

Disabled by heat stroke

Record settlement of \$2.99M resolves Richmond jail lawsuit

BY PETER VIETH

The City of Richmond will pay a record \$2.99 million to resolve a civil rights claim by a former inmate who claimed he was left disabled from heat stroke suffered at the old city jail in 2012.

Evidence in the case indicated the man's internal body temperature reached 108.5 degrees in the jail's medical unit during a July heatwave.

The inmate will recover even more in undisclosed payments by the city sheriff and the private company that provided medical care at the jail, his attorneys said.

Lawyers for the former inmate, Stefan Woodson, say they have been assured the city's settlement payment is higher than any other prisoner rights payment in Virginia.

The lawsuit again focused a judge's attention on conditions during summer months at the now-defunct city jail facility, where temperatures ranged "upwards of 100 degrees," according to a 2009 architect's report.

An inmate's 2010 death – allegedly from heat stroke – led to a 2013 federal court settlement on undisclosed terms.

Other inmates have turned to the courts, with varying success, for relief based on conditions at the old jail. A federal judge termed jail conditions "deplorable" in a 2004 case.

Outdated facility

The jail opened in 1964 and originally had no air conditioning.

In 2011, the city installed air conditioning in the kitchen, laundry and dining areas of the jail, but not in the medical facility for inmates.

Richmond Sheriff C.T. Woody acknowledged conditions at the jail were "almost inhumane" in a 2008 interview. That year, the city installed around 100 drum fans to move air inside the jail.

In 2010, the city added about 40 industrial fans and beefed up the electric service to handle the new fans.

Work began on a new jail in 2012 and the new facility opened last summer.

Summer heat wave

In July 2012, Woodson was serving a sentence at the old jail for assault and battery of a law enforcement officer, according to court records.

Because Woodson suffered from several medical conditions, he was housed on the "medical tier" in the jail, where inmates had individual cells that opened to a common area.

Inmates on the medical tier did not eat with other inmates in the air conditioned dining hall, but received meals at the medical unit.

The city experienced a "severe heat wave" in early July 2012, according to an opinion in the case authored by U.S. District Judge Robert E. Payne. High temperatures were made worse by high humidity.

A climatologist hired by Woodson's counsel estimated that temperatures in the jail exceeded 100 degrees with a heat index of 120 degrees, the lawyers said.

A heat index is a measure of the perceived temperature taking humidity into consideration.

Woodson complained he was not feeling well as temperatures soared. A doctor recorded his temperature at 102.3 degrees on July 5.

Three days later, on July 8, Woodson reportedly told jail staffers once again he was not feeling well. He was given two cups of water. Woodson pulled his mattress out of his cell and slept in front of a fan during the afternoon of July 8.

The evidence was in conflict about how often Woodson was checked by the medical staff as time went on that day, according to the judge's account.

As his condition deteriorated, Woodson defecated and threw up on himself, was bleeding from the head and gagging, evidence showed. Early on July 9, Woodson was found to be unresponsive.

At a hospital, Woodson was diagnosed with hyperthermia. His

temperature measured 105.8 degrees and an emergency department record estimated that his core body temperature reached a maximum of 108.5 degrees, Payne's opinion said.

Woodson now suffers from global ataxia and uses a wheelchair, his lawyers said. He allegedly displays cognitive deficits and impaired short-term and long-term memory and requires 24-hour supervision.

Woodson incurred medical bills of \$650,000 and the cost of a life care plan ranged from \$3.5 million to \$6.5 million, the lawyers said.

Lawsuit sought \$50M

Woodson sued the city, the sheriff, the private medical provider and various staffers. He demanded \$50 million.

He claimed the city had failed to act on recommendations for a new jail or remedial measures because of the cost.

The sheriff and the medical service pointed fingers at each other on which was responsible for the policy that medical tier inmates would not be able to use the air conditioned dining hall.

In a pair of rulings on summary judgment motions this month, Payne determined that the three main defendants – the city, the sheriff and the medical service – all would remain in the case.

The case settled after three court settlement conferences and an outside mediation session, according to Woodson's lawyers. U.S. Magistrate Judge David J. Novak presided over the successful settlement conference on Feb. 13.

A special needs trust will be established to protect Woodson's eligibility for government benefits, the lawyers said. His home is to be outfitted to facilitate his care, they said.

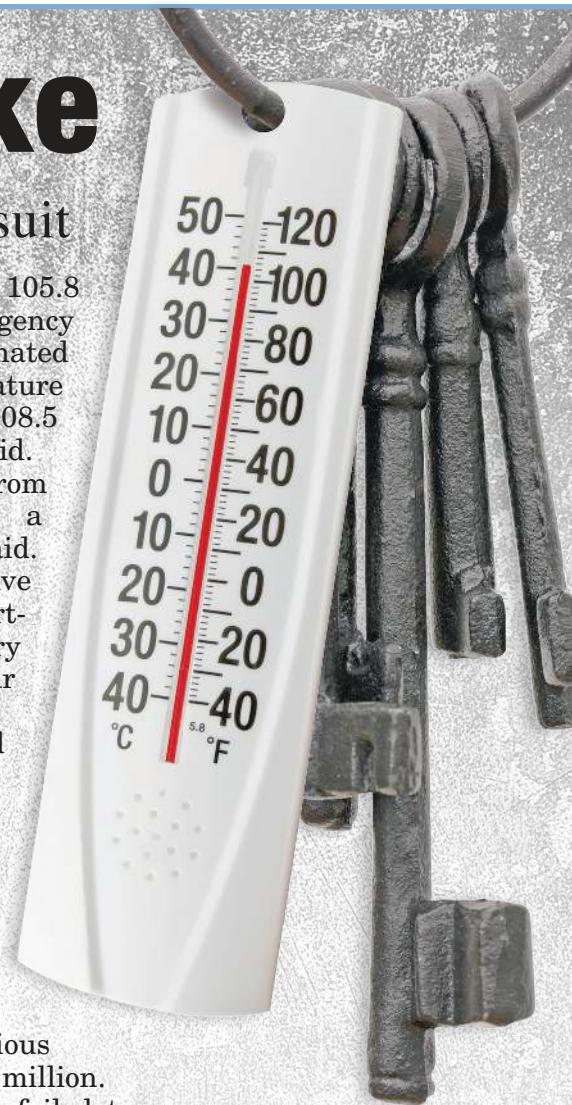
Virginia Lawyers Weekly sent a request to Woody for disclosure of settlement amounts in both the *Sleeper* and *Woodson* cases, citing the state's open records law. No response was received as of press time.

Payne has asked the parties to advise their positions on appointment of a guardian ad litem for Woodson, since the pleadings made clear he suffered from "severe cognitive difficulties" and did not have a duly appointed representative.

Earlier in the case, Payne ruled that the sheriff could not pursue a cross-claim against the city for indemnification or contribution. The principles of contribution are inconsistent with the goals of the federal civil rights act, Payne said in *Woodson v. City of Richmond* (VLW 014-3-111).

Woodson was represented by Seth R. Carroll of Richmond and Jonathan E. Halperin of Glen Allen.

The city was represented by David P. Corrigan of Richmond and Woody was represented by Jeff W. Rosen of Virginia Beach. Neither responded to requests for comment.



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