

Fill in this information to identify the case:

Debtor 1 _____

Debtor 2
 (Spouse, if filing) _____

United States Bankruptcy Court for the: _____ District of _____

Case number _____

Official Form 410

Proof of Claim

04/22

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?

 Name of the current creditor (the person or entity to be paid for this claim)

 Other names the creditor used with the debtor

2. Has this claim been acquired from someone else?

No

Yes. From whom? _____

3. Where should notices and payments to the creditor be sent?

Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)
_____ Name	_____ Name
_____ Number Street	_____ Number Street
_____ City State ZIP Code	_____ City State ZIP Code
_____ Contact phone	_____ Contact phone
_____ Contact email	_____ Contact email
Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	

4. Does this claim amend one already filed?

No

Yes. Claim number on court claims registry (if known) _____ Filed on _____
 MM / DD / YYYY

5. Do you know if anyone else has filed a proof of claim for this claim?

No

Yes. Who made the earlier filing? _____



2390086230811000000000024

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. **Do you have any number you use to identify the debtor?** No
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: ____ _

7. **How much is the claim?** \$ Unliquidated. **Does this amount include interest or other charges?**
 No
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. **What is the basis of the claim?** Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
 Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
 Limit disclosing information that is entitled to privacy, such as health care information.

9. **Is all or part of the claim secured?** No
 Yes. The claim is secured by a lien on property.
Nature of property:
 Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
 Motor vehicle
 Other. Describe: _____
Basis for perfection: _____
 Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)
Value of property: \$ _____
Amount of the claim that is secured: \$ _____
Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)
Amount necessary to cure any default as of the date of the petition: \$ _____
Annual Interest Rate (when case was filed) _____ %
 Fixed
 Variable

10. **Is this claim based on a lease?** No
 Yes. **Amount necessary to cure any default as of the date of the petition.** \$ _____

11. **Is this claim subject to a right of setoff?** No
 Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

No

Yes. Check one:

<input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	Amount entitled to priority \$ _____
<input type="checkbox"/> Up to \$3,350* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).	\$ _____
<input type="checkbox"/> Wages, salaries, or commissions (up to \$15,150*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).	\$ _____
<input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	\$ _____
<input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	\$ _____
<input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)(____) that applies.	\$ _____

* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- I am the creditor.
- I am the creditor's attorney or authorized agent.
- I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date _____
MM / DD / YYYY

Elise R. Herzl-Betz
Signature

Print the name of the person who is completing and signing this claim:

Name _____
First name Middle name Last name

Title _____

Company _____
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address _____
Number Street

City State ZIP Code

Contact phone _____ Email _____

EXHIBIT A

ADDENDUM TO PROOF OF CLAIM

1. This addendum is attached to and part of the proof of claim (“Proof of Claim”) filed by Alton Brown (“Claimant”) against Tehum Care Services, Inc. (“Debtor”) in its chapter 11 bankruptcy case.

2. On February 13, 2023 (“Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of title 11 of the U.S. Code (“Bankruptcy Code”) [Dkt. No. 1] in the U.S. Bankruptcy Court for the Southern District of Texas (“Court”).

3. On May 2, 2023, the Court entered an order [Dkt. No. 499] establishing August 14, 2023, as the last day for non-governmental creditors to file proofs of claim against the Debtor’s estate.

4. Prior to the Petition Date, on October 22, 2010, the Claimant commenced a civil action (“District Court Action”) by filing a *Motion and Declaration to Proceed in Forma Pauperis* (“IFP Motion”) in the U.S. District Court for the Western District of Pennsylvania, Case No. 10-1398, attaching a copy of his *Complaint*.¹ A true and correct copy of the *Complaint* is attached hereto as **Exhibit 1**.

5. Nearly twenty-two months later, following the Claimant’s successful appeal to the Third Circuit, the district court granted his IFP Motion and ordered the U.S. Marshal to serve the *Complaint* on all 15 named defendants—including the Debtor—by mail on August 2, 2012.

6. On January 24, 2013, the district court transferred the District Court Action to the U.S. District Court for the Eastern District of Pennsylvania (the “District Court”), where it remains pending.

¹ Mot. & Decl. to Proceed *in Forma Pauperis*, *Brown v. Beard*, Case No. 10-1398 (W.D. Pa. filed Oct. 22, 2010), Dkt. No. 1; Compl., *Brown*, Case No. 10-1398, Dkt. No. 1-1.

7. The Claimant is a state prisoner currently incarcerated at SCI-Fayette in LaBelle, Pennsylvania. He was previously incarcerated at SCI-Graterford in Graterford, Pennsylvania, from approximately 2006 to 2014.

8. In the District Court Action, the Claimant alleges that the defendants violated his rights under the First, Eighth, and Fourteenth Amendments of the U.S. Constitution by confining him in cruel and unusual conditions, retaliating when he filed complaints and grievances, and denying him medical care. He asserts his claims under 42 U.S.C. § 1983, seeking compensatory and punitive damages in addition to injunctive and declaratory relief.

9. Upon information and belief, the Debtor (as Prison Health Services) was under contract with the Pennsylvania Department of Corrections to provide healthcare services to prisoners at SCI-Graterford during all times relevant to the *Complaint*.

10. The Claimant alleges that the Restrictive Housing Unit (“RHU”) where he was confined had no open windows or air conditioning and a dirty, malfunctioning ventilation system. He alleges that the air was constantly polluted by a fine white dust as well as tobacco smoke from the guards’ smoking in the prison. The Claimant further alleges that he was confined for at least half of the time he spent in the RHU in one of several cells that were closed off with Plexiglas or metal sheets during renovations, which caused these cells to become up to 30 degrees hotter than other areas of the prison in summer but prevented heat from entering in winter.

11. The Claimant Mr. Brown alleges that his physical symptoms resulting from these conditions include shortness of breath, lung pain, bloody expectorations, severe headaches, watery eyes, changes to his voice, and asthma-like attacks. He further alleges that the defendants denied his numerous requests for medical treatment in retaliation for complaints and grievances he filed against them, forcing him to seek inhalers from other inmates to survive.

12. In his *Complaint*, the Claimant seeks damages totaling at least (a) \$20 million in compensatory damages and (b) \$200,000 in punitive damages from the Debtor, for a total damages claim of **\$20,200,000** plus attorneys' fees and costs (the "Damages"). *See* Compl. at 10. The Damages remain unliquidated in the District Court Action.

13. As of the Petition Date, in addition to his claim for the Damages, the Claimant asserts that he holds claims for (a) temporary and permanent injunctions requiring the Debtor to provide medical care and immediate relief from unlawful conditions in which he was held, (b) temporary and permanent injunctions enjoining further retaliation against the Claimant, and (c) a declaratory judgment that the Debtor's acts violated his rights under the First, Eighth, and Fourteenth Amendments of the U.S. Constitution.

14. The Claimant further reserves and preserves the right: (a) to file and seek payment of additional claims for (i) administrative expenses, (ii) attorneys' fees and costs, and (iii) cure amounts or rejection damages; (b) to estimate contingent claims and assert additional claims if contingent claims are estimated or liquidated; and (c) to assert any other claims that the Claimant may have against the Debtor relating to or incidental to the District Court Action or any other matter. The Claimant also reserves and preserves his right to amend and/or further supplement this Proof of Claim.

15. The filing of this Proof of Claim is not intended to be, and should not be construed as, (a) an election of remedies; (b) a waiver of any past, present, or future default or event of default; (c) a waiver or limitation of the Claimant's rights or defenses; (d) a waiver of the Claimant's claims against the Debtor or any of the Debtor's businesses or affiliates; (e) a waiver of the Claimant's rights against any other parties liable to it (whether in connection with the District Court Action or otherwise); (g) a waiver or release of the right to request withdrawal of the

reference with respect to the subject matter of the Proof of Claim, any objection thereto, any other proceeding commenced with respect thereto, or any other proceeding that may be commenced in this case against or otherwise involving the Claimant; (h) a waiver or release of the Claimant's right to trial by jury in this Court or any other court or forum as to any and all matter so triable herein, whether or not the same be designated legal or private rights or in any case, controversy or proceeding related hereto, notwithstanding the designation or not of such matters as "core proceedings" pursuant to 28 U.S.C. § 157(b)(2), and whether or not such jury trial right arises under a statute or the U.S. Constitution; or (i) a waiver or release of the Claimant's right to have any and all final orders in any and all non-core matters or proceedings entered only after *de novo* review by a U.S. District Court judge.

16. This Proof of Claim is filed as a separate claim from other claims that may be filed by or on behalf of the Claimant against the Debtor and does not replace or supersede such other claims.

EXHIBIT 1

Complaint

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ALTON D. BROWN,
Plaintiff,
vs.

JEFFREY A. BEARD; DAVID DIGUGLIEMMO;
DORINA WARNER; WILLIAM BANTA; FELIPE
ARIAS; PRISON HEALTH SERVICES, INC.;
SCOTT WILLIAMSON; JOHN K. MURRAY;
GEORGE HILTNER; JULIE KNAVER; MYRON
STANICHEFSKI; JOHN DAY; D. WHITE;
PHYSICIAN ASSISTANT JOHN DOE; AND
PHYSICIAN ASSISTANT JANE DOE,
Defendants.

RECEIVED

OCT 22 2010

CLERK, U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA
**JURY TRIAL
DEMANDED**

10-1398

2010 OCT 22 PM 12:47
U.S. DISTRICT COURT
FILLMORE

COMPLAINT

Preliminary Statement

This is a civil rights action filed by Alton D. Brown, a state prisoner, for damages, declaratory and injunctive relief under 42 U.S.C. § 1983, alleging cruel and unusual conditions of confinement, retaliation, and denial of medical care, in violation of the 1st, 8th, and 14th Amendment Rights to the United States Constitution

Jurisdiction

1. The court has jurisdiction over the plaintiff's claims of violation of federal constitutional rights under 42 U.S.C. §§ 1371 (a) and 1372.
2. The court has supplemental jurisdiction over the plaintiff's state law tort claims under 28 U.S.C. § 1367.

PARTIES

3. The plaintiff, Alton D. Brown, is a state prisoner presently confined at SCI-Graterford, and was housed at SCI-Graterford at the time of the events described in this complaint.
4. Jeffrey A. Beard, Secretary of PA Dept. of Corrections (PA. D.O.C.), 56 UHcy Drive, Camp Hill, PA. 17001.
5. David DiGuglielmo, Superintendent, SCI-Graterford, Route 29, Graterford, PA. 19426.
6. Dorina Vanner, Chief Grievance Coordinator, PA. D.O.C., 56 UHcy Drive, Camp Hill, PA. 17001.
7. William Banta, Unit Manager, SCI-Graterford, Route 29, Graterford, PA. 19426.
8. Felipe Arias, Medical Director, Prison Health Services, Inc. (PHS), 105 W. Park Drive, Suite 200, Brentwood, Tennessee, 37027.
9. PHS, Health Care Provider at SCI-Graterford, 105 W. Park Drive, Suite 200, Brentwood, TN. 37027.
10. Scott Williamson, Deputy Superintendent, SCI-Graterford, Route 29, Graterford, PA. 19426.
11. John K. Murray, Deputy Superintendent, SCI-Graterford, Route 29, Graterford, PA. 19426.
12. George Hiltner, Maintenance Manager, SCI-Graterford, Route 29, Graterford, PA. 19426.
13. Julie Kraver, Health Care Administrator, SCI-Graterford, Route 29, Graterford, PA. 19426.
14. Myron Stanishchfski, Health Care Administrator, SCI-Graterford, Route 29, Graterford, PA. 19426.
15. John Day, Unit Manager, SCI-Graterford, Route 29, Graterford, PA. 19426.
16. D. White, Lieutenant, SCI-Graterford, Route 29, Graterford, PA. 19426.
17. Physician Asst. John Doe, PHS, 105 W. Park Drive, Suite 200, Brentwood, TN.

37027.

18. Physician Assistant Jane Doe, MHS, 105 W. Park Drive, Suite 200, Brentwood TN 37027.

FACTS

19. Plaintiff was transferred to SCI-Center for J on January 12, 2006, and has been housed in the RIU on J-Block since that time.
20. J-Block has no open windows, no air conditioning in the prisoner's housing areas (although J-Block has a air-conditioning unit), and the ventilation system, which is never cleaned, only recirculates the air.
21. On C and D Wings of J-Block, the maintenance department renovated all 13 cells on D-Wing and cells 6-13 on C-Wing, by closing the cell fronts with plexiglass and sheets of metal.
22. J-Block is designed to use air-conditioning.
23. The heating units and air ducts are located on the catwalk of the Wings and the cells contain two (2) exhaust systems (a top and bottom exhaust) designed to pull the hot or cold air into the cells.
24. Because there is no AIR CONDITIONING, there is no cold/cool air to pull into the cells during the hot months, making it extremely hot in both open and closed cells, but approximately 30 degrees hotter in the closed cells.
25. Because of the closed cell fronts on C and D Wings, no heat is allowed into the cells during winter months.
26. The ventilation system is not designed to operate with closed cell fronts.
27. Because of the warm and dirty air coming from the A.C. ducts, the cells are constantly polluted with a fine white dust.
28. Added to this mix is the fact that the cell lights in the closed cells are kept

on 24 hours a day (some guards will turn them off at night), and all cat-walk lights, including flood lights are kept on 24-7, which combine to act as a heater during the hot months.

29. The air circulation in the closed cells is basically zero, which has a box-car effect.

30. Additionally, most of the floor vents in the closed cells has been unattached by RHO staff for several reasons; to spray prisoners with chemical agents; and, to spy on and harass prisoners (the closed cells are mainly used to house prisoners staff deem to be problematic or who are in need of punishment).

31. The closed cells are so cruel, they ideal for torture and punishment.

32. The J-Block staff has a practice of cutting off the exhausts as a means to increase torture/punishment on the cell occupants and for harassment purposes.

33. There is either one (1) or no fans for the "open" cell prisoners used on C, E, and F-Wings, which is the cause of many fights and arguments amongst these prisoners during the hot months; but, A, B, G, and H Wings, which houses death-row prisoners, are provided approximately ten (10) floor fans and have approximately six (6) fans mounted on the Cat-Walk walls, to aid circulation and cool the prisoners.

34. The fans mentioned in paragraph # 33 are not provided for RHO prisoners because Defendants' seeks to use the conditions as additional punishment for Administrative and Disciplinary Custody prisoners, which is a practice employed throughout the state (Using RHO as punishment).

35. Besides the dust, dirt, etc., the RHO air is further polluted by the RHO guards' tobacco smoke.

36. Plaintiff has spent approximately 50% of his stay in this RHU housed in the closed cells.
37. Foul air seeps into the cells that are closed, from the pipe-alley, through the unconnected floor vents, adding further cruelty to the cell's motionless air.
38. Conditions gets so bad that Plaintiff can barely breath and it feels as if he's suffocating.
39. The dust and dirt gets so bad that if you clean it up, it's back within minutes.
10. Plaintiff's lungs are painful at times and tight, he is constantly coughing up mucus that is sometimes speckled with blood and other unknown matter, he has severe headaches, watery eyes, and a change in his voice, all caused by conditions stated.
11. In most cases, at least two (2), Plaintiff was assigned to closed cells on C and D wings by Defendant White, in retaliation because of grievances and complaint filed against him and RHU/Prison staff (January, 2008 and June, 2010).
12. The conditions on J-Block has been continuous and ongoing, and Plaintiff has only recently discovered that the conditions had caused him substantial injuries to his lungs, and possibly heart, over a period of time.
13. Plaintiff has developed some type of asthma-like breathing disease, which at times, causes him to feel near death from suffocation.
14. Breathing in the large amounts of dirt, dust, and smoke, also adversely affects Plaintiff's liver disease, since everything a person breathes goes through the liver there by depositing toxic matter into the already injured liver.
15. The conditions has also cause Plaintiff's sinuses to clog, which prevents him from breathing through his nose.
16. The conditions also prevents Plaintiff from getting a deep satisfying breath.
17. The conditions causes Plaintiff to cough, lungs to make wheezing sounds.

and a sore throat.

48. Plaintiff is in imminent and ongoing danger of his injuries progressing; death; irreparable injuries to his lungs, liver, and throat; and, contracting cancer, chronic bronchitis (he already has bronchitis symptoms: i.e., coughing and production of mucopurulent) or some other respiratory disease (those conditions have also been known to cause heart diseases).
49. Plaintiff has been housed under these conditions for nearly five (5) years with no relief in sight, since he has been consigned to the hole for the duration of his sentence.
50. Plaintiff has and continues to suffer extreme discomfort as a result of the conditions, needlessly, and without penological justification.
51. The conditions cause Plaintiff to suffer extreme fear, anxiety, and mental and emotional anguish, especially because he is powerless to escape the conditions and because his complaints have been ignored.
52. Defendants PHS, Arias, Knauer, Stanischefski, P.A. Johnson and Jane Doe, all have outright denied Plaintiff, attempts to obtain medical care from his cellmate, or relief from the conditions; and, have fail to conduct any medical tests on him, or refer him to a specialist or someone capable of providing adequate care.
53. Plaintiff has filed several prison grievances pursuant to DC-RDM 804, in attempts to obtain medical care and relief from the conditions, including grievance numbers 255166 and 295074, yet Defendants Beard, Di Guglielmo, Hiltner, Stanischefski, Knauer, White, Banta, Day, Varnes, and Arias, took substantial steps to sabotage the grievance process, which resulted in his inability to obtain relief.
54. Plaintiff has written to Beard, PHS, Di Guglielmo, Williamson, Murry, Hiltner, Knauer, Arias, Stanischefski, and Olms, in attempts to obtain

medical care and relief from the conditions, yet they have been deliberately indifferent to Plaintiff's serious health needs by failing to insure medical care and correct the conditions, which they know, adversely effect prisoner's physical and psychological health.

35. All Defendants mentioned in paragraph No. 34 has the authority and duty to correct the conditions complained of, under the PA Code of Ethics Rules of the PA.D.O.C., and the Pennsylvania Clean Air Act.

36. Plaintiff has filed numerous prison sick-call slips throughout the years (approximately twenty) in attempts to obtain needed medical care and relief from the conditions, yet nearly all of the were ignored, and those that were addressed, were only done half-heartedly, without conducting any real diagnoses, and intentionally providing inadequate treatment, if any at all.

37. Plaintiff has the right to the same medical care provided to this and other similar medical communities in the free world.

38. Plaintiff has had to rely on other prisoners to aid him during breathing attacks who have repeatedly provided him with their bronchodilators and other medication to prevent him from suffering or suffocation and/or death.

39. Plaintiff is being denied medical care for his injuries because of grievances and complaints he previously filed against PAs and D.O.C. medical staff; and they have a well-established practice of retaliating against prisoners who file grievances and complaints against them, who they see as trouble makers.

40. Beard, Dr. Guglielmo, Banta, Williamson, Murray, Hiltner, Day, White, Ario and John and Jan Doe, were deliberate indifferent to Plaintiff's serious health needs by causing serious conditions or allowing them to exist, which they know could cause serious respiratory and related diseases and extreme discomfort.

41. Plaintiff has suffered extreme discomfort, and continues to suffer same, as a result of said conditions.
42. Defendant Arias, as medical director, has a duty pursuant to D.O.C. policy, to inspect the RIU on a regularly basis and report unhealthy conditions, which he has intentionally fail to do, because PHS has a custom/practice of not intervening and causing waves in D.O.C. disciplinary and housing concerns regarding prisoners, which has allowed them to procure continuous medical contracts with the VA D.O.C.; and, also allows them to make medical decisions based on retaliation without D.O.C. intervention.
43. PHS has instructed their staff, pursuant to practice, not to get involved in the D.O.C. disciplinary and housing affairs involving prisoners, which is manifested in the numerous "clean" inspection reports provided by PHS staff in areas with obvious unlawful conditions, throughout the state.
44. The D.O.C. (Beard) and PHS are liable for failing to train and/or supervise their staff in the constitutional housing and discipline of prisoners in the RIU, which has been demonstrated by these policy makers' adoption of illegal disciplinary, housing, and retaliatory practices; and, long standing existence of obvious illegal conditions.
45. Plaintiff is threatened by the conditions of contracting additional illnesses, such as lung, throat, and stomach cancer (and liver cancer), cardiac asthma, bronchial asthma, and related diseases, if he does not gain relief from the conditions.
46. Within the past two months, temperatures in this closed cell (C/12) has reached well over 100 degrees on many occasions, causing the walls to sweat, and placing Plaintiff in a weakened state and to the point of heat exhaustion and/or stroke (Plaintiff's numerous medications also contributed to heat problems)

47. Defendant Boss and DeGuglielmo also fail to train or supervise their staff in the lawful and correct manner of maintain and inspecting the RHU for health hazard, which is demonstrated by the long term existence of the conditions complained of herein.
48. Plaintiff has been housed in this RHU nearly five (5) years, and has never witnessed anyone cleaning the air ducts in the wing catwalks, which has blackest dust clogged in them.
49. Defendant Wallace has a duty to inspect the RHU on a regular basis and insure that all ventilation equipment are regularly cleaned and in working condition, which he has intentionally fail to do, and is well aware of the facts that an adequate ventilation system is needed to keep air pollution in check.
50. Plaintiff has experience symptoms commonly caused by bronchitis (coughing and production of mucopurulent), which disease is particularly prevalent in association with cigarette smoking, air pollution, and emphysema.

CLAIMS FOR RELIEF


51. Plaintiff's 1st and 14th Amendment Rights were violated when Defendant's retaliated against him for exercising his constitution right of access to the Courts.
52. Plaintiff's 14th Amendment Right to the U.S. Constitution was violated by the housing of Plaintiff under cruel and unusual conditions.
53. Plaintiff's 14th Amendment Right to the U.S. Constitution are violated by the denial of clean air, without due process of law, in violation of the Perpetration Clause of the Act.

RELIEF REQUESTED

WHEREFORE, Plaintiff requests the following relief:

1. Temporary and Permanent injunction requiring Defendants to provide Plaintiff medical care and immediate relief from the unlawful conditions.
2. Temporary and Permanent injunction enjoining further retaliation against Plaintiff
3. Declaratory Judgment that Defendants' acts violated Plaintiff's Rights under the 1st, 8th, and 14th Amendments to the U.S. Constitution
4. Compensatory damages in the amount of \$20,000,000 dollars.
5. Punitive damages in the amount of \$200,000 from each defendant.
6. Cost of this litigation
7. Any other relief deemed appropriate and just by this Court.


Dated: August 2, 2010


 /s/ Alton D. Brown
 ALTON D. BROWN

VERIFICATION

I hereby verify that the foregoing is true and correct to the best of my knowledge, understanding, and belief. I understand that false statements herein will subject me to the penalties of 18 Pa. C.S. § 4904.

Dated: August 2, 2010


 /s/ Alton D. Brown
 ALTON D. BROWN