and companionship of their loved one and father. These damages will be determined at trial.

291. The aforementioned acts of this Defendant were a proximate cause of JOHN SCOTT JR.'s injuries and death.

292. Plaintiff brings this wrongful death and survivorship action in her capacity as Decedent's mother and administrator of JOHN SCOTT JR.'s estate for all damages recoverable under law.

293. Plaintiff is entitled to attorney fees, costs of suit, expert fees and interest.

WHEREFORE, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, prays for judgment in her favor and against Defendant, CITY OF PRICEVILLE, ALABAMA, for damages as determined by the jury in this action, along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

#### **COUNT XV**

##### **Assault & Battery – CITY OF PRICEVILLE, ALABAMA**

294. Plaintiff realleges and incorporates by reference each and every allegation contained in Paragraphs 1-105 of this Complaint, as if fully set forth herein.

295. This cause of action is pleaded by Plaintiff as Administrator of the Estate of JOHN SCOTT JR., deceased, against Defendant, CITY OF PRICEVILLE, ALABAMA.

296. On or about April 15, 2025, through April 22, 2025, JOHN SCOTT JR., was physically contacted by this Defendant, by and through its agents, employees and officers, in a manner that was harmful, injurious, offensive and that caused his death, including being beaten, battered, hit, kicked, punched, tased, hooded, handcuffed, hog-tied and bludgeoned.

297. This Defendant, by and through its agents, employees and officers, intended to contact JOHN SCOTT JR., in a non-consenting manner, and did so.

298. As a result of the assault and battery on JOHN SCOTT JR., he ultimately died. Prior to his death, JOHN SCOTT JR., sustained physical injuries with tremendous pain and suffering, emotional distress in an amount to be proven at trial. The heirs/beneficiaries to JOHN SCOTT JR.'s, Estate also experienced their own grief, loss, sorrow and companionship of their loved one and father. These damages will be determined at trial.

299. The acts of this Defendant were the proximate cause of JOHN SCOTT JR.'s injuries and death.

300. Plaintiff brings this wrongful death and survivorship action in her capacity as Mother of JOHN SCOTT JR., and further brings this action as administrator of JOHN SCOTT JR.'s estate for all damages recoverable under law.

301. The CITY OF PRICEVILLE, ALABAMA, was the principal employer of the Defendant GARRY CHAPMAN named in this Complaint at the time of the events herein and, therefore, is vicariously liable for said officer's conduct and actions.

302. The conduct and acts of this Defendant were taken with oppression, fraud or malice and/or their conduct was motivated by evil motive or intent or involved reckless or callous indifference to the federally protected rights of others; therefore, Plaintiff seeks punitive damages.

303. Plaintiff is entitled to attorney fees, costs of suit, expert fees and interest.

WHEREFORE, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, prays for judgment in her favor and against Defendant, CITY OF PRICEVILLE, ALABAMA, for damages as determined by the jury in this action, along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

**COUNT XVI**

**Violation of Federal Civil Rights Under 42 U.S.C. § 1983, et seq.  
Fourth Amendment – GARRY CHAPMAN**

304. Plaintiffs reallege and incorporate by reference each and every allegation contained in Paragraphs 1-105 of this Complaint, as if fully set forth herein.

305. At all times relevant, Defendant GARRY CHAPMAN acted under color of law.

306. Defendant GARRY CHAPMAN's conduct (hitting, tasing, hooding, punching, kicking, shackling, beating, battering and bludgeoning Decedent, JOHN SCOTT JR. even when he did not pose a threat of death or injury to others) was objectively unreasonable in light of the facts and circumstances presented, and was in direct violation of clearly established law.

307. Defendant GARRY CHAPMAN's actions which injured and ultimately killed JOHN SCOTT JR., without provocation and without justification, when Mr. SCOTT JR., did not pose a threat of death or bodily harm to others, constituted the use of unconstitutional and excessive force.

308. On information and belief, the instant beating and attack of and on JOHN SCOTT JR., was one of several police-involved occurrences, and post-occurrence investigations to occur in the City of Decatur and/or within the Decatur Police Department's jurisdiction, by Defendant Priceville Police Department officers within the last calendar year; The same suggesting a policy and practice of condoning, permitting, or otherwise authorizing the use of excessive and even deadly force when it is not warranted and not in compliance with accepted industry police practices and investigative procedures.

309. At all times relevant, it was the duty of Defendant GARRY CHAPMAN to refrain from willful and wanton, unreasonable, careless, and/or unskilled conduct so as to avoid injuring JOHN SCOTT JR.

310. On or about April 15, 2025, through and including April 22, 2025, and at all relevant times, this Defendant had a duty to serve and protect citizens including the decedent, JOHN SCOTT JR.

311. Notwithstanding said duties, Defendant GARRY CHAPMAN committed one or more of the following willful and wanton acts and/or omissions:

- (a) Willfully and wantonly failing to de-escalate the situation involving JOHN SCOTT JR., when Defendant knew or should have known that Mr. SCOTT JR., was in the throes of a mental health episode and did not present a threat of injury to himself or others;
- (b) Willfully and wantonly exercised and administered excessive and unreasonable force in seeking compliance from Decedent, JOHN SCOTT JR.;
- (c) Willfully and wantonly failing to warn JOHN SCOTT JR. that this Defendant intended to use force, deadly or otherwise, in an effort to obtain compliance;
- (d) Willfully and wantonly failing to give credence, recognition and/or otherwise consideration of the fact that JOHN SCOTT JR., was in the throes of a mental health episode;
- (e) Willfully and wantonly failed to observe obvious signs and signals that less aggressive, violent and excessive means could have been deployed;
- (f) Willfully and wantonly failing to follow his training, police education, police protocols, procedures, practices and customs before during and after engaging in an incident with Decedent, JOHN SCOTT JR.;
- (g) Willfully and wantonly failed to secure and deploy the use of a mental health professional during his engagement with Decedent, JOHN SCOTT JR.;
- (h) Willfully and wantonly handling and discharging his taser in such a manner as to shoot JOHN SCOTT JR.;
- (i) Willfully and wantonly handling and discharging his taser in such a manner as to shoot JOHN SCOTT JR. without legal or lawful justification;
- (j) Using excessive force resulting in deadly force without legal or lawful justification;
- (k) Willfully and wantonly failed to exercise the proper level of force warranted under the circumstances;
- (l) Willfully and wantonly Failing to provide medical care to JOHN SCOTT JR., after causing him injuries and death;

- (m) Willfully and wantonly failing to timely request medical care and assistance for JOHN SCOTT JR.;
- (n) Willfully and wantonly engaging in a practice and course of conduct that utilized lethal force when such lethal force was not warranted.
- (o) Willfully and wantonly engaging in a practice and course of conduct of utilizing excessive force and both pre- and post-incident investigation that condones and supports the use of deadly force even when it is unjustified by the circumstances.

312. The conduct of Defendant GARRY CHAPMAN was done intentionally and willfully and exhibited a flagrant disregard for JOHN SCOTT JR.'s federally secured constitutional rights, and such conduct also deprived Mr. SCOTT JR., of his rights in violation of the Fourth and Fourteenth Amendments to the United States Constitution.

313. As a direct and proximate result of the unconstitutional and unreasonable conduct of Defendant GARRY CHAPMAN, JOHN SCOTT JR. was injured and was killed.

314. As a further direct and proximate result of the above, Plaintiff Paulette Tennison, as the Administrator of the Estate of JOHN SCOTT JR., and the heirs/beneficiaries to said estate suffered and will continue to suffer losses of a personal and pecuniary nature, including emotional pain and suffering, as well as loss of love, companionship, care, affection, guidance, counsel, attention, services, resources, and society. Plaintiff further suffered and will continue to suffer other damages including, but not limited to, the loss of benefits previously provided to them by Decedent, JOHN SCOTT JR.

WHEREFORE, Plaintiff prays for judgment in her favor and against Defendant GARRY CHAPMAN, for compensatory and punitive damages as determined by the jury in this action, along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

**COUNT XVII**

**Violation of Federal Civil Rights Under 42 U.S.C. § 1983 et. seq.  
Fourteenth Amendment - GARRY CHAPMAN**

315. Plaintiff realleges and incorporates by reference each and every allegation contained in Paragraphs 1-105 of this Complaint as if fully set forth herein.

316. This cause of action is pleaded by Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, against Defendant GARRY CHAPMAN, in his individual capacity as a state actor.

317. The Fourteenth Amendment prohibits a state from depriving “any person of life, liberty, or property, without due process of law.” The Fourteenth Amendment encompasses a “constitutional right to associate with family members.” *Lipscomb By & Through DeFehr v. Simmons*, 884 F.2d 1242, 1244 (9<sup>th</sup> Cir. 1989). A decedent’s family members generally have the right to assert substantive due process claims under the Fourteenth Amendment for the death of their loved one. *Wheeler v. City of Santa Clara*, 894 F.3d 1046, 1057 (9<sup>th</sup> Cir. 2018).

318. Based on the allegations set forth herein, Defendant GARRY CHAPMAN and all other Defendants deprived Plaintiff of their substantive due process rights to associate with JOHN SCOTT JR., deceased.

319. The manner in which Defendant GARRY CHAPMAN conducted a search and seizure and then injured and ultimately killed JOHN SCOTT JR., shocks the conscience, as Defendant GARRY CHAPMAN, knowing that JOHN SCOTT JR., was hooded, handcuffed behind his back, bound by ankle shackles, and defenseless. He deliberately participated in and/or allowed for Mr. SCOTT JR., to inhumanely be dragged, assaulted and battered in a manner resulting in his injury and ultimate death.

320. The manner in which Defendant GARRY CHAPMAN conducted a search and seizure and then injured and ultimately killed JOHN SCOTT JR., shocks the conscience, as Defendant GARRY CHAPMAN, knowing that JOHN SCOTT JR., was hooded, handcuffed behind his back, bound by ankle shackles, defenseless and in need of medical services, deliberately withheld and/or prevented and/or disallowed Mr. SCOTT JR., to receive necessary medical care in a manner resulting in his injury and ultimate death.

321. The acts of Defendant GARRY CHAPMAN and all other Defendants, which were done in concert, deprived both Plaintiff and Plaintiff's Decedent, JOHN SCOTT JR., of their rights, privileges, and/or immunities secured by the Constitution and laws of the United States.

322. Defendant GARRY CHAPMAN and all other Defendants lacked any valid justification or Constitutional exception for their unlawful actions.

323. At all times alleged herein, the Constitutional rights of JOHN SCOTT JR., and heirs/beneficiaries of Mr. SCOTT JR.'s estate were clearly established, and it would be clear to a reasonable officer/actor that his/her conduct was unlawful in the situation he/she was confronted.

324. As a result of the constitutional violations, Plaintiffs have experienced their own grief, loss, sorrow and companionship of their loved one and father. These damages will be determined at trial.

325. The aforementioned acts of the Defendants were a proximate cause of Plaintiff's Decedent's injuries and ultimate death.

326. The acts of Defendant GARRY CHAPMAN and all other Defendants were taken with oppression, fraud or malice and/or their conduct was motivated by evil motive or intent, or

involved reckless or callous indifference to the federally protected rights of others; therefore, Plaintiff seeks punitive damages.

327. Plaintiff is entitled to attorney fees, costs of suit, expert fees and interest, including attorney's fees and expert fees pursuant to 42 U.S.C. § 1988 and all other applicable law.

328. WHEREFORE, Plaintiff, PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, prays for judgment in her favor and against Defendant GARRY CHAPMAN for damages as determined by the jury in this action, along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

### **COUNT XVIII**

#### **Wrongful Death -GARRY CHAPMAN**

329. Plaintiff realleges and incorporates by reference each and every allegation contained in Paragraphs 1-105 of this Complaint, as if fully set forth herein.

330. This Count is being brought pursuant to the Alabama Wrongful Death Act, Ala. Code § 6-5-410.

331. Defendant GARRY CHAPMAN, when attempting to apprehend Plaintiff's Decedent, JOHN SCOTT JR., was an agent, servant, and/or employee acting within the scope of said agency, service, and/or employment and was acting within the corporate power of Defendant, CITY OF PRICEVILLE, ALABAMA.

332. At all times relevant, it was the duty of Defendant GARRY CHAPMAN to refrain from neglectful, careless, willful and wanton, and/or unskilled conduct so as to not injure JOHN SCOTT JR.

333. Notwithstanding said duty, Defendant GARRY CHAPMAN, committed one or more of the following neglectful, careless, and/or unskillful acts and/or omissions:

- (a) Willfully and wantonly failed to de-escalate the situation involving JOHN SCOTT JR., when Defendants knew or should have known that Mr. SCOTT JR., was in the throes of a mental health episode and did not present a threat of injury to himself or others;
- (b) Willfully and wantonly exercised and administered excessive and unreasonable force in seeking Decedent, JOHN SCOTT JR.'s compliance;
- (c) Willfully and wantonly failed to warn JOHN SCOTT JR. that this Defendant intended to use force, deadly or otherwise, in an effort to obtain compliance;
- (d) Willfully and wantonly failed to give credence, recognition and/or otherwise consideration to the fact that JOHN SCOTT JR. was in the throes of a mental health episode;
- (e) Willfully and wantonly failed to observe obvious signs and signals that less aggressive, violent and excessive means could and should have been deployed;
- (f) Willfully and wantonly failed to follow their training, police education, police protocols, procedures, practices and customs before, during and after engaging in an incident with Decedent, JOHN SCOTT JR.;
- (g) Willfully and wantonly failed to secure and deploy the use of a mental health professional during their engagement with Decedent, JOHN SCOTT JR.;
- (h) Willfully and wantonly failed to follow policies, protocols, procedures and/or training on when and how to discharge tasers and further determine whether such conduct was necessary;
- (i) Willfully and wantonly allowed others and/or themselves discharged their tasers without legal or lawful justification regarding JOHN SCOTT JR.;
- (j) Willfully and wantonly allowed and used excessive force resulting in injury and death without legal or lawful justification regarding JOHN SCOTT JR.;
- (k) Willfully and wantonly allowed, and failed to provide medical care to JOHN SCOTT JR., after causing him injuries and death;
- (l) Willfully and wantonly allowed others and/or themselves failed to timely request medical care and assistance for JOHN SCOTT JR.;
- (m) Willfully and wantonly allowed and engaged in a practice and course of conduct of utilizing excessive force in both pre- and post-incident investigations in a manner

that condoned and supported the use of unnecessary, excessive and even deadly force even when it was unjustified by the circumstances.

334. The actions of Defendant GARRY CHAPMAN under circumstances where Decedent, JOHN SCOTT JR., presented no threat of death or great bodily harm to anyone, and in failing to warn MR. SCOTT JR., that deadly force or force likely to cause serious bodily injury was threatened against him, and in participating in inflicting harm upon Mr. SCOTT JR., that was likely to cause serious bodily injury which ultimately led to his death, were done willfully, maliciously, fraudulently, in bad faith, beyond their authority, or under a mistaken interpretation of the law.

335. As a direct and proximate result of one or more of this Defendant's aforementioned acts and/or omissions, JOHN SCOTT JR. died.

336. As a further direct and proximate result, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., and MR. SCOTT JR.,'s heirs/beneficiaries suffered losses of personal and pecuniary nature, including emotional pain and suffering, and loss of the love, companionship, and society of JOHN SCOTT JR.

337. On June 14, 2025, Plaintiff served notice of this claim on Defendants pursuant to Ala. Code § 11-47-192.

WHEREFORE, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, prays for judgment in her favor and against Defendant GARRY CHAPMAN, for damages as determined by the jury in this action, along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

**COUNT XIX**

**Monell Claim  
GARRY CHAPMAN**

338. Plaintiff realleges and incorporates by reference each and every allegation contained in Paragraphs 1-105 of this Complaint, as if fully set forth herein.

339. This cause of action is pleaded by Plaintiff against Defendant GARRY CHAPMAN in both his individual and professional capacity with the Defendant, CITY OF PRICEVILLE, ALABAMA.

340. This cause of action is pleaded to assert liability of Defendant GARRY CHAPMAN pursuant to *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 98 S. Ct. 2018 (1978) and 42 U.S.C. § 1983.

341. Decedent, JOHN SCOTT JR., was deprived of his constitutional rights in violation of the Federal and State Constitutions, and he was injured and killed as a result.

342. Defendant GARRY CHAPMAN followed, implemented and deployed policies, practices and/or customs that caused the Constitutional deprivation of rights enjoyed by Decedent, JOHN SCOTT JR.

343. More specifically, this Defendant followed, carried out, implemented and deployed a defacto policy, practice or custom of condoning, ratifying, failing to discipline, investigate and/or retaining officers, including themselves, who use excessive and/or unjustified force upon persons with whom they come into contact in violation of their constitutional rights.

344. This Defendant followed, carried out, implemented and deployed a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate and/or retaining officers, including themselves, who fail to exercise, use and deploy de-escalation techniques during citizen interactions, such as the underlying interaction set forth in the instant Complaint.

345. This Defendant followed, carried out, implemented and deployed a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate and/or retaining officers, including themselves, who intentionally and blatantly fail to follow the CITY OF PRICEVILLE, ALABAMA's Police Department's required training, education, teachings, tutorials, policies and internal instruction related to when and how to use deadly force in violation of constitutional rights.

346. This Defendant followed, carried out, implemented and deployed a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate police officers/employees, including themselves, upon complaints of misconduct or claims for damages involving police misconduct, even when such complaints of misconduct or claims for damages were in violation of citizens' constitutional rights.

347. This Defendant followed, carried out, implemented and deployed a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate and/or retaining officers who, including himself, failed to provide and/or withheld necessary medical treatment to citizens and inmates, including JOHN SCOTT JR.

348. This Defendant followed, carried out, implemented and deployed policies, customs and/or practices, as described herein and in the instant Complaint, that were within the control of this Defendant and within the feasibility of said Defendants to alter, adjust and/or correct so as to prevent some of the unlawful acts and injuries complained of herein by Plaintiff's Decedent, JOHN SCOTT JR.

349. The policies, customs and/or practices, as described herein, illustrate longstanding practices and/or customs which in effect constitute the "standard operating procedure" of this Defendant.

350. At all relevant times the policies, procedures, practices, protocols, training, education and/or customs described in the paragraphs above were practiced in a widespread fashion and were permanent and well-settled constituting the custom and usage of this Defendant, which had the force of law.

351. This Defendant had actual and/or constructive knowledge of proper, appropriate and accepted police and jailing policies, procedures, practices, protocols, training, education and/or customs, yet did nothing to monitor or ensure compliance to the same. Nor did this Defendant do anything to reduce and/or curtail the failure to adhere to said policies, procedures, protocols and/or practices.

352. This Defendant's failure to adhere to proper police and jailing policies and/or customs amounted to deliberate indifference to JOHN SCOTT JR.'s constitutional rights.

353. The failure of this Defendant to follow and adhere to proper police and/or jailing policies and/or customs was the moving force behind the constitutional violations that Decedent, JOHN SCOTT JR. suffered.

354. In addition, this Defendant failed to properly screen, train, supervise and/or discipline his fellow law enforcement officers involved in injuring and ultimately killing JOHN SCOTT JR. These and other training failures caused and/or contributed to the injury and killing of JOHN SCOTT JR.

355. As a direct and proximate result of the unconstitutional policies, procedures, customs and practices of this Defendant, JOHN SCOTT JR., and his heirs/beneficiaries were deprived of their federally secured constitutional rights.

356. As a result of the violations of JOHN SCOTT JR.'s civil rights described in this Complaint, he was injured and died. Prior to his death he sustained physical injury with tremendous pain and

suffering, emotional distress, and in an amount to be proven at trial. Plaintiff's Decedent's heirs /beneficiaries also experienced their own grief, loss, sorrow and companionship of their loved one and father. These damages will be determined at trial.

357. The aforementioned acts of this Defendant were a proximate cause of JOHN SCOTT JR.'s injuries and death.

358. Plaintiff brings this wrongful death and survivorship action in her capacity as Decedent's mother and Administrator of JOHN SCOTT JR.'s estate for all damages recoverable under law.

359. Plaintiff is entitled to attorney fees, costs of suit, expert fees and interest.

WHEREFORE, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, prays for judgment in her favor and against Defendant GARRY CHAPMAN, for damages as determined by the jury in this action, along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

### **COUNT XX**

#### **Assault and Battery/Wrongful death and Survivorship GARRY CHAPMAN**

360. Plaintiff reallege sand incorporates by reference, each and every allegation contained in Paragraphs 1-105 of this Complaint, as if fully set forth herein.

361. This cause of action is pleaded by Plaintiff as Administrator of the Estate of JOHN SCOTT JR., deceased, against Defendant GARRY CHAPMAN in his individual capacity and as a state actor.

362. On or about April 15, 2025, through April 22, 2025, JOHN SCOTT JR., was physically contacted by this Defendant in a manner that was harmful, injurious, offensive and that caused his death, including being beaten, battered, hit, kicked, punched, tased, hooded, handcuffed, hog-tied and bludgeoned.

363. This Defendant intended to contact JOHN SCOTT JR., in an unconsented manner, and did so.

364. As a result of the assault and battery on JOHN SCOTT JR., he ultimately died. Prior to his death, JOHN SCOTT JR., sustained physical injuries with tremendous pain and suffering, emotional distress in an amount to be proven at trial. The heirs/beneficiaries to JOHN SCOTT JR.'s, Estate also experienced their own grief, loss, sorrow and companionship of their loved one and father. These damages will be determined at trial.

365. The acts of this Defendant were the proximate cause of JOHN SCOTT JR.'s injuries and death.

366. Plaintiff brings this wrongful death and survivorship action in her capacity as Mother of JOHN SCOTT JR., and further brings this action as Administrator of JOHN SCOTT JR.'s estate for all damages recoverable under law.

367. The CITY OF PRICEVILLE, ALABAMA, via its Police Department, was the principal employer of Defendant GARRY CHAPMAN at the time of the events herein and, therefore, is vicariously liable for said officer's conduct and actions.

368. This Defendant is liable for his acts and conduct described above in his individual capacity as a State Actor.

369. The conduct and acts of this Defendant were taken with oppression, fraud or malice and/or their conduct was motivated by evil motive or intent or involved reckless or callous indifference to the federally protected rights of others, therefore Plaintiff seeks punitive damages.

370. Plaintiff is entitled to attorney fees, costs of suit, expert fees and interest.

WHEREFORE, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, prays for judgment in her favor and against Defendant GARRY

CHAPMAN for damages as determined by the jury in this action, along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

**COUNT XXI**

**Violation of Federal Civil Rights Under 42 U.S.C. § 1983, et seq.  
Fourth Amendment – MORGAN COUNTY SHERIFF'S OFFICE**

371. Plaintiff realleges and incorporates by reference each and every allegation contained in Paragraphs 1-105 of this Complaint, as if fully set forth herein.

372. At all times relevant, Defendant MORGAN COUNTY SHERIFF'S OFFICE acted under color of law by and through its officers and/or deputies, including the Defendant Morgan County law enforcement officers, MARTHA HUDSON-PEPPER, SUSAN GOOCH, BRIAN HANDCOCK, LEVI DENNEY, JESSE HILLS, SABRINA BROWN, GEORGE SALES, MR. KIKUT, DONALD WHITT, JESSE GARCIA.

373. The conduct of the Defendant MORGAN COUNTY SHERIFF'S OFFICE, through its agents, employees, officers and/or deputies, including but not limited to hitting, tasing, hooding, punching, kicking, shackling, beating, battering and bludgeoning Decedent, JOHN SCOTT JR., even when he did not pose a threat of death or injury to others, was objectively unreasonable in light of the facts and circumstances presented, and was in direct violation of clearly established law.

374. The conduct and actions of the Defendant MORGAN COUNTY SHERIFF'S OFFICE, though its agents, employees, officers and/or deputies, injured and ultimately killed JOHN SCOTT JR., without provocation and without justification when Mr. SCOTT JR., did not pose a threat of death or bodily harm to others; said conduct and actions constituted the use of unconstitutional and excessive force.

375. On information and belief, the instant beating and attack of and on JOHN SCOTT JR., was one of several police-involved occurrences, and post-occurrence investigations to occur in the City of Decatur, Alabama and within the MORGAN COUNTY SHERIFF'S OFFICE within the last year, the same suggesting a policy and practice of condoning, permitting, or otherwise authorizing the use of excessive and even deadly force when it is not warranted and not in compliance with accepted industry police, jailing and law enforcement policies, practices and investigative procedures.

376. At all times relevant, it was the duty of Defendant MORGAN COUNTY SHERIFF'S OFFICE to refrain from willful and wanton, unreasonable, careless, and/or unskilled conduct so as to avoid injuring and/or killing JOHN SCOTT JR.

377. On or about April 15, 2025, through and including April 22, 2025, and at all relevant times, this Defendant had a duty to serve and protect the inmates in the Morgan County Jail, including the decedent, JOHN SCOTT JR.

378. Notwithstanding said duties, Defendant, MORGAN COUNTY SHERIFF'S OFFICE, by and through its agents, employees and/or officers committed one or more of the following willful and wanton acts and/or omissions:

- (a) Willfully and wantonly failed to de-escalate the situation involving JOHN SCOTT JR., when Defendant knew or should have known that Mr. SCOTT JR., was in the throes of a mental health episode and did not present a threat of injury to himself or others;
- (b) Willfully and wantonly exercised and administered excessive and unreasonable force in seeking compliance from Decedent, JOHN SCOTT JR.;
- (c) Willfully and wantonly failed to warn JOHN SCOTT JR., that this Defendant intended to use force, deadly or otherwise, in an effort to obtain compliance;
- (d) Willfully and wantonly failed to give credence, recognition and/or otherwise consideration to the fact that JOHN SCOTT JR., was in the throes of a mental health episode;

- (e) Willfully and wantonly failed to observe obvious signs and signals that less aggressive, violent and excessive means could and should have been deployed;
- (f) Willfully and wantonly failed to insist that its officers, agents and/or employees follow their training, police and/or jailer education, protocols, procedures, practices and customs before, during and after engaging in an incident with Decedent, JOHN SCOTT JR.;
- (g) Willfully and wantonly failed to insist that its agents, employees and officers secure and deploy the use of a mental health professional during their engagement with Decedent, JOHN SCOTT JR.;
- (h) Willfully and wantonly failed to train its agents, employees and officers on when and how to discharge their tasers and further determine whether such conduct was necessary;
- (i) Willfully and wantonly allowed, condoned and/or overlooked when its agents, employees and officers discharged their tasers without legal or lawful justification regarding Decedent, JOHN SCOTT JR.;
- (j) Willfully and wantonly allowed, condoned and/or overlooked when its agents, employees and officers used excessive force resulting in injury and death without legal or lawful justification regarding Decedent, JOHN SCOTT JR.;
- (k) Willfully and wantonly allowed, condoned and/or overlooked when its agents, employees and officers failed to provide medical care to Decedent, JOHN SCOTT JR., after causing him injuries and death;
- (l) Willfully and wantonly allowed, condoned and/or overlooked when its agents, employees and officers failed to timely request medical care and assistance for Decedent, JOHN SCOTT JR.;
- (m) Willfully and wantonly allowed, condoned and/or overlooked when its agents, employees and officers engaged in a practice and course of conduct of utilizing excessive force in both pre- and post-incident investigations in a manner that condoned and supported the use of unnecessary, excessive and even deadly force even when it was unjustified by the circumstances.

379. The conduct and actions of the Defendant MORGAN COUNTY SHERIFF'S OFFICE by and through its agents, employees and officers was done intentionally and willfully and exhibited a flagrant disregard for JOHN SCOTT JR.'s federally secured constitutional rights, and such

conduct also deprived Mr. SCOTT JR. of his rights in violation of the Fourth and Fourteenth Amendments to the United States Constitution.

380. As a direct and proximate result of the unconstitutional and unreasonable conduct of the Defendant MORGAN COUNTY SHERIFF'S OFFICE, Decedent, JOHN SCOTT JR., was injured and killed.

381. As a further direct and proximate result of the above, Plaintiff Paulette Tennison, as the Administrator of JOHN SCOTT JR.'s estate and the heirs/beneficiaries to said estate suffered and will continue to suffer losses of a personal and pecuniary nature, including emotional pain and suffering, as well as loss of love, companionship, care, affection, guidance, counsel, attention, services, resources, and society. Plaintiff and Mr. SCOTT JR.'s heirs/beneficiaries further suffered and will continue to suffer other damages including, but not limited to, the loss of benefits previously provided to them by Decedent, JOHN SCOTT JR.

WHEREFORE, Plaintiff prays for judgment in her favor and against the Defendant MORGAN COUNTY SHERIFF'S OFFICE, for compensatory and any other damages as determined by the jury in this action, along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

### **COUNT XXII**

#### **Violation of Federal Civil Rights Under 42 U.S.C. § 1983 et. seq. Fourteenth Amendment -MORGAN COUNTY SHERIFF'S OFFICE**

382. Plaintiff realleges and incorporates by reference each and every allegation contained in Paragraphs 1-105 of this Complaint as if fully set forth herein.

383. This cause of action is pleaded by Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, against Defendant MORGAN COUNTY SHERIFF'S OFFICE.

384. The Fourteenth Amendment prohibits a state from depriving “any person of life, liberty, or property, without due process of law.” The Fourteenth Amendment encompasses a “constitutional right to associate with family members.” *Lipscomb By & Through DeFehr v. Simmons*, 884 F.2d 1242, 1244 (9<sup>th</sup> Cir. 1989). A decedent’s family members generally have the right to assert substantive due process claims under the Fourteenth Amendment for the death of their loved one. *Wheeler v. City of Santa Clara*, 894 F.3d 1046, 1057 (9<sup>th</sup> Cir. 2018).

385. Based on the allegations set forth herein, Defendant MORGAN COUNTY SHERIFF’S OFFICE deprived Plaintiff and Plaintiff’s Decedent, JOHN SCOTT JR., of their substantive due process rights.

386. The manner in which Defendant MORGAN COUNTY SHERIFF’S OFFICE, by and through its agents, employees and officers, conducted a search and seizure and then injured and ultimately killed JOHN SCOTT JR., shocks the conscience, as Defendant MORGAN COUNTY SHERIFF’S OFFICE, knowing that JOHN SCOTT JR., was hooded, handcuffed behind his back, bound by ankle shackles, and defenseless, deliberately participated in and/or allowed for Mr. SCOTT JR., to inhumanely be dragged, assaulted and battered in a manner resulting in his injury and ultimate death.

387. The manner in which Defendant MORGAN COUNTY SHERIFF’S OFFICE conducted a search and seizure and then injured and ultimately killed JOHN SCOTT JR., shocks the conscience, as Defendant MORGAN COUNTY SHERIFF’S OFFICE, knowing that JOHN SCOTT JR., was hooded, handcuffed behind his back, bound by ankle shackles, defenseless and in need of medical services, deliberately withheld and/or prevented and/or disallowed Mr. SCOTT JR., to receive necessary medical care in a manner resulting in his injury and ultimate death.

388. The acts of Defendant MORGAN COUNTY SHERIFF's OFFICE, which were done in concert with the other defendants, deprived Plaintiff's Decedent, JOHN SCOTT JR., and his heirs/beneficiaries of their rights, privileges, and/or immunities secured by the Constitution and laws of the United States.

389. The Defendant MORGAN COUNTY SHERIFF's OFFICE lacked any valid justification or Constitutional exception for their unlawful actions.

390. At all times alleged herein, the Constitutional rights of JOHN SCOTT JR., and the heirs/beneficiaries of Mr. SCOTT JR.'s estate were clearly established, and it would be clear to a reasonable officer/actor that his/her conduct was unlawful in the situation he/she was confronted.

391. As a result of the constitutional violations, JOHN SCOTT JR.'s heirs/beneficiaries have experienced their own grief, loss, sorrow and companionship of their loved one and father. These damages will be determined at trial.

392. The aforementioned acts of this Defendant were a proximate cause of Plaintiff's Decedent's injuries and ultimate death.

393. The conduct and acts of this Defendant were taken with oppression, fraud or malice and/or their conduct was motivated by evil motive or intent or involved reckless or callous indifference to the federally protected rights of others, therefore Plaintiff seeks punitive damages.

394. Plaintiff is entitled to attorney fees, costs of suit, expert fees and interest, including attorney fees and expert fees pursuant to 42 U.S.C. § 1988 and all other applicable law.

395. WHEREFORE, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, prays for judgment in her favor and against the Defendant MORGAN COUNTY SHERIFF's OFFICE for damages as determined by the jury in this action, along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

**COUNT XXIII**

Wrongful Death  
MORGAN COUNTY SHERIFF'S OFFICE

396. Plaintiff realleges and incorporates by reference each and every allegation contained in Paragraphs 1-105 of this Complaint, as if fully set forth herein.

397. This Count is being brought pursuant to the Alabama Wrongful Death Act, Ala. Code § 6-5-410.

398. MARTHA HUDSON-PEPPER, SUSAN GOOCH, BRIAN HANDCOCK, LEVI DENNEY, JESSE HILLS, SABRINA BROWN, GEORGE SALES, MR. KIKUT, DONALD WHITT, JESSE GARCIA, were agents, servants, and/or employees acting within the scope of said agency, service, and/or employment and were acting within the corporate power of Defendant MORGAN COUNTY SHERIFF'S OFFICE and the CITY OF DECATUR, ALABAMA.

399. At all times relevant it was the duty of Defendant MORGAN COUNTY SHERIFF'S OFFICE, by and through its aforementioned authorized agents, servants and/or employees, to refrain from neglectful, careless, willful and wanton, and/or unskilled conduct so as to not injure Decedent, JOHN SCOTT JR.

400. Notwithstanding said duty, Defendant MORGAN COUNTY SHERIFF'S OFFICE, by and through its authorized agents, servants, and/or employees, committed one or more of the following neglectful, careless, and/or unskillful acts and/or omissions:

- (a) Willfully and wantonly failed to de-escalate the situation involving JOHN SCOTT JR., when Defendant knew or should have known that Mr. SCOTT JR., was in the throes of a mental health episode and did not present a threat of injury to himself or others;
- (b) Willfully and wantonly exercised and administered excessive and unreasonable force in seeking Decedent, JOHN SCOTT JR.'s compliance;

- (c) Willfully and wantonly failed to warn JOHN SCOTT JR., that this Defendant intended to use force, deadly or otherwise, in an effort to obtain compliance;
- (d) Willfully and wantonly failed to give credence, recognition and/or otherwise consideration to the fact that JOHN SCOTT JR., was in the throes of a mental health episode;
- (e) Willfully and wantonly failed to observe obvious signs and signals that less aggressive, violent and excessive means could and should have been deployed;
- (f) Willfully and wantonly failed to insist that its officers, agents and/or employees follow their training, police education, police protocols, procedures, practices and customs before during and after engaging in an incident with Decedent, JOHN SCOTT JR.;
- (g) Willfully and wantonly failed to insist that its agents, employees and officers secure and deploy the use of a mental health professional during their engagement with Decedent, JOHN SCOTT JR.
- (h) Willfully and wantonly failed to train its agents, employees and officers on when and how to discharge their tasers and further determine whether such conduct was necessary;
- (i) Willfully and wantonly allowed, condoned and/or overlooked when its agents, employees and officers discharged their tasers without legal or lawful justification regarding JOHN SCOTT JR.;
- (j) Willfully and wantonly allowed, condoned and/or overlooked when its agents

done willfully, maliciously, fraudulently, in bad faith, beyond their authority, or under a mistaken interpretation of the law.

402. As a direct and proximate result of one or more of the aforementioned acts and/or omissions, JOHN SCOTT JR., was injured and ultimately died.

403. As a further direct and proximate result, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., and MR. SCOTT JR.'s heirs/beneficiaries suffered losses of personal and pecuniary nature, including emotional pain and suffering, and loss of the love, companionship, and society of Decedent, JOHN SCOTT JR.

404. On June 14, 2025, Plaintiff served notice of this claim on Defendants pursuant to Ala. Code § 11-47-192.

WHEREFORE, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, prays for judgment in her favor and against Defendant MORGAN COUNTY SHERIFF'S OFFICE for damages as determined by the jury in this action, along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

**COUNT XXIV**

**MONELL CLAIM  
MORGAN COUNTY SHERIFF'S OFFICE**

405. Plaintiff realleges and incorporates by reference each and every allegation contained in Paragraphs 1-105 of this Complaint, as if fully set forth herein.

406. This cause of action is pleaded by Plaintiff against Defendant MORGAN COUNTY SHERIFF'S OFFICE. 407. This cause of action is pleaded to assert liability of MORGAN COUNTY SHERIFF'S OFFICE pursuant to *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 98 S. Ct. 2018 (1978) and 42 U.S.C. § 1983.

408. Decedent, JOHN SCOTT JR., was deprived of his constitutional rights in violation of the Federal and State Constitutions, and he was injured and killed as a result.

409. Defendant MORGAN COUNTY SHERIFF'S OFFICE had a policy, practice or custom that caused the Constitutional deprivation.

410. More specifically, Defendant MORGAN COUNTY SHERIFF'S OFFICE has a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate and/or retaining officers who use excessive and/or unjustified force upon persons with whom they come into contact in violation of their constitutional rights.

411. Defendant MORGAN COUNTY SHERIFF'S OFFICE has a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate and/or retaining officers who fail to exercise, use and deploy de-escalation techniques during citizen interactions, such as the underlying interaction set forth in the instant Complaint.

412. Defendant MORGAN COUNTY SHERIFF'S OFFICE has a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate and/or retaining officers who intentionally and blatantly fail to follow MORGAN COUNTY SHERIFF'S OFFICE'S required training, education, teachings, tutorials, policies and internal instruction related to when and how to use deadly force in violation of constitutional rights.

413. Defendant MORGAN COUNTY SHERIFF'S OFFICE has a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate their police officers/employees upon complaints of misconduct or claims for damages involving police misconduct, even when such complaints of misconduct or claims for damages were in violation of citizens' constitutional rights.

414. Defendant MORGAN COUNTY SHERIFF'S OFFICE has a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate and/or retaining officers who fail to provide and/or withheld necessary medical treatment to citizens and inmates at the Morgan County Jail in Decatur Alabama.

415. Defendant MORGAN COUNTY SHERIFF'S OFFICE'S policy, custom and/or practices, as described herein, and in the instant Complaint were within the control of Defendant MORGAN COUNTY SHERIFF'S OFFICE and within the feasibility of Defendant to alter, adjust and/or correct so as to prevent some of the unlawful acts and injuries complained of herein by Plaintiff.

416. The policy, custom and/or practices, as described herein, and in the Instant Complaint illustrate a longstanding practice or custom which in effect constitute the “standard operating procedure” of the Defendant MORGAN COUNTY SHERIFF’S OFFICE acting as a local government entity and/or an official with final policymaking authority within Defendant MORGAN COUNTY SHERIFF’S OFFICE’S paramilitary structure has ratified these decisions by subordinates.

417. At all relevant times, the policies, procedures, practices, protocols, training, education and/or custom described in the paragraphs above were practiced in a widespread fashion and were permanent and well-settled constituting the custom and usage of Defendant MORGAN COUNTY SHERIFF’S OFFICE, which had the force of law.

418. Defendant MORGAN COUNTY SHERIFF’S OFFICE had actual and/or constructive knowledge of its policies, procedures, practices, protocols, training, education and/or customs, referenced in the paragraphs above, yet did nothing to monitor or ensure compliance to the same. Nor did it do anything to reduce and/or curtail the failure to adhere to said policies, procedures, protocols and/or practices.

419. Defendant MORGAN COUNTY SHERIFF’S OFFICE’S policy or custom amounted to deliberate indifference to Decedent, JOHN SCOTT JR.’s constitutional rights.

420. Defendant MORGAN COUNTY SHERIFF’S OFFICE’S policy or custom was the moving force behind the constitutional violation.

421. In addition, Defendant MORGAN COUNTY SHERIFF’S OFFICE failed to properly screen, train, supervise and/or discipline its attendant and protective personnel. These and other training failures caused or contributed to the injury and killing of JOHN SCOTT JR.

422. As a direct and proximate result of the unconstitutional policies, procedures, customs and practices of Defendant MORGAN COUNTY SHERIFF'S OFFICE, Decedent, JOHN SCOTT JR., and his heirs/beneficiaries were deprived of their federally secured constitutional rights.

423. As a result of the violation of JOHN SCOTT JR.'s civil rights, he was injured and died. Prior to his death he sustained physical injury with tremendous pain and suffering, emotional distress, and in an amount to be proven at trial. Plaintiff's Decedent's heirs/beneficiaries also experienced their own grief, loss, sorrow and companionship of their loved one and father. These damages will be determined at trial.

424. The aforementioned acts of this Defendant were a proximate cause of JOHN SCOTT JR.'s injuries and death.

425. Plaintiff brings this wrongful death and survivorship action in her capacity as Decedent's mother and administrator of JOHN SCOTT JR.'s estate for all damages recoverable under law.

WHEREFORE, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, prays for judgment in her favor and against Defendant MORGAN COUNTY SHERIFF'S OFFICE for damages as determined by the jury in this action, along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

**COUNT XXV**

**Assault and Battery/Wrongful death and Survivorship  
MORGAN COUNTY SHERIFF'S OFFICE**

426. Plaintiff realleges and incorporates by reference, each and every allegation contained in Paragraphs 1-105 of this Complaint, as if fully set forth herein.

427. This cause of action is pleaded by Plaintiff as Administrator of the Estate of JOHN SCOTT JR., deceased, against Defendant MORGAN COUNTY SHERIFF'S OFFICE.

428. On or about April 15, 2025, through April 22, 2025, Decedent, JOHN SCOTT JR., was physically contacted by this Defendant, by and through its agents, employees and officers, in a manner that was harmful, injurious, offensive and that caused his death, including being beaten, battered, hit, kicked, punched, tased, hooded, hand cuffed, hog-tied and bludgeoned.

429. This Defendant, by and through its agents, employees and officers, intended to contact JOHN SCOTT JR., in a non-consenting manner, and did so.

430. As a result of the assault and battery on JOHN SCOTT JR., he ultimately died. Prior to his death, JOHN SCOTT JR., sustained physical injuries with tremendous pain and suffering, emotional distress in an amount to be proven at trial. The heirs/beneficiaries to JOHN SCOTT JR.'s Estate also experienced their own grief, loss, sorrow and companionship of their loved one and father. These damages will be determined at trial.

431. The acts of this Defendant were the proximate cause of JOHN SCOTT JR.'s injuries and death.

432. Plaintiff brings this wrongful death and survivorship action in her capacity as Mother of JOHN SCOTT JR., and further brings this action as administrator of JOHN SCOTT JR.'s estate for all damages recoverable under law.

433. The MORGAN COUNTY SHERIFF'S OFFICE was the principal employer of the Defendant DECATUR POLICE OFFICERS named in this Complaint at the time of the events herein and, therefore, is vicariously liable for said officers' conduct and actions.

434. The conduct and acts of this Defendant were taken with oppression, fraud or malice and/or their conduct was motivated by evil motive or intent, or involved reckless or callous indifference to the federally protected rights of others; therefore, Plaintiff seeks punitive damages.

435. Plaintiff is entitled to attorney fees, costs of suit, expert fees and interest.

WHEREFORE, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, prays for judgment in her favor and against Defendant, MORGAN COUNTY SHERIFF'S OFFICE, for damages as determined by the jury in this action, along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

**COUNT XXVI**

**Violation of Federal Civil Rights Under 42 U.S.C. § 1983, et seq.  
Fourth Amendment**

**Martha Hudson-Pepper, Susan Gooch, Brian Handcock, Levi Denney, Jesse Hills,  
Sabrina Brown, George Sales, Mr. Kikut, Donald Whitt, Jesse Garcia**

436. Plaintiff realleges and incorporates by reference each and every allegation contained in Paragraphs 1-105 of this Complaint, as if fully set forth herein.

437. At all times relevant, Defendants Martha Hudson-Pepper, Susan Gooch, Brian Handcock, Levi Denney, Jesse Hills, Sabrina Brown, George Sales, Mr. Kikut, Donald Whitt, Jesse Garcia, acted under color of law and were employed by the Morgan County Sheriff's Department as law enforcement officers.

438. At all times relevant, these Defendants participated in unconstitutionally transporting, dragging, abusing, and mistreating Decedent, JOHN SCOTT JR., when he was presented to the Morgan County Jail on or about April 15, 2025.

439. At all times relevant, these Defendants unconstitutionally watched and allowed the improper and inhumane transport, dragging, abuse and mistreatment of Decedent, JOHN SCOTT JR., when he was presented to the Morgan County Jail on or about April 15, 2025.

440. At all times relevant, these Defendants knew, or should have known, that the manner in which Decedent, JOHN SCOTT JR., was dragged, hooded, transported, hog-tied and then hauled by shackles and ankle irons across the floor, into puddled water in route to a cell on April 15,

2025, was catastrophically inhumane and in violation of nearly every use of force policy that the MORGAN COUNTY SHERIFF'S OFFICE had.

441. At all times relevant, these Defendants knew or should have known that the manner in which Decedent, JOHN SCOTT JR., was dragged, transported, hooded, hog-tied and then hauled by shackles and ankle irons across the floor, into puddled water in route to a cell on April 15, 2025, was catastrophically inhumane and in violation of nearly every policy and standard that the MORGAN COUNTY SHERIFF'S OFFICE had regarding the humane treatment of inmates.

442. At all times relevant and in violation of the Morgan County Sheriff's Department standards, policies, protocols and procedures, these Defendants knew or should have known that when Decedent, JOHN SCOTT JR., was dragged, transported, hooded, hog-tied and then hauled by shackles and ankle irons across the floor, into puddled water in route to a cell on April 15, 2025, there was no leadership, coordination, direction and/or plan regarding how to place Mr. SCOTT JR., into a cell.

443. At all times relevant and in violation of the Morgan County Sheriff's Department standards, policies, protocols and procedures and despite these Defendants knowing that when Decedent, JOHN SCOTT JR., was dragged, transported, hooded, hog-tied and then hauled by shackles and ankle irons across the floor, into puddled water in route to a cell on April 15, 2025, there was no leadership, coordination, direction and/or plan regarding how to place Mr. SCOTT JR., into a cell, these Defendants allowed the above to occur.

444. At all times relevant and in violation of the Morgan County Sheriff's Department standards, policies, protocols and procedures and despite these Defendants knowing that when Decedent, JOHN SCOTT JR. was dragged, transported, hooded, hog-tied and then hauled by shackles and ankle irons across the floor, into puddled water in route to a cell on April 15, 2025,

was catastrophically inhumane and in violation of nearly every policy and standard that the Morgan County Sheriff's Office had regarding the humane treatment of inmates, these Defendants allowed the above to occur.

445. These defendants engaged in, exacted and/or allowed excessive and unreasonable force to be used upon and against Decedent, JOHN SCOTT JR., despite the same being in clear violation of nearly every use of force policy the MORGAN COUNTY SHERIFF'S OFFICE had related to inmates who are restrained with their hands shackled behind their back.

446. These Defendants failed to intervene and/or prevent the excessive, unreasonable inhumane force used upon and against Decedent, JOHN SCOTT JR., whose hands were shackled and restrained behind his back.

447. These Defendants failed to provide direction, instruction, guidance and/or leadership in a manner to avoid and/or prevent the excessive, unreasonable, inhumane force used upon and against Decedent, JOHN SCOTT JR., so as to avoid injuring and ultimately killing him.

448. On April 15, 2025, and at all relevant times, the Morgan County Sheriff's Department had protocols, policies, patterns of practice and conduct standards that required that in situations like the one involving Decedent, JOHN SCOTT JR., presented to the Morgan County Jail, a restraint chair be used.

449. Despite Decedent, JOHN SCOTT JR., notifying these Defendants, along with all other officers in and at the Morgan County jail, that he could not breathe due to the hood over his head and the manner in which he was dragged, hog-tied and hauled across the floor, these Defendants elected to forego rendering medical care for Mr. SCOTT JR.

450. Despite Decedent, JOHN SCOTT JR., notifying these Defendants, along with all other officers in and at the Morgan County jail, that he could not breathe due to the hood over his head

and the manner in which he was dragged, hog-tied and hauled across the floor, these Defendants elected to forego obtaining and/or securing medical care for Mr. SCOTT JR.

451. That on information and belief, even when medical providers arrived to the Morgan County Jail for purposes of rendering medical care to Decedent, JOHN SCOTT JR., who was in dire need of the same, these Defendants did not allow said medical personnel to access MR. SCOTT JR., who was in a jail cell so that they could provide needed medical treatment.

452. At all times relevant, these Defendants failed to check on the health status of Decedent, JOHN SCOTT JR., so as to determine his need for treatment.

453. The conduct of these Defendants, as set forth above, was willful, wanton and objectively unreasonable in light of the facts and circumstances presented and was in direct violation of clearly established law.

454. The actions and omissions of these Defendants directly and proximately caused Decedent, JOHN SCOTT JR., serious injuries and ultimately killed him despite the fact that MR. SCOTT JR., did not pose a threat of death or bodily harm to others. Defendants aforementioned actions and/or omissions constituted unconstitutional and excessive force.

455. On information and belief, the instant beating and attack of and on Decedent, JOHN SCOTT JR., was one of several police-involved occurrences, and post-occurrence investigations to occur in the City of Decatur and/or within the Morgan County Sheriff's jurisdiction, within the last calendar year, the same suggesting a policy and practice of condoning, permitting, or otherwise authorizing the use of excessive and even deadly force when it is not warranted and not in compliance with accepted industry law enforcement, jailing and/or police practices and investigative procedures.

456. On information and belief, the interference with and/or refusal of timely medical care by these Defendants regarding Decedent, JOHN SCOTT JR., was one of several law enforcement and jailer-involved occurrences to have happen at the Morgan County Jail in the City of Decatur, Alabama, within the last calendar year, the same suggesting a policy and practice of condoning, allowing, fostering, encouraging, permitting, or otherwise authorizing the delay, refusal and/or interference with medical providers efforts to render medical care to inmates thereby violating accepted industry law enforcement, jailing and/or police practices and procedures.

457. At all times relevant, it was the duty of these Defendants to refrain from willful and wanton, unreasonable, careless, and/or unskilled conduct so as to avoid injuring and killing Decedent, JOHN SCOTT JR.

458. On or about April 15, 2025, through and including April 22, 2025, and at all relevant times, these Defendants had a duty to serve and protect the inmates of and at the Morgan County Jail in Morgan County, Alabama, including the decedent, JOHN SCOTT JR.

459. On or about April 15, 2025, through and including April 22, 2025, and at all relevant times, these Defendants had a duty to serve the citizens of Decatur, Alabama, including the decedent, JOHN SCOTT JR.

460. On or about April 15, 2025, through and including April 22, 2025, and at all relevant times, these Defendants had a duty to follow, administer, comply with and enforce the policies, procedures, protocols and standards of the Morgan County Sheriff's Department.

461. On or about April 15, 2025, through and including April 22, 2025, and at all relevant times, these Defendants had a duty to ensure the safety of Morgan County Jail inmates including Decedent, JOHN SCOTT JR.

462. On or about April 15, 2025, through and including April 22, 2025, and at all relevant times, these Defendants had a duty to ensure Decedent, JOHN SCOTT JR., was provided timely necessary medical care.

463. On or about April 15, 2025, through and including April 22, 2025, and at all relevant times, these Defendants had a duty to follow, administer, comply with and enforce all training and tactical measures of the Morgan County Sheriff's Department, including methods of inmate transport.

464. On or about April 15, 2025, through and including April 22, 2025, and at all relevant times, these Defendants had a duty to follow, administer, comply with and enforce all training and tactical measures of the Morgan County Sheriff's Department, including restraint methods of inmates, including Decedent, JOHN SCOTT JR.

465. Notwithstanding said duties, these Defendants committed one or more of the following willful and wanton acts and/or omissions:

- (a) Willfully and wantonly failing to de-escalate the situation involving JOHN SCOTT JR., when Defendant knew or should have known that Mr. SCOTT JR., was in the throes of a mental health episode and did not present a threat of injury to himself or others;
- (b) Willfully and wantonly exercised and administered excessive and unreasonable force in seeking compliance from Decedent, JOHN SCOTT JR.;
- (c) Willfully and wantonly failing to warn Decedent, JOHN SCOTT JR that this Defendant intended to use force, deadly or otherwise, in an effort to obtain compliance;
- (d) Willfully and wantonly failing to give credence, recognition and/or otherwise consideration of the fact that Decedent, JOHN SCOTT JR., was in the throes of a mental health episode;
- (e) Willfully and wantonly failed to observe obvious signs and signals that less aggressive, violent and excessive means could have been deployed;

- (f) Willfully and wantonly failing to follow training, jailing/law-enforcement education, sheriff's and jailing protocols, procedures, standards, practices and customs before during and after engaging in an incident with Decedent, JOHN SCOTT JR.;
- (g) Willfully and wantonly failed to secure and deploy the use of a mental health professional during engagement with Decedent, JOHN SCOTT JR.;
- (h) Willfully and wantonly allowed a hood over Decedent, JOHN SCOTT JR.'s head even though they knew or should have known that he was having difficulty breathing and was no threat to himself or anyone else;
- (i) Willfully and wantonly prevented Decedent, JOHN SCOTT JR., from getting necessary medical care;
- (j) Willfully and wantonly using excessive force resulting in deadly force without legal or lawful justification;
- (k) Willfully and wantonly failed to exercise the proper level of force warranted under the circumstances;
- (l) Willfully and wantonly failing to provide medical care to Decedent, JOHN SCOTT JR., after causing him injuries and death;
- (m) Willfully and wantonly failing to timely request medical care and assistance for Decedent, JOHN SCOTT JR.;
- (n) Willfully and wantonly engaging in a practice and course of conduct allowing and/or utilizing excessive force and that condones and supports the use of deadly force even when it is unjustified by the circumstances.
- (o) Willfully and wantonly failing to follow, administer, comply with and enforce the policies, procedures, protocols and standards of the Morgan County Sheriff's Department;
- (p) Willfully and wantonly failed to follow, administer, comply with and enforce all training and tactical measures of the Morgan County Sheriff's Department, including methods of inmate transport;
- (q) Willfully and wantonly failed to follow, administer, comply with and enforce all training and tactical measures of the Morgan County Sheriff's Department, including restraint methods of inmates, including Decedent, JOHN SCOTT JR.

466. The conduct of these Defendants was done intentionally and willfully and exhibited a flagrant disregard for JOHN SCOTT JR.'s federally secured constitutional rights, and such

conduct also deprived Mr. SCOTT JR., of his rights in violation of the Fourth and Fourteenth Amendments to the United States Constitution.

467. As a direct and proximate result of the unconstitutional and unreasonable conduct of these Defendants, JOHN SCOTT JR., was injured and was killed.

468. As a further direct and proximate result of the above, Plaintiff PAULETTE TENNISON, as the administrator of the Estate of JOHN SCOTT JR., deceased, and the heirs/beneficiaries to said estate suffered and will continue to suffer losses of a personal and pecuniary nature, including emotional pain and suffering, as well as loss love, companionship, care, affection, guidance, counsel, attention, services, resources, and society. Plaintiff further suffered and will continue to suffer other damages including, but not limited to, the loss of benefits previously provided to them by Decedent, JOHN SCOTT JR.

WHEREFORE, Plaintiff prays for judgment in her favor and against Defendants MARTHA HUDSON-PEPPER, SUSAN GOOCH, BRIAN HANDCOCK, LEVI DENNEY, JESSE HILLS, SABRINA BROWN, GEORGE SALES, MR. KIKUT, DONALD WHITT, JESSE GARCIA, for compensatory and punitive damages as determined by the jury in this action, along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

**COUNT XXVII**

**Violation of Federal Civil Rights Under 42 U.S.C. § 1983 et. seq.**

**Fourteenth Amendment**

**MARTHA HUDSON-PEPPER, SUSAN GOOCH, BRIAN HANDCOCK,  
LEVI DENNEY, JESSE HILLS, SABRINA BROWN,  
GEORGE SALES, MR. KIKUT,  
DONALD WHITT, JESSE GARCIA**

469. Plaintiff realleges and incorporates by reference each and every allegation contained in Paragraphs 1-105 of this Complaint as if fully set forth herein.

470. This cause of action is pleaded by Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, against Defendants MARTHA HUDSON-PEPPER, SUSAN GOOCH, BRIAN HANDCOCK, LEVI DENNEY, JESSE HILLS, SABRINA BROWN, GEORGE SALES, MR. KIKUT, DONALD WHITT, JESSE GARCIA, in their individual capacities as state actors.

471. The Fourteenth Amendment prohibits a state from depriving “any person of life, liberty, or property, without due process of law.” The Fourteenth Amendment encompasses a “constitutional right to associate with family members.” *Lipscomb By & Through DeFehr v. Simmons*, 884 F.2d 1242, 1244 (9<sup>th</sup> Cir. 1989). A decedent’s family members generally have the right to assert substantive due process claims under the Fourteenth Amendment for the death of their loved one. *Wheeler v. City of Santa Clara*, 894 F.3d 1046, 1057 (9<sup>th</sup> Cir. 2018).

472. Based on the allegations set forth herein Defendants MARTHA HUDSON-PEPPER, SUSAN GOOCH, BRIAN HANDCOCK, LEVI DENNEY, JESSE HILLS, SABRINA BROWN, GEORGE SALES, MR. KIKUT, DONALD WHITT, JESSE GARCIA and all other Defendants deprived Plaintiff of their substantive due process rights to associate with JOHN SCOTT JR., deceased.

473. The manner in which Defendants MARTHA HUDSON-PEPPER, SUSAN GOOCH, BRIAN HANDCOCK, LEVI DENNEY, JESSE HILLS, SABRINA BROWN, GEORGE SALES, MR. KIKUT, DONALD WHITT, JESSE GARCIA conducted a search and seizure and then injured and ultimately killed Decedent, JOHN SCOTT JR., shocks the conscience, as these Defendants, knowing that Mr. SCOTT JR., was hooded, hand cuffed behind his back, bound by

ankle shackles, and defenseless, deliberately participated in and/or allowed for Mr. SCOTT JR., to inhumanely be dragged, assaulted and battered in a manner resulting in his injury and ultimate death.

474. The manner in which these Defendants conducted a search and seizure and then injured and ultimately killed Decedent, JOHN SCOTT JR., shocks the conscience, as these Defendants, knowing that Mr. SCOTT JR., was hooded, hand cuffed behind his back, bound by ankle shackles, defenseless and in need of medical services, deliberately withheld and/or prevented and/or disallowed Mr. SCOTT JR., to receive necessary medical care in a manner resulting in his injury and ultimate death.

475. The acts of these Defendants and all other Defendants, which were done in concert, deprived both Plaintiff and Plaintiff's Decedent, JOHN SCOTT JR., of their rights, privileges, and/or immunities secured by the Constitution and laws of the United States.

480. Defendants, MARTHA HUDSON-PEPPER, SUSAN GOOCH, BRIAN HANDCOCK, LEVI DENNEY, JESSE HILLS, SABRINA BROWN, GEORGE SALES, MR. KIKUT, DONALD WHITT, JESSE GARCIA, and all other Defendants lacked any valid justification or Constitutional exception for their unlawful actions.

481. At all times alleged herein, the Constitutional rights of Decedent, JOHN SCOTT JR., and heirs/beneficiaries of Mr. SCOTT JR.'s estate were clearly established, and it would be clear to a reasonable officer/actor that his/her conduct was unlawful in the situation with which he/she was confronted.

482. As a result of the constitutional violations, Plaintiff PAULETTE TENNISON, as the administrator of the Estate of JOHN SCOTT JR., deceased, and the heirs/beneficiaries to said

estate has experienced their own grief, loss, sorrow and companionship of their loved one and father. These damages will be determined at trial.

483. The aforementioned acts of these Defendants were a proximate cause of Plaintiff's Decedent's injuries and ultimate death.

484. The acts of Defendants MARTHA HUDSON-PEPPER, SUSAN GOOCH, BRIAN HANDCOCK, LEVI DENNEY, JESSE HILLS, SABRINA BROWN, GEORGE SALES, MR. KIKUT, DONALD WHITT, JESSE GARCIA and all other Defendants were taken with oppression, fraud or malice and/or their conduct was motivated by evil motive or intent or involved reckless or callous indifference to the federally protected rights of others, therefore Plaintiff seeks punitive damages.

485. Plaintiffs are entitled to attorney fees, costs of suit, expert fees and interest, including attorney fees and expert fees pursuant to 42 U.S.C. § 1988 and all other applicable law.

486. WHEREFORE, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, prays for judgment in her favor and against Defendants, MARTHA HUDSON-PEPPER, SUSAN GOOCH, BRIAN HANDCOCK, LEVI DENNEY, JESSE HILLS, SABRINA BROWN, GEORGE SALES, MR. KIKUT, DONALD WHITT, JESSE GARCIA, for damages as determined by the jury in this action, along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

### **COUNT XXVIII**

#### **Wrongful Death**

**MARTHA HUDSON-PEPPER, SUSAN GOOCH, BRIAN HANDCOCK,  
LEVI DENNEY, JESSE HILLS, SABRINA BROWN,  
GEORGE SALES, MR. KIKUT,  
DONALD WHITT, JESSE GARCIA**

487. Plaintiff realleges and incorporates by reference each and every allegation contained in Paragraphs 1-105 of this Complaint, as if fully set forth herein.

488. This Count is being brought pursuant to the Alabama Wrongful Death Act, Ala. Code § 6-5-410.

489. MARTHA HUDSON-PEPPER, SUSAN GOOCH, BRIAN HANDCOCK, LEVI DENNEY, JESSE HILLS, SABRINA BROWN, GEORGE SALES, MR. KIKUT, DONALD WHITT, JESSE GARCIA when attempting to apprehend Plaintiff's decedent, JOHN SCOTT JR., was an agent, servant, and/or employee acting within the scope of said agency, service, and/or employment and was acting within the corporate power of Defendant MORGAN COUNTY SHERIFF'S OFFICE.

490. At all times relevant it was the duty of these Defendants to refrain from neglectful, careless, willful and wanton, and/or unskilled conduct so as to not injure JOHN SCOTT JR.

491. Notwithstanding said duty, these Defendants committed one or more of the following neglectful, careless, and/or unskillful acts and/or omissions:

- (a) Willfully and wantonly failed to de-escalate the situation involving JOHN SCOTT JR. when Defendants knew or should have known that Mr. SCOTT JR., was in the throes of a mental health episode and did not present a threat of injury to himself or others;
- (b) Willfully and wantonly exercised and administered excessive and unreasonable force in seeking Decedent, JOHN SCOTT JR.'s compliance;
- (c) Willfully and wantonly failed to warn JOHN SCOTT JR., that these Defendants intended to use force, deadly or otherwise, in an effort to obtain compliance;
- (d) Willfully and wantonly failed to give credence, recognition and/or otherwise, consideration to the fact that JOHN SCOTT JR., was in the throes of a mental health episode;
- (e) Willfully and wantonly failed to observe obvious signs and signals that less aggressive, violent and excessive means could and should have been

deployed;

- (f) Willfully and wantonly failed to follow their training, police education, police protocols, procedures, practices and customs before during and after engaging in an incident with Decedent, JOHN SCOTT JR.;
- (g) Willfully and wantonly failed to secure and deploy the use of a mental health professional during their engagement with Decedent, JOHN SCOTT JR.;
- (h) Willfully and wantonly failed to follow their policies, protocols, procedures and/or training on when and how to discharge their tasers and further determine whether such conduct was necessary;
- (h) Willfully and wantonly allowed others and/or, themselves discharged their tasers without legal or lawful justification regarding JOHN SCOTT JR.;
- (j) Willfully and wantonly allowed and used excessive force resulting in injury and death without legal or lawful justification regarding JOHN SCOTT JR.;
- (k) Willfully and wantonly allowed others and/or themselves failed to provide medical care to JOHN SCOTT JR., after causing him injuries and death;
- (l) Willfully and wantonly allowed and failed to timely request medical care and assistance for JOHN SCOTT JR.;
- (m) Willfully and wantonly allowed and engaged in a practice and course of conduct of utilizing excessive force in both pre- and post-incident investigations in a manner that condoned and supported the use of unnecessary, excessive and even deadly force even when it was unjustified by the circumstances.

492. The actions of these Defendants, under circumstances where Decedent, JOHN SCOTT JR., presented no threat of death or great bodily harm to anyone, and in failing to warn MR. SCOTT JR., that deadly force or force likely to cause serious bodily injury was threatened against him, and in participating in inflicting harm upon Mr. SCOTT JR., that was likely to cause serious bodily injury which ultimately led to his death, were done willfully, maliciously, fraudulently, in bad faith, beyond their authority, or under a mistaken interpretation of the law.

493. As a direct and proximate result of one or more of these Defendants' aforementioned acts and/or omissions, JOHN SCOTT JR., was injured and ultimately died.

494. As a further direct and proximate result, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, and MR. SCOTT JR.'s heirs/beneficiaries suffered losses of personal and pecuniary nature, including emotional pain and suffering, and loss of the love, companionship, and society of JOHN SCOTT JR.

495. On June 14, 2025, Plaintiff served notice of this claim on Defendants pursuant to Ala. Code § 11-47-192.

WHEREFORE, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, prays for judgment in her favor and against Defendants MARTHA HUDSON-PEPPER, SUSAN GOOCH, BRIAN HANDCOCK, LEVI DENNEY, JESSE HILLS, SABRINA BROWN, GEORGE SALES, MR. KIKUT, DONALD WHITT and JESSE GARCIA for damages as determined by the jury in this action, along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

**COUNT IV**

**Monell Claim**

**MARTHA HUDSON-PEPPER, SUSAN GOOCH, BRIAN HANDCOCK,  
LEVI DENNEY, JESSE HILLS, SABRINA BROWN, GEORGE SALES,  
MR. KIKUT, DONALD WHITT and JESSE GARCIA**

496. Plaintiff realleges and incorporates by reference each and every allegation contained in Paragraphs 1-105 of this Complaint, as if fully set forth herein.

497. This cause of action is pleaded by Plaintiff against Defendants MARTHA HUDSON-PEPPER, SUSAN GOOCH, BRIAN HANDCOCK, LEVI DENNEY, JESSE HILLS, SABRINA BROWN, GEORGE SALES, MR. KIKUT, DONALD WHITT and JESSE GARCIA in both their individual and professional capacity with the Defendant, MORGAN COUNTY SHERIFF'S OFFICE.

498. This cause of action is pleaded to assert liability of Defendants MARTHA HUDSON-PEPPER, SUSAN GOOCH, BRIAN HANDCOCK, LEVI DENNEY, JESSE HILLS, SABRINA BROWN, GEORGE SALES, MR. KIKUT, DONALD WHITT and JESSE GARCIA, pursuant to *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 98 S. Ct. 2018 (1978) and 42 U.S.C. § 1983.

499. Decedent, JOHN SCOTT JR., was deprived of his constitutional rights in violation of the Federal and State Constitutions and he was injured and killed as a result.

500. These Defendants followed, implemented and deployed policies, practices and/or customs that caused the Constitutional deprivation of rights enjoyed by Decedent, JOHN SCOTT JR.

501. More specifically, these Defendants followed, carried out, implemented and deployed a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate and/or retaining officers, including themselves, who use excessive and/or unjustified force upon persons with whom they come into contact in violation of their constitutional rights.

502. These Defendants followed, carried out, implemented and deployed a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate and/or retaining officers, including themselves, who fail to exercise, use and deploy de-escalation techniques during citizen interactions, such as the underlying interaction set forth in the instant Complaint.

503. These Defendants followed, carried out, implemented and deployed a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate and/or retaining officers, including themselves, who intentionally and blatantly fail to follow the Morgan County Sheriff's Department's required training, education, teachings, tutorials, policies and internal instruction related to when and how to use deadly force in violation of constitutional rights.

504. These Defendants followed, carried out, implemented and deployed a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate police officers/employees, including themselves, upon complaints of misconduct or claims for damages involving police misconduct, even when such complaints of misconduct or claims for damages were in violation of citizens' constitutional rights.

505. These Defendants followed, carried out, implemented and deployed a defacto policy, practice or custom of condoning, ratifying, failing to discipline, failing to investigate and/or retaining officers who, including themselves, failed to provide and/or withheld necessary medical treatment to citizens and inmates, including Decedent, JOHN SCOTT JR., at the Morgan County Jail in Decatur Alabama.

506. These Defendants followed, carried out, implemented and deployed policies, customs and/or practices, as described herein and in the instant Complaint, that were within the control of these Defendants and within the feasibility of said Defendants to alter, adjust and/or correct so as to prevent some of the unlawful acts and injuries complained of herein by Plaintiff.

507. The policies, customs and/or practices, as described herein illustrate longstanding practices and/or customs which in effect constitute the "standard operating procedure" of the Defendants.

508. At all relevant times the policies, procedures, practices, protocols, training, education and/or custom described in the paragraphs above were practiced in a widespread fashion and were permanent and well-settled constituting the custom and usage of these Defendants, which had the force of law.

509. The Defendants had actual and/or constructive knowledge of proper, appropriate and accepted police and jailing policies, procedures, practices, protocols, training, education and/or customs, yet did nothing to monitor or ensure compliance with the same. Nor did these Defendants

do anything to reduce and/or curtail the failure to adhere to said policies, procedures, protocols and/or practices.

510. The Defendants' failure to adhere to proper police and jailing policies and/or customs amounted to deliberate indifference to Decedent, JOHN SCOTT JR.'s constitutional rights.

511. The failure of these Defendants to follow and adhere to proper police and/or jailing policies and/or customs was the moving force behind the constitutional violations that Decedent, JOHN SCOTT JR. suffered.

512. In addition, these Defendants failed to properly screen, train, supervise and/or discipline their fellow law enforcement officers involved in injuring and ultimately killing JOHN SCOTT JR. These and other training failures caused and/or contributed to the injury and killing of JOHN SCOTT JR.

513. As a direct and proximate result of the unconstitutional policies, procedures, customs and practices of these Defendants, Decedent, JOHN SCOTT JR., and his heirs/beneficiaries were deprived of their federally secured constitutional rights.

514. As a result of the violations of Decedent, JOHN SCOTT JR.'s civil rights described in this Complaint, he was injured and died. Prior to his death, he sustained physical injury with tremendous pain and suffering, emotional distress, and in an amount to be proven at trial. Plaintiff's Decedent's heirs/beneficiaries also experienced their own grief, loss, sorrow and companionship of their loved one and father. These damages will be determined at trial.

515. The aforementioned acts of these Defendants were a proximate cause of Decedent, JOHN SCOTT JR.'s injuries and death.

516. Plaintiff brings this wrongful death and survivorship action in her capacity as Decedent's mother and administrator of JOHN SCOTT JR.'s estate for all damages recoverable under law.

517. Plaintiff is entitled to attorney fees, costs of suit, expert fees and interest.

WHEREFORE, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, prays for judgment in her favor and against Defendants MARTHA HUDSON-PEPPER, SUSAN GOOCH, BRIAN HANDCOCK, LEVI DENNEY, JESSE HILLS, SABRINA BROWN, GEORGE SALES, MR. KIKUT, DONALD WHITT and JESSE GARCIA, for damages as determined by the jury in this action, along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

**COUNT XXX**

**Assault and Battery/Wrongful death and Survivorship**

**MARTHA HUDSON-PEPPER, SUSAN GOOCH, BRIAN HANDCOCK,  
LEVI DENNEY, JESSE HILLS, SABRINA BROWN,  
GEORGE SALES, MR. KIKUT, DONALD WHITT and JESSE GARCIA**

518. Plaintiff realleges and incorporates by reference, each and every allegation contained in Paragraphs 1-105 of this Complaint, as if fully set forth herein.

519. This cause of action is pleaded by Plaintiff as Administrator of the Estate of JOHN SCOTT JR., deceased, against Defendants MARTHA HUDSON-PEPPER, SUSAN GOOCH, BRIAN HANDCOCK, LEVI DENNEY, JESSE HILLS, SABRINA BROWN, GEORGE SALES, MR. KIKUT, DONALD WHITT and JESSE GARCIA, in their individual capacities as state actors.

520. On or about April 15, 2025, through April 22, 2025, Decedent, JOHN SCOTT JR., was physically contacted by these Defendants in a manner that was harmful, injurious, offensive and that caused his death, including being beaten, battered, hit, kicked, punched, tased, hooded, handcuffed, hog-tied and bludgeoned.

521. These Defendants intended to contact Decedent, JOHN SCOTT JR., in an unconsented manner, and did so.

522. As a result of the assault and battery on Decedent, JOHN SCOTT JR., he ultimately died. Prior to his death, JOHN SCOTT JR., sustained physical injuries with tremendous pain and suffering, emotional distress in an amount to be proven at trial. The heirs/beneficiaries to JOHN SCOTT JR.'s Estate also experienced their own grief, loss, sorrow and companionship of their loved one and father. These damages will be determined at trial.

523. The acts of these Defendants were the proximate cause of Decedent, JOHN SCOTT JR.'s injuries and death.

524. Plaintiff brings this wrongful death and survivorship action in her capacity as Mother of JOHN SCOTT JR., and further brings this action as administrator of The Estate of JOHN SCOTT JR., deceased, for all damages recoverable under law.

525. The MORGAN COUNTY SHERIFF'S OFFICE, Decatur, Alabama, was the principal employer of Defendants MARTHA HUDSON-PEPPER, SUSAN GOOCH, BRIAN HANDCOCK, LEVI DENNEY, JESSE HILLS, SABRINA BROWN, GEORGE SALES, MR. KIKUT, DONALD WHITT and JESSE GARCIA, at the time of the events herein and, therefore, is vicariously liable for said officers' conduct and actions.

526. These Defendants are liable for their acts, omissions and conduct described above in their individual capacity as State actors.

527. The conduct, acts and omissions of these Defendants were taken with oppression, fraud or malice and/or their conduct was motivated by evil motive or intent or involved reckless or callous indifference to the federally protected rights of others; therefore, Plaintiff seeks punitive damages.

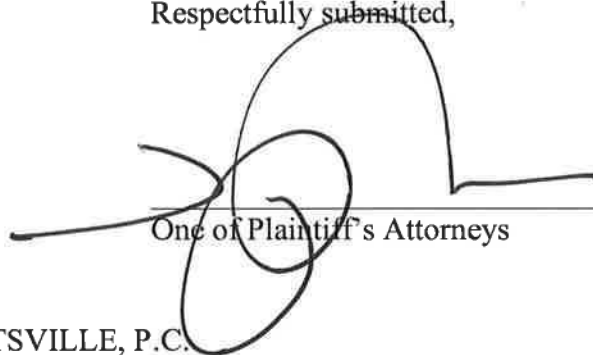
529. Plaintiff is entitled to attorney fees, costs of suit, expert fees and interest.

WHEREFORE, Plaintiff PAULETTE TENNISON, as Administrator of the Estate of JOHN SCOTT JR., deceased, prays for judgment in her favor and against Defendants MARTHA

HUDSON-PEPPER, SUSAN GOOCH, BRIAN HANDCOCK, LEVI DENNEY, JESSE HILLS, SABRINA BROWN, GEORGE SALES, MR. KIKUT, DONALD WHITT and JESSE GARCIA, for damages as determined by the jury in this action, along with costs, attorney fees, and any other relief that this Court determines is equitable and just.

**PLAINTIFFS DEMAND TRIAL BY JURY.**

Respectfully submitted,



One of Plaintiff's Attorneys

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