

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:22-CV-01922-meh
(To be supplied by the court)

Yvonne Ilene Peterson, Plaintiff

v.

wellpath employee ~~SHANA~~ CHASE
AKA (SHAWNA CHASE)-unknown spelling
wellpath employee Jessica "Doe"

_____, Defendant(s).

(List each named defendant on a separate line. If you cannot fit the names of all defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section B. Do not include addresses here.)

PRISONER COMPLAINT

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievances, witness statements, or any other materials to the Clerk's Office with this complaint.

FILED

UNITED STATES DISTRICT COURT
DENVER, COLORADO

FEB 02 2023

JEFFREY P. COLWELL
CLERK

A. PLAINTIFF INFORMATION

You must notify the court of any changes to your address where case-related papers may be served by filing a notice of change of address. Failure to keep a current address on file with the court may result in dismissal of your case.

Yvonne Peterson A6331476 2739 E Las Vegas Colorado Springs, CO, 80906
(Name, prisoner identification number, and complete mailing address)

(Other names by which you have been known)

Indicate whether you are a prisoner or other confined person as follows: (check one)

- ☒ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☐ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Other: (Please explain) _____

B. DEFENDANT(S) INFORMATION

Please list the following information for each defendant listed in the caption of the complaint. If more space is needed, use extra paper to provide the information requested. The additional pages regarding defendants should be labeled "B. DEFENDANT(S) INFORMATION."

Defendant 1:

SHANA CHASE, Wellpath nurse (SHAWNA)
(Name, job title, and complete mailing address)

2739 E Las Vegas Street, CO. SPRGS, CO, 80906

At the time the claim(s) in this complaint arose, was this defendant acting under color of state or federal law? ☒ Yes ☐ No (check one). Briefly explain:

SHE IS LICENSED TO PRACTICE IN
COLORADO

Defendant 1 is being sued in his/her ☒ individual and/or ☐ official capacity.

(Refuse to give me last name)

Defendant 2:

Jessica "Doe" Wellpath employee. OBGYN/Provider
(Name, job title, and complete mailing address),

2739 E Las Vegas St, Colo Spgs, CO 80906

At the time the claim(s) in this complaint arose, was this defendant acting under color of state or federal law? ☒ Yes ☐ No (check one). Briefly explain:

She is licensed to practice in Colorado

Defendant 2 is being sued in his/her ☒ individual and/or ☐ official capacity.

Defendant 3:

(Name, job title, and complete mailing address)

At the time the claim(s) in this complaint arose, was this defendant acting under color of state or federal law? ☐ Yes ☐ No (check one). Briefly explain:

Defendant 3 is being sued in his/her ☐ individual and/or ☐ official capacity.

C. JURISDICTION

Indicate the federal legal basis for your claim(s): (check all that apply)

☒ 42 U.S.C. § 1983 (state, county, and municipal defendants)

☐ *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971)
(federal defendants)

☐ Other: (please identify) _____

D. STATEMENT OF CLAIM(S)

State clearly and concisely every claim that you are asserting in this action. For each claim, specify the right that allegedly has been violated and state all facts that support your claim, including the date(s) on which the incident(s) occurred, the name(s) of the specific person(s) involved in each claim, and the specific facts that show how each person was involved in each claim. You do not need to cite specific legal cases to support your claim(s). If additional space is needed to describe any claim or to assert additional claims, use extra paper to continue that claim or to assert the additional claim(s). Please indicate that additional paper is attached and label the additional pages regarding the statement of claims as "D. STATEMENT OF CLAIMS."

CLAIM ONE: medical deliberate indifference

Supporting facts: 8th Amendment - medical care & cruel and unusual
Punishment
14th Amendment - Due process clause

This court has jurisdiction because my
Constitutional Rights are violated

*See attached "D" Statement of Claims

CLAIM TWO: cruel and unusual punishment

E. PREVIOUS LAWSUITS

Have you ever filed a lawsuit, other than this lawsuit, in any federal or state court while you were incarcerated? ☒ Yes ☐ No (check one).

If your answer is "Yes," complete this section of the form. If you have filed more than one previous lawsuit, use additional paper to provide the requested information for each previous lawsuit. Please indicate that additional paper is attached and label the additional pages regarding previous lawsuits as "E. PREVIOUS LAWSUITS."

Name(s) of defendant(s):

Elizabeth O'Neal

Docket number and court:

Claims raised:

Discrimination

Disposition: (is the case still pending?
has it been dismissed?; was relief granted?)

Pending

Reasons for dismissal, if dismissed:

—

Result on appeal, if appealed:

—

F. ADMINISTRATIVE REMEDIES

WARNING: Prisoners must exhaust administrative remedies before filing an action in federal court regarding prison conditions. See 42 U.S.C. § 1997e(a). Your case may be dismissed or judgment entered against you if you have not exhausted administrative remedies.

Is there a formal grievance procedure at the institution in which you are confined?

☒ Yes ☐ No (check one)

Did you exhaust administrative remedies?

☒ Yes ☐ No (check one)

G. REQUEST FOR RELIEF

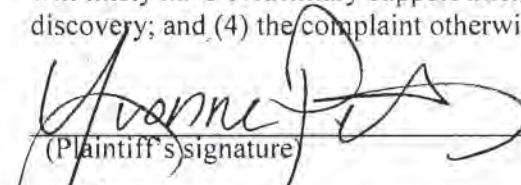
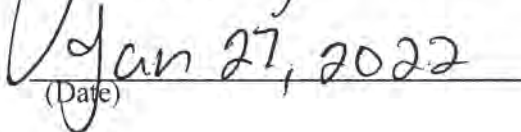
State the relief you are requesting or what you want the court to do. If additional space is needed to identify the relief you are requesting, use extra paper to request relief. Please indicate that additional paper is attached and label the additional pages regarding relief as "G. REQUEST FOR RELIEF."

- Monetary Settlement relief OF 44,000.00
FOR
1.) pain and suffering
2.) emotional distress
3.) loss of life
4.) risk of future complications

H. PLAINTIFF'S SIGNATURE

I declare under penalty of perjury that I am the plaintiff in this action, that I have read this complaint, and that the information in this complaint is true and correct. *See* 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Under Federal Rule of Civil Procedure 11, by signing below, I also certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.


(Plaintiff's signature)

(Date)

"D" Statement of CLAIMS

RESPONSE

CLAIM 1 (More definite Statement)

1.) Shana AKA shawna chase Refused repeated Requests For medical Attention during A miscarriage. From Feb. 28 - March 1, I made more than three Requests For medical attention by Telling deputies of vaginal bleeding and taking A trip to medical, I showed Mrs. Chase the blood loss. And she sent me back to my cell with no medical attention, I suffered blood loss, Stomach contractions And severe pain in my belly And back which I told to Mrs. Chase in medical on March 1, 2022.

2.) Jessica the OB/GYN And provider prescribed 8mg of Zophiran twice A Day which caused me pain From Feb, 2022 to March 2022. Jessica knew the daily DOSE is 4mg Yet she prescribed Double the Daily Dose Anyway which caused me to suffer belly pain And vaginal bleeding. 8mg was taken twice A day From Feb. 16 March, 2022 And caused more pain and bleeding on March 1 Since Feb. 26, 2022, Kites were sent Asking why I was on such A high Dose no response was given except that I should not be taking that high of A Dose, on Feb. 28, 2022.

3.) During my miscarriage when I had excessive vaginal bleeding that showed blood clots, I was taken straight to medical because deputy's recognized that I was suffering from a serious medical need. When I showed Shana Chase my pad, there was an overwhelming volume of blood and I was filling more than four pads in an hour, which I showed and told to Mrs. Chase. Mrs. Chase denied me access to medical care by sending me back to my cell. In addition to my symptoms of a miscarriage I had severe pain in my belly, nausea, vomiting and internal bleeding shown through bloody stools.

4.) By the time I had my miscarriage I was denied a "d and c" which is standard for miscarriage in the second trimester of pregnancy. Shana Chase denied me medical emergency care and "d and c" which caused me to have an infection where I notified medical immediately. When I had internal bleeding between April and May I was brought to medical and given ibuprofen but was not checked out at all.

5.) shawna chase neglected my medical needs on 3/1/2022 while I experienced severe Abdominal pain, contractions, cramping
 ★ And A high volume of blood loss during the second trimester of pregnancy which is sufficient to allow deliberate indifference claims.

6.) shawna chase consciously acted with deliberate indifference to A substantial Risk of serious Harm by seeing the amount of blood which was A high volume more than four pads filled in one hour, and by knowing of the bleeding over several days, she also had knowledge of no fetal heart tones and my history of miscarriage.

7.) multiple medical complaints over A three day period constitute cruel and unusual punishment whereas shawna chase is violating my constitutional rights under the 8th and 14th amendment

8.) These Allegations contain sufficient factual matter accepted as true to state A claim to relief that it plausible on its face.

- 9.) shawna chase and jessica (obayn) violated my 8th Amendment rights because they possessed the requisite culpable state of mind which is more than negligence, by ignoring repeated requests for medical care from Feb 27 - March 1, 2022.
- 10.) When I saw shawna chase on 3/1/22 she denied me an emergency "D and C" for my miscarriage and the 14th Amendment due-process clause entitles pre-trial detainees to the same standard of care owed to convicted inmates. This lack of "D and C" caused internal bleeding and infection as well as nausea, vomiting and fainting spells for three months following the miscarriage on 3/1/22.
- 11.) shawna chase (shawna) knew of severe pain and excessive blood loss over a three day period yet disregarded the risk to my health and safety in my pregnancy.
- 12.) I complied with the jail's procedure for requesting medical attention by notifying Deputy's ASAP and SentiCites. Both shawna chase and jessica knew of my complaints.

13.) Wellpath employee SHANA CHASE Had A culpable state of mind and inflicted cruel and unusual punishment when I was bleeding during pregnancy yet sent me back to my cell without checking on the pregnancy. Excessive bleeding during pregnancy can cause severe infection resulting in death. I suffered objectively serious medical needs and suffered emotional distress for at least 3 months following 3/1/22

14.) JESSICA the OB/GYN waited until September 24th to do a blood lab to properly check the level of HCG hormones to ensure a healthy level and properly disposing of the miscarriage which put me at risk for waiting six months.

15.)