

State of South Carolina  
County of Richland

in the Court of  
Common Pleas  
For the Fifth  
Judicial Circuit

James D. Blakely,  
& Antonia R. Sullivan,  
Plaintiff for

Summons

vs.

Dir. Stirling, et al.,  
Defendants.

CIA No  
2016 CP4001513

RECEIVED  
2016 APR 21 PM 12:21  
RCSD

To The Above-Named Defendants:

You are hereby summoned  
and required to serve upon  
plaintiffs, whose address is

James D. Blakely, #255623  
Broad River Carr. Inst.  
4460 Broad River Rd.,  
Columbia, S.C. 29210

an answer to the Complaint  
which is herewith served  
upon you, within 30 days  
after service of this summons  
upon you, exclusive of the  
day of service, or if you  
fail to do so, judgment by  
default will be taken

Exhibit A

2016 MAR -8 PM 12:34

RICHLAND COUNTY  
FILED

against you for the relief  
demanded in the Complaint.

Clerk of the Court

Date: 02/23/16

15/ James G. Blakely

ANTONIO SULLIVAN

Exhibit A

State of South Carolina  
County of Richland, and the Court  
of Common Pleas  
for the Fifth  
Judicial Circuit

James G. Blakely  
Antonio L. Sullivan,  
Plaintiffs

vs.

CIA No. 2016 CP4081513

B. P. Stirling, Dir.;  
Sam Soltis, Deputy  
Dir. of Health;  
Larry Cartledge,  
Warden; Dr. Days;  
D. P. M. Thomas  
Commissary Mgr;  
Elsa Gurbuz,  
Supply Mgr.; M.  
Brown, Food Ser-  
vice Mgr.; Warden  
of Evans Cor. Inst.;  
Jane Doe, Doctor;  
Defendants

Fort Claim  
Complaint

Jury Trial  
Demanded

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RICHLAND COUNTY

I Jurisdiction & Venue  
1. This is a Civil action authorized  
by the S.C. Cons. Article 1 §§ 3, 2, 15  
to redress the deprivation under color  
of state law, of (1)  
Exhibit A  
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right secured by the Constitution of the state of South Carolina. The Court has jurisdiction under the Title 15 and the Constitution of S.C.

Plaintiffs seek declaratory relief pursuant to the S.C. Constitution and laws.

2. The Fifth Judicial Circuit is an appropriate venue under the Tort Claim Act, because it is where the events giving rise to this claim occurred.

## II Plaintiff

3. Plaintiff, James D. Blakely and Antonio J. Sullivan are and were at all times mentioned herein a prisoner of the State of South Carolina in the custody of the S.C. Department of Corrections. We are currently confined at Broad River Correctional ~~Center~~ in Columbia, S.C. and Evans Correctional Inst. in Bennettsville.

Exhibit A (2)

### III Defendants

4. Defendant B. P. Stirling, Dir., ~~is~~ is the director of the S. C. Department of Corrections. He is legally responsible for the overall operation of the department and each institution under his jurisdiction, including Broad River and Evans Correctional Institutions.

5. Defendant Sam Soltis is the Deputy Director of Health Service for the S. C. Dept. of Corrections and he is legally responsible for the operation of all medical departments throughout the department.

6. Defendant Harry Cartledge is the Warden of Broad River Correctional Inst. He is legally responsible for the overall operation of this institution, for the welfare of all the inmates of that prison.

Exhibit A (3)

7. Defendant M. Brown is one of the Food Service Supervisor for Broad River Corr. Inst. He is responsible for making sure that diabetic receive their proper diet.

8. Defendant Days is the doctor for S.C. Dept. of Corrections and he have cancelled needed medication that plaintiff do need. Dr. Days was responsible for plaintiff's medication.

9. Defendant D.P.M. Thomas is the Commissary Manager at Broad River Corrections and he is responsible for supplying plaintiff with the necessary clothes, mattress, sheets, blankets and shoes, etc.

10. Defendant Lisa Burbur share the responsible with D.P.M. Thomas in the Commissary.

(4)  
Exhibit A

11. Defendant, Warden, of Evans Correctional Inst. He is legally responsible for the overall operations of this institution and the welfare of all inmates of that prison.

12. Defendant, Jane Doe, is the doctor at Evans Corr. Inst. Jane Doe is legally responsible for the health of Evans' inmates at the prison. Doctor, real name, unknown.

13. Each defendant is sued individually and in his/her official capacity. At all times mentioned in this complaint each defendant acted under the color of state law.

### III Facts

14. Defendant B.P. Stirling failed to create a policy concerning his employees abuse of authority especially the females Correctional

(S)  
Exhibit A  
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Officers, whom are continually falsifying charges against Plaintiff and denying Plaintiff freedom of speech, due process and equal protection of the law.

Plus, defendant Stirling is allowing insulin to be served to Plaintiff (60 units) at 3:45 a.m. and breakfast is not served until 11:30 a.m. or 12:00 noon.

This is medically unsafe because 60 units of insulin can cause death, if Plaintiff does not receive the proper amount of food in a timely manner, which is not practice at Broad River Corr. Inst. Defendant Stirling have the power to change such negative and life threatening practice and have failed to do so.

Furthermore, defendant Stirling is allowing Plaintiff to be punished for no reason and it have been said that Plaintiff's punishment comes

(6)

Exhibit A  
3

from the hand of one is  
the hand of all. Plaintiff  
is punished for no reason  
by being lockdown in the  
Cell for 24, 36, 48 or 72  
hours under Schedule inter-  
ruption; Fade, Modified and  
Disruptive Schedules. All  
these lockdowns are Mass  
punishment and cannot legally  
justify such cruelty; for Mass  
punishment violates both state  
and federal laws.

Defendant Stirling have  
failed to create a policy that  
protect plaintiff from false  
charges and this can be  
easily done in two ways.  
First, an employee must have  
more than her word or she  
must take a polygraph test.  
Such test is for physical  
violations. The mere fact of  
knowing that there will be  
such a test, that will come  
out of there check, if they fail  
the test will deter many false

Exhibit A (7)

## Charges.

15. Defendant Saltis have been notified by plaintiff concerning the action of the doctors and nurses under his authority, especial, Nurse Sermons, whom retaliated against plaintiff by filing a false charge of threatening to inflict harm.

Defendant Saltis was aware of Nurse Sermons anger against plaintiff and failed to transfer nurse because plaintiff must be at an institution with no steps and meet plaintiff medical needs. Kirkland Correctional was the ideal medical inst before Nurse Sermons and Mrs. J. Livingston conspired and filed a charge against plaintiff. Defendant Saltis knew plaintiff has a medical needs and failed to prevent plaintiff's transfer or should

Exhibit A  
3

have transferred Nurse Sermons.  
As a conspiracy against  
plaintiff did form the  
medical department, which  
defendant Saltis should have  
investigated since plaint-  
iff was under medical care.  
Nurse Sermons is using  
medical to cover her wrong-  
doing and tampering with  
medical records, Plaintiff's  
medical records.

16. Defendant Thomas have  
denied Plaintiff a medical need  
in the form of a blanket.  
Plaintiff ever showed  
defendant Thomas that the  
current blanket was worn  
out, with large holes in  
it and he refuse to re-  
place, claiming Plaintiff  
was issued a new blanket.  
Plaintiff explain that the  
blanket that Lt. Flemming  
provide him, which plaintiff

Exhibit A (9)  
2

did sign for, was not a new blanket. St. Flemming have admitted that the blanket was not new and defendant Thomas have refused to provide plaintiff with an extra blanket and have refused to exchange the worn-out blanket.

17. Defendant Surbur is the supply manager working under defendant Thomas. Both defendants have refused to provide plaintiff with shoes; hat; rain-coat, T-shirts; thermowear, and a lock.

Plaintiff is an indigent inmate and is entitled to the above listed items, which the above defendants are denying, therefore extorting the government and plaintiff have a legal duty to make it known. For plaintiff is not receiving the items & CDC. Claiming

(10)

Exhibit A

they are providing to Plaintiff. Plus, defendant Gurbuz ~~have~~ have a habit of harassing and discriminating against Plaintiff, which Plaintiff do believe is religious discrimination for Plaintiff is an American Muslim.

18. Defendant Days have changed Plaintiff Medication and replaced it with ineffective Medication that does not work. This change was done, which Plaintiff believe, to save money. Defendant Days have disregarded Plaintiff's pain and real medical needs.

Plaintiff is being denied Muscle Rub for his legs and arms pains, that Plaintiff is suffering from being in a cold cell with no heat in the middle of winter. Muscle Rub is a form of heat. Plus Defendant Days have failed

(11)  
Exhibit A

to schedule plaintiff for the necessary doctor appointments, such as a podiatry.

19. Defendant Cartledge have ignored the wrongs that are done to plaintiff and the inmates population. He does not response to the request to staff because there is all for this staff.

Defendant Cartledge is allowing medical to over charge plaintiff and extort plaintiff.

Defendant Cartledge will allow mass punishment and punish plaintiff for other inmates wrong doing.

Plaintiff is not responsible for other inmates action, and defendant Cartledge will lie to the court claiming the mass lockdown was for investigation and security purposes, which is a lie, especially, when they already have the wrong-

(12)

Exhibit A

doings. And the law says that no other inmate is responsible for another inmate. Yet, this law is not recognized by defendant Cartledge, nor defendant Sterling.

Plaintiff have a liberty interest in remaining free from his cell.

20. Defendant Brown have denied Plaintiff his proper diabetic meal. Plaintiff have not receive any juice with his meal in the last two months. Because defendant Brown is giving the juice to the employees here at Broad River Corr. Inst. Plus, defendant Brown have twice taken plaintiff's tray because plaintiff went back and requested additional bread and refused to allow plaintiff to eat, and plaintiff must feed his insulin. Defendant Brown's actions are life threatening to plaintiff.

(13)

Exhibit A  
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21. The warden and the medical doctor at Evans Correctional Inst. are the persons in charge of inmate health.

These individuals have denied Plaintiff Antonio J. Sullivan needed medication for his eyes and physical health.

Plaintiff feel that the defendants are attempting to let him die. Furthermore Plaintiff life have been threatened by gangs members and defendants refuse to transfer him.

Plaintiff is being exposed to unsafe condition and the warden is ignoring the facts.

At the present time the warden and doctor's names are unknown, but his/her position is sufficient to satisfy the defendants in this case. Plus, plaintiff, Antonio J. Sullivan preserve his right to come before

(14)

Exhibit A  
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The Court.

#### IV Legal Claims

22. Plaintiffs reallege and incorporate by reference paragraphs 1-21
23. The State or defendants violated plaintiffs S.C. Constitution Article I §§ 2, 3, and 15, Also deliberate indifference to medical needs, unsafe condition, due process, ~~unequal~~ equal protection, cruel and unusual punishment.
24. Howlett v. Rose, 496 U.S. 356, 369-70 (1990) at 374  
It is stated:  
"A state court that has jurisdiction over state law actions similar to § 1983 may not decline to entertain a § 1983 action in the absence of a valid excuse."

Exhibit (15)

A  
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25. The plaintiffs had no plain, adequate or complete remedy at law to redress the wrongs described herein. Plaintiffs had been and will continue to be irreparably injured by the conduct of the defendants unless this Court grants the declaratory relief which plaintiffs seek.

### V Prayer For Relief

WHEREFORE, plaintiffs respectfully pray that this Court enter judgment granting plaintiffs:

26. A declaration that the act and omissions described herein violated plaintiffs rights under the Constitution of the State of South Carolina.

Exhibit A<sup>(116)</sup>  
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27. Compensatory damages is satisfied if the Court grants the requested relief, by a hospital rather than the South Carolina Department of Corrections, which would be the defendants in this case.

28. A jury trial on all issues triable by jury.

29. Plaintiffs cost in this suit.

30. Any additional relief this Court deems just, proper, and equitable.

Dated: 02/23 / 2016

Respectfully Submitted

15/ James B. Blakely

Broad River Corr. Inst.

4460 Broad River Rd.

Columbia, S.C. 29210

Exhibit A (17)

Mr Antonio Sullivan

Antonio L. Sullivan #314814  
Evans Cor. drst  
610 Hwy. 9 West  
Bennettsville, A.C. 29512

Exhibit A  
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Sign Your's  
Signature  
above and  
return to me.

(18)