

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

**QUAN A. HO,** )  
 )  
 Plaintiff, )  
v. )

**Case No: 15-cv-483 (CMH/JFA)**

**FAIRFAX COUNTY, VIRGINIA,** a political )  
subdivision of the Commonwealth of )  
Virginia; )

**STACEY KINCAID,** individually and as )  
Sheriff, Fairfax County, Virginia )  
10459 Main Street, )  
Fairfax, VA 22030; )

**FIRST AMENDED COMPLAINT**

**JURY TRIAL DEMANDED**

**STAN BARRY,** individually and as )  
former Sheriff, Fairfax County, VA )  
14301 Flomation Ct. )  
Centreville, VA 20121; )

**AYUHAN VAANJILNOROV,** individually )  
and as Correctional Health Nurse )  
Fairfax County Adult Detention Center )  
10520 Judicial Dr. )  
Fairfax, VA 22030; )

**DAVID M. ROHRER,** individually and as )  
Deputy County Executive, )  
Fairfax County, Virginia )  
12000 Government Center Parkway )  
Fairfax, VA 22035; )

**JOHN DOES 1-3,** individually and as )  
Sheriff's Deputies, )  
Fairfax County Adult Detention Center )  
10520 Judicial Dr. )  
Fairfax, VA 22030; )

**JANE DOES 1-3,** individually and as )  
Sheriff's Deputies, )  
Fairfax County Adult Detention Center )  
10520 Judicial Dr. )

Fairfax, VA 22030; )  
 )  
**JOHN ROES 1-3**, individually and as )  
 Correctional Health Care Providers, )  
 Fairfax County Adult Detention Center )  
 10520 Judicial Dr. )  
 Fairfax, VA 22030; )  
 )  
**JANE ROES 1-3**, individually and as )  
 Correctional Health Care Providers, )  
 Fairfax County Adult Detention Center )  
 10520 Judicial Dr. )  
 Fairfax, VA 22030 )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

**NOW COMES** Plaintiff QUAN A. HO, who brings this action by and through his undersigned attorneys seeking damages for deprivation of his constitutional due process rights, violations of his federal and state civil rights, and other tortious acts, and alleges as follows:

**Introductory Statement of the Case**

1. Plaintiff QUAN A. HO (“Plaintiff” or “Mr. Ho”) is a resident of Fairfax County, Virginia and is *sui generis*. Mr. Ho has suffered from severe Type A hemophilia since birth and is currently 33 years old. Mr. Ho is a naturalized citizen of Vietnamese descent.
2. Beginning in or about March of 2013, Mr. Ho was confined in the Fairfax County Adult Detention Center, located at 10520 Judicial Drive, Fairfax, Virginia, as a pretrial detainee awaiting formal charges for retail theft. Prior to his detention, Plaintiff had been arrested in his home by Fairfax police pursuant to a bench warrant. There, Plaintiff was needlessly tightly handcuffed behind his back, which triggered substantial internal bleeding because of Mr. Ho’s severe hemophilia.
3. During his two to three week long pretrial detention by Defendants, Plaintiff was

completely denied access to adequate and competent medical treatment, care and facilities by Defendants despite their actual knowledge of Mr. Ho's hemophilia and urgent need for medical attention and treatment. Officials and employees of Defendants Stacey Kincaid and Stan Barry, Fairfax County Sheriffs, denied Mr. Ho any and all access to medical care for the duration of his pretrial incarceration, a time period in excess of fifteen (15) days. They further failed and refused to do any of the following: transport Mr. Ho to a nearby hospital, allow Mr. Ho to attend medical appointments with his physician, carry out and/or complete his known and necessary treatment plans and orders, consult with the Hemophilia Association located less than a half mile from the detention center, permit Mr. Ho to administer his necessary blood replacement prophylaxis, provide him his required prescribed medications, medical equipment or treatment kits.

4. Mr. Ho further alleges that the above-mentioned acts, policies and practices of the Defendants and their employees were knowing, deliberate, intentional, and motivated in substantial part because of his Vietnamese ancestry. These actions and inactions were in reckless disregard for the health and well being of Mr. Ho and such acts, policies and practices are shocking to the conscience of civilized persons and intolerable in a society purportedly governed by laws and considerations of due process.

5. Defendants' deliberate and knowing indifference to Mr. Ho's emergency, serious medical needs violated the constitutional ban against cruel and unusual punishment as incorporated in the due process clause of the Fourteenth Amendment for pretrial detainees and should not be tolerated. Mr. Ho also brings this action to redress the injuries caused him as result of the denial of his due process, violations of his civil and constitutional rights, including discrimination based upon his race, ethnicity and national origin, and other tortious acts.

### **Jurisdiction and Venue**

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331; 28 U.S.C. § 1343(a)(3); 28 U.S.C. § 1343(a) (4); and, 28 U.S.C. § 1367. Plaintiff's claims arise under 42 U.S.C. § 1983 and the Fifth, Eighth, Ninth and Fourteenth Amendments to the United States Constitution, and under Virginia law. Supplemental jurisdiction exists over Plaintiff's Virginia law claims because they fall within the Article III jurisdiction of federal courts pursuant to 28 U.S.C. § 1367.

7. This Court possesses personal jurisdiction over Defendants because their constitutional and sister wrongdoing occurred in this district and Defendants reside or work here.

8. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(2) because the acts or omissions giving rise to this action occurred within the geographic boundaries of this judicial district.

### **Parties**

9. Plaintiff QUAN A. HO ("Mr. Ho") is a naturalized citizen of the United States and a resident of Annandale, Fairfax County, Virginia. From on or about March 14, 2013, until on or about April 1, 2013, Mr. Ho was incarcerated as a pretrial detainee at the Fairfax County Adult Detention Center, located at 10520 Judicial Drive, Fairfax, Virginia and was, during his incarceration, within the custody and control of the Defendants and their employees, agents, and independent contractors.

10. Defendant FAIRFAX COUNTY, VIRGINIA ("Fairfax County") is a political subdivision of the Commonwealth of Virginia, is *sui generis* and is amenable and subject to suit for violations of § 1983 and other constitutional, statutory, common law and due process violations as set forth herein or otherwise to be pled.

11. Defendant STACEY KINCAID ("Kincaid") is a resident of Fairfax County, Virginia and

is the current duly constitutionally elected Sheriff for Fairfax County, Virginia. Defendant Kincaid, as Sheriff of Fairfax County, Virginia, is responsible for the administration, operation and supervision of the Fairfax County Adult Detention Center, located at 10520 Judicial Drive, Fairfax, Virginia, and for the promulgation and enforcement of rules, regulations, policies and practices relevant to such institution, including hiring and training of officers, employees and independent contractors. Defendant Kincaid is sued individually and in her official capacity. At all times relevant to this Complaint and continuing to the present, Defendant Kincaid was acting under color of state law within the scope of her office and duties as Sheriff of Fairfax County, Virginia.

12. Defendant STAN BARRY (“Barry”) is a resident of Fairfax County, Virginia and was the duly constitutionally elected Sheriff for Fairfax County, Virginia in March and April of 2013. Defendant Barry, as then-Sheriff of Fairfax County, Virginia, was responsible for the administration, operation and supervision of the Fairfax County Adult Detention Center, located at 10520 Judicial Drive, Fairfax, Virginia, and for the promulgation and enforcement of rules, regulations, policies and practices relevant to such institution, including the hiring and training of officers, employees and independent contractors. Defendant Stan Barry is sued individually and in his official capacity. At all times relevant to this Complaint, Defendant Barry was acting under color of state law within the scope of his office and duties as Sheriff of Fairfax County, Virginia.

13. Defendant AYUHAN VAANJILNOROV (“Vaanjilnorov”) is a resident of the Commonwealth of Virginia and is a licensed nurse working, at all times relevant to this Complaint, at the Fairfax County Adult Detention Center, located at 10520 Judicial Drive, Fairfax, Virginia. Defendant Vaanjilnorov is sued individually and in her official capacity. At

all times relevant to this Complaint, Defendant Vaanjilnorov was acting under color of state law within the scope of her employment with Defendant Fairfax County, Defendant Kincaid and/or Defendant Barry. On information and belief, Defendant Vaanjilnorov was responsible for the medical treatment of Plaintiff.

14. Defendant DAVID M. ROHRER (“Rohrer”) is a resident of the Commonwealth of Virginia and has been, at all times pertinent to this action and continuing to the present, the Deputy County Administrator for Fairfax County, Virginia and Administrator of the Fairfax County Adult Detention Center, located at 10520 Judicial Drive, Fairfax, Virginia. Defendant Rohrer is responsible for the following: liaison between Defendant Fairfax County and the Fairfax County Sheriff’s Office, the administration and operation of Fairfax County Adult Detention Center, the supervision of staff and facilities of the Fairfax County Adult Detention Center, the custody and control of inmates housed at Fairfax County Adult Detention Center, and the promulgation and enforcement of rules, regulations, policies and practices relevant to the Fairfax County Adult Detention Center, including the hiring and training of officers, employees and independent contractors. Defendant Rohrer is sued individually and in his official capacity. At all times relevant to this Complaint, Defendant Rohrer was acting under color of state law within the scope of his employment with Defendant Fairfax County, Defendant Kincaid and/or Defendant Barry.

15. Defendants JOHN DOES 1-3 and JANE DOES 1-3 are and/or were, at all times relevant to this Complaint, either employees or independent contractors of Defendant Fairfax County and the Fairfax County Sheriff’s Department as Deputy Sheriffs at the Fairfax County Adult Detention Center. Defendants John Does 1-3 and Jane Does 1-3 are each being sued in their individual capacities and their official capacities. At all times relevant to this Complaint,

Defendants John Does 1-3 and Jane Does 1-3 were acting under color of state law within the scope of their employment with Defendant Fairfax County, Defendant Kincaid and/or Defendant Barry. As discovery progresses and more information is learned regarding the identities of these “John Doe” and “Jane Doe” Defendants, Plaintiff reserves the right to amend this Complaint by interlineations with the names and identities of these Defendants as required.

16. Defendants JOHN ROES 1-3 and JANE ROES 1-3 are and/or were, at all times relevant to this Complaint, each a licensed nurse working at the Fairfax County Adult Detention Center, located at 10520 Judicial Drive, Fairfax, Virginia, as either employees or independent contractors. Defendants John Roes 1-3 and Jane Roes 1-3 are sued individually and in their official capacities. At all times relevant to this Complaint, Defendants John Roes 1-3 and Jane Roes 1-3 were acting under color of state law within the scope of their employment or contract with Defendant Fairfax County, Defendant Kincaid and/or Defendant Barry. As discovery progresses and more information is learned regarding the identities of these “John Roe” and “Jane Roe” Defendants, Plaintiff reserves the right to amend this Complaint by interlineations with the names and identities of these Defendants as required.

#### **Statement of Facts**

17. Mr. Ho is of Vietnamese nationality and came to the United States as a “boat person” following the fall of Saigon. Mr. Ho is now a naturalized citizen of the United States.

18. Mr. Ho is at present 33 years old, and the loving father of two children.

19. Prior to March 2013, Mr. Ho worked as a hairdresser making substantial income. After April 2013, however, Mr. Ho was no longer able to perform his duties due to the grim injuries that are the subject of this lawsuit. He has since been on permanent disability through the Social Security Administration.

20. Mr. Ho has, since birth, suffered from severe Type A hemophilia. His brother died at age

four from the same affliction.

21. Since birth and continuing to the present day, Mr. Ho is and has been in need of specialized medical treatment and care to monitor his symptoms and alleviate the discomfort, pain, lack of mobility and life-threatening effects of severe hemophilia that he chronically experiences.

22. Mr. Ho, as a severe hemophiliac, is prone to suffer severe and frequent episodes of free bleeding or “bleeds” from the most minor cuts or lacerations, which always present the risk of severe injury or death if left untreated.

23. Additionally, if untreated, Plaintiff’s severe hemophilia will cause deep internal bleeding (e.g. deep-muscle bleeding), limb swelling, numbness and/or pain; significant pain, suffering and loss of ambulatory uses; near paralysis; and loss of all physical function as relates to musculature.

24. Plaintiff’s severe hemophilia, if untreated, also causes significant joint damage from *hemarthrosis* (hemophilic arthropathy), which entails severe pain, disfigurement, destruction of the joint and development of irreversible, debilitating arthritis.

25. As a result of his severe hemophilia, Plaintiff has been required for most of his life to give himself or otherwise receive blood factor replacement prophylaxis therapy via intravenous injections not less than three (3) times per week to avoid the severe, debilitating and life-threatening impact of the disease described above.

26. Defendants have actually known of Mr. Ho’s serious medical condition (Type A Hemophilia) since prior to his detention in 2013. During a brief previous detention, Mr. Ho’s medical condition was documented by employees or contractors at the Fairfax County Detention Center.

27. Commencing on or about March 14, 2013, Mr. Ho was confined at the Fairfax County Adult Detention Center, located at 10520 Judicial Drive, Fairfax, Virginia pursuant to criminal proceedings for retail theft in the Fairfax County Circuit Court, Commonwealth of Virginia.

28. Upon his initial entry to the Fairfax County Adult Detention Center for incarceration, Plaintiff was given a medical examination, wherein he provided the Detention Center medical personnel with a detailed history of his medical condition as a person with severe hemophilia and the required medical treatment and care, including the urgent need to treat the internal bleeding triggered by his handcuffing by the Fairfax County police.

29. As stated above, Defendants knew of Mr. Ho's medical condition prior to his detention on March 14, 2013 and at all times relevant to this action. During his initial medical screening on March 14, 2013, when he entered the Fairfax County Detention Center, it was noted in his file that he was suffering from internal bleeding. Throughout his detention in March 2013, Defendants documented Mr. Ho's condition and pain, but refused to treat it in any respect.

30. From the date of his arrest and pretrial detention at the Fairfax County Adult Detention Center on or about March 14, 2013, and continuing unabated until on or about April 1, 2013, Plaintiff was denied any and all medical treatment or care by Defendants for his hemophilia-related medical needs.

31. For example, Mr. Ho repeatedly advised Defendants and their agents, including detention center staff employed by the Sheriff's Department, that he required blood factor ("Factor VIII") medication to manage and treat his severe hemophilia. Defendants repeatedly refused to permit Mr. Ho access to his Factor VIII medication to manage and treat his severe hemophilia.

32. During this time period, from March 14, 2013, to April 1, 2013, Plaintiff continued to report and indicate excruciating joint, muscle and head pain, along with swelling and severe pain

and cramping from potentially life threatening internal free and unchecked bleeding caused by the continued use of restraints and handcuffs on a daily basis and the effects of being denied his medically-required hemophilia medication.

33. However, Plaintiff's need, of which Defendants knew, and continued requests for treatment and care for his hemophilia were deliberately, callously, and cruelly ignored and/or refused by Defendants and their employees. Plaintiff was denied necessary treatment and/or medications that had been prescribed for him.

34. The Hemophilia Association of the Capital Area ("HACA"), a not-for-profit organization that assists in the care of persons living with hemophilia, is located less than a half-mile from the Detention Center. None of Defendants contacted the HACA regarding Mr. Ho's treatment or referred Mr. Ho to the HACA for assistance with his medical needs despite knowing of its capabilities.

35. On information and belief, neither the Defendants, nor any of their agents, took steps to inquire about the appropriate treatment for someone with Mr. Ho's condition. Indeed, none of the Defendants, nor any of their agents, took steps to provide Mr. Ho with any medical care or treatment for his known, severe hemophilia. Instead, Mr. Ho was administered mild pain medications such as Tylenol and given antibiotics, which was not appropriate for the treatment of Mr. Ho's known medical condition, Type A Hemophilia.

36. Mr. Ho was taunted and/or accused of "malingering" and "troublemaking" by Defendants John Does 1-3 and Jane Does 1-3, along with medical staff, including Defendant Vaanjilnorov, Defendants John Roes 1-3, Defendants Jane Does 1-3, and other employees or independent contractors working at the Fairfax County Adult Detention Center. This "troublemaking" consisted of Mr. Ho's continued requests for medical attention for his known severe hemophilia.

37. Further, Mr. Ho suffered continued and excruciating pain caused by Defendants' refusal to permit or provide him required medical treatment for his hemophilia. Instead of receiving necessary medical treatment, Mr. Ho was required to lie on the cold, hard concrete floor of his detention cell. As a result, Mr. Ho cried out and moaned loudly in excruciating, unimaginable pain and suffering, to which Defendants responded by shackling and restraining Mr. Ho, only serving to increase the free bleeding and severe pain he suffered.

38. Subsequently, Defendants responded to Mr. Ho's moaning and screams of agony by moving him into the Isolation Unit on the 8<sup>th</sup> Floor of the Detention Center to "shut him up," rather than provide him treatment and medical care. Without reason, justification, cause or excuse, Defendants continually and injuriously shackled, brutally restrained, ridiculed and debased Mr. Ho, and banished him to solitary confinement.

39. While in solitary confinement, Mr. Ho was not given access to the medical staff and could not complete an emergency grievance, the most effective method for obtaining medical treatment. Defendants subjectively knew of Plaintiff's medical needs, and these unreasonable and callous omissions caused further injury and exacerbated prior severe internal injuries caused by Defendants at the time of Plaintiff's arrest and pretrial detention. These omissions further evidence Defendants' complete disregard and deliberate indifference to Mr. Ho's serious medical needs and constitutional rights.

40. Defendants continually taunted and ridiculed Mr. Ho for his suffering and cries of agonizing and unbearable pain and, upon growing weary of hearing his suffering, shuttled him away into a dark, concrete-floored corridor. Defendants knew these acts essentially constituted sentencing Plaintiff to death by horrible pain while he was in pretrial detention for a minor crime relating to alleged retail theft.

41. Mr. Ho also continued to be placed in restraints by Defendants while in the Isolation Unit and forced to lie prostrate on the cold concrete floor. This only served to increase his pain and cause additional, irreversible damage to his joints, skeletal structure, muscle tissue, brain and bodily organs. This restraint of Mr. Ho, which was in lieu of providing him with necessary medical treatment, was caused by Defendants' complete disregard and deliberate indifference to Mr. Ho's serious medical needs and his due process, equal protection and constitutional rights.

42. When Mr. Ho was released from solitary confinement, he was able to file an emergency grievance seeking consultation with a medical doctor. From his incarceration on March 14, 2013 until April 1, 2013, Mr. Ho had not been allowed to see a medical doctor, but had been examined only by nurses at the Detention Center and Detention Center staff. He had filed several grievances requesting to see a medical doctor, but was not able to file an emergency grievance until he had been released from solitary confinement.

43. Finally, on or about April 1, 2013, as a result of his emergency grievance, Mr. Ho was examined by a private medical doctor at the Detention Center. The doctor immediately realized Plaintiff suffered from the life-threatening condition of hemophilia and had suffered severe hemophilia-related injuries. The doctor transferred him immediately to INOVA Fairfax hospital, located less than six miles from the Detention Center.

44. In the papers referring Mr. Ho to INOVA Fairfax hospital for treatment, the doctor stated that Mr. Ho needed Factor VIII blood clotting medication at least two times per week, which had not been administered during his pretrial detention. As a result he would need, *inter alia*, an immediate blood transfusion.

45. Commencing April 1, 2013, Plaintiff was hospitalized for approximately twelve (12) days for treatment of the extraordinary and severe damage that was caused Plaintiff as a direct

and proximate result of Defendants' acts, omissions and reckless disregard and deliberate indifference to Plaintiff's serious medical needs, exacerbated by Plaintiff's lifelong condition of hemophilia.

46. Beginning on April 1, 2013 until his discharge, Defendants' deliberate indifference to Plaintiff's serious, emergent, life-threatening medical needs caused Plaintiff to require hospital treatment that incapacitated Plaintiff from making significant decisions about his life other than survival, including seeking legal redress for Defendants' constitutional and tortious wrongdoing.

47. Mr. Ho was thereafter discharged from the hospital on or about April 12, 2013, but had already suffered irreparable and lifelong damage, included severe and ongoing injury to his back, joints, and teeth.

48. Mr. Ho was released from custody on or about June 23, 2013. He was released in part because of Defendant Fairfax County Sheriff's express finding and admission that it was unable to provide Plaintiff the proper medical care or properly house and care for him on any reasonable or humane level. Defendants admitted that they were incapable of housing or caring for Plaintiff without causing him additional significant bodily and psychological injury, which would constitute cruel and unusual punishment and violate due process. As a result, Defendants mandated his release as a pretrial detainee and agreed to a resolution of all charges against Plaintiff that required no additional detention in Defendants' detention facility.

49. After his release, Mr. Ho was bedridden for over a year due to the severe injury to his back and joints that directly and proximately resulted from Defendants' failure to provide him with necessary medical care for his hemophilia. This damage resulted from the deep tissue bleeds that were ongoing throughout his incarceration at Fairfax County Detention Center. These bleeds could have been avoided and any injury resulting could have been minimized had

Mr. Ho been administered reasonable medical care.

50. Several months after his discharge and release, the full effect and scope of the irreversible harm to Plaintiff continued to manifest. As a direct and proximate result of Defendants' complete disregard and deliberate indifference to Plaintiff's medical needs and physical condition during the term of his pretrial detention, Plaintiff suffered and continues to suffer severe internal and debilitating injuries, which require ongoing medical treatment.

51. As a direct and proximate result of Defendants' complete disregard and deliberate indifference to Plaintiff's serious medical needs during his period of pretrial detention at Fairfax County Adult Detention Center, Mr. Ho now suffers from severe debilitating pain and is substantially limited in his mobility and pursuit and enjoyment of life's activities.

52. Mr. Ho is in constant, extraordinary, and agonizing pain and has suffered significant irreversible harm and injury to his joints, muscle tissues, skeletal structure and organ function as a direct and proximate result of Defendants' complete disregard and deliberate indifference to Plaintiff's serious medical needs and physical condition during the period of his pretrial detention at Fairfax County Adult Detention Center.

53. Mr. Ho's mobility has been so substantially limited as a result of Defendants' actions that he is no longer able to engage in activities with or play with his children. This has had a severe negative affect on his enjoyment of life.

54. It is anticipated that Mr. Ho's life expectancy has also been significantly reduced as a direct and proximate result of the injuries suffered during his pretrial detention. These injuries, and the resultant reduction in Mr. Ho's life expectancy, are due to Defendants' complete disregard and deliberate indifference to his serious medical needs and physical condition during his period of pretrial detention at Fairfax County Adult Detention Center.

55. Mr. Ho was gainfully employed as a hairdresser at the time of his arrest and detention, earning in excess of \$50,000 annually. Due to the serious and profound injuries caused by Defendants' complete disregard and deliberate indifference to Plaintiff's serious medical needs and physical condition during his incarceration, however, Mr. Ho is physically unable to resume his career as a hairdresser. In particular, he is incapable of standing for any significant period of time and has limited use of his limbs. Mr. Ho cannot be employed at present, has been deemed "disabled" for these purposes by the Commonwealth of Virginia, and has no likelihood of physical improvement that will permit his employment in the future.

56. Further, the serious and profound negative health condition caused by the effects of Defendants' actions and inactions have prohibited Mr. Ho from pursuing his rights against Defendants until recently, thereby equitably tolling the time period for his bringing this action. Specifically, Mr. Ho was hospitalized from April 1, 2013 until April 12, 2013, and was bedridden for over a year following his detention and resultant hospitalization.

57. Defendants' actions and failures to act to provide Mr. Ho with necessary medical care during the term of his pretrial detention were knowingly unreasonable and fell short of even slight diligence or scant care. Ordinary persons in Defendants' position(s) would have acted to provide Mr. Ho with necessary medical treatment, administer medications prescribed to him for his acute medical condition, sought counsel regarding appropriate treatment for his condition and/or referred him to a medical facility equipped to handle his severe hemophilia and the effects thereof. Ordinary persons in Defendants' position(s) would not have, as Defendants did, ignored Mr. Ho's pleas for medical care, placed Mr. Ho in solitary confinement on a cold, hard floor, ridiculed Mr. Ho as a "troublemaker," refused to provide Mr. Ho with necessary clotting medications prescribed to him for his hemophilia, or failed entirely to provide Mr. Ho with

medical attention for his internal bleeding and severe pain.

58. Defendants, their agents and employees, with knowledge of Plaintiff's medical needs and physical condition, and/or with deliberate indifference to such medical needs and physical condition, acted or failed to act in such a way as to deprive Mr. Ho of necessary and adequate medical care, to prevent Mr. Ho from obtaining necessary medical treatment, and/or to prevent necessary medical treatment and care from reaching Mr. Ho. As a result, Defendants endangered Plaintiff's life, damaged Plaintiff's health and well being, and inflicted severe and long-term injury upon Plaintiff. Such acts and omissions by Defendants violate rights secured to the Plaintiff under the Fifth, Eighth, Ninth and Fourteenth Amendments to the United States Constitution.

59. Defendants, their agents and employees, with knowledge of Plaintiff's medical needs, have a duty under the Fifth, Eighth, Ninth and Fourteenth Amendments to the United States Constitution to provide necessary medical care to inmates of Fairfax County Adult Detention Center in conformity with the standards for delivery of such medical care in the Commonwealth of Virginia as a whole.

60. Defendants, their agents and employees, with knowledge of Plaintiff's medical needs, and/or with deliberate indifference to such medical needs, acted or failed to act in such a way as to prevent Plaintiff from receiving medical care in conformity with the standard for delivery of such medical care in the Commonwealth of Virginia as a whole. Defendants' provision of medical care that does not meet such standards, thus endangering and injuring Mr. Ho's health and well being, is in violation of rights secured to Plaintiff by the Fifth, Eighth, Ninth and Fourteenth Amendments to the United States Constitution.

61. Defendants, knowing of the medical needs of Plaintiff, and knowing also of the

inadequacies and deficiencies in the medical facilities, staffing, training and procedures at Fairfax County Adult Detention Center, have a duty under the Fifth, Eighth, Ninth and Fourteenth Amendments to establish and implement policies, practices and procedures designed to assure that inmates and pretrial detainees, such as Plaintiff, receive medical care and treatment in conformity with the standards for delivery of such medical care and treatment in the Commonwealth of Virginia as a whole.

62. Defendants, knowing of the medical needs of Plaintiff, and with deliberate indifference to the inadequacies and deficiencies in the medical facilities, staffing and procedures at Fairfax County Adult Detention Center, have failed and neglected to establish and implement policies, practices and procedures designed to assure that inmates and pretrial detainees, such as Plaintiff, receive medical treatment and care at the standards in the Commonwealth of Virginia as a whole, or have adopted policies, practices and procedures which Defendants knew, or reasonably should have known, would be ineffective in delivering medical treatment and care at such standards, thus endangering and injuring Plaintiff's life, health and well being in violation of rights secured to Plaintiff by the Fifth, Eighth, Ninth and Fourteenth Amendments to the United States Constitution.

63. Defendants, knowing of the medical needs of Plaintiff, have a duty under the Fifth, Eighth, Ninth and Fourteenth Amendments of the Constitution of the United States to instruct, supervise and train their employees and agents to assure the delivery of medical care to Plaintiff and other detainees with the same or comparable afflictions which is consistent with the standards of medical care in the Commonwealth of Virginia as a whole.

64. Defendants, knowing of the medical needs of Plaintiff or with deliberate indifference to such needs, have failed to hire, instruct, supervise and train their employees and agents in such a

manner as to ensure the delivery of medical care to inmates and pretrial detainees, such as Plaintiff consistent with the standards of medical care in the State of Commonwealth of Virginia. Such failure has endangered Mr. Ho's health and well being and injured him, constituting a violation of rights secured to Plaintiff by the Fifth, Eighth, Ninth and Fourteenth Amendments to the United States Constitution.

65. The Defendants' actions and/or omissions in complete disregard and deliberate indifference to Mr. Ho's serious medical needs were negligent and/or reckless and/or intentional, and/or motivated by racial or national origin-based animus.

66. The Defendants' actions and/or omissions in complete disregard and deliberate indifference to Mr. Ho's serious medical needs were committed under color of law and/or pursuant to policies, customs, practices, rules, regulations, ordinances, statutes and/or usages of the State of Commonwealth of Virginia, Fairfax County, the Fairfax County Sheriff's Department, and/or the Fairfax County Adult Detention Center.

67. As a direct and proximate result of the above-described actions and omissions of Defendants, Plaintiff has suffered general damages, exclusive of interest and costs, the exact amount of which will be proven at trial.

68. As a direct and proximate result of the above-described actions and omissions of Defendants, Plaintiff has suffered pecuniary damages, including medical expenses and loss of income, exclusive of interest and costs, the exact amounts of which will be proven at trial.

69. As a direct and proximate result of the above-described actions and omissions of Defendants, Plaintiff has experienced pain and suffering, including severe emotional distress, resulting in damages, the exact amounts of which will be proven at trial.

70. As a direct and proximate result of the above-described actions and omissions of

Defendants, Plaintiff has suffered loss of consortium, resulting in damages, the exact amount of which will be proven at trial.

71. Each of the Defendants' acts and omissions were done with actual malice or amounted to willful and wanton disregard to the rights of Plaintiff and others such that an award of punitive damages against each is warranted.

72. All conditions precedent to the filing of this action have been performed, have occurred or have been waived by Defendants.

73. Mr. Ho has been required to obtain the services of the undersigned attorneys to prosecute this matter on his behalf and has agreed to pay them a reasonable fee for their services. As such, Mr. Ho is entitled to his reasonable costs and attorneys' fees.

74. Mr. Ho demands trial by jury of all causes of action set forth herein that are so amenable.

**COUNT I**  
**DELIBERATE INDIFFERENCE TO PLAINTIFF'S SERIOUS MEDICAL NEEDS**  
**42 U.S.C. § 1983**  
**(Against All Defendants)**

75. Plaintiff realleges and incorporates by reference the allegations contained in Paragraphs 1-74 above as though fully set forth herein.

76. Defendants had at least the following duties:

- a. To see that measures were in place to reasonably ensure the health and safety of inmates and pretrial detainees at the Fairfax County Adult Detention Center, including the health and safety of Quan A. Ho;
- b. To implement such measures as would reasonably ensure the health and safety of inmates and pretrial detainees at the Fairfax County Adult Detention Center, including the health and safety of Quan A. Ho;

- c. To see that measures were in place to reasonably ensure that inmates and pretrial detainees at the Fairfax County Adult Detention Center, including Quan A. Ho, were provided a level of health care that a civilized society would think minimally necessary;
- d. To reasonably ensure that inmates and pretrial detainees at the Fairfax County Adult Detention Center, such as Quan A. Ho, did not suffer injury caused by failure to administer such adequate level health care;
- e. To act as a reasonable person would have under the circumstances to ensure that pretrial detainee, such as Quan A. Ho, were provided such adequate level health care.

77. Defendants breached these duties and were deliberately indifferent to the needs of

Quan A. Ho in at least the following particulars:

- a. By allowing Mr. Ho to suffer pain and irreparable injury while in the custody of the Detention Center, without providing him appropriate medical attention;
- b. By failing to have in place policies and procedures, and/or by failing to adequately supervise or train employees and contractors in accordance with said policies and procedures, and/or by failing to enforce such policies and procedures so as to ensure the medical health and safety of inmates and pretrial detainees such as Quan A. Ho;
- c. By failing to have policies and procedures in place, and/or by failing to adequately supervise or train employees and contractors in accordance with said policies and procedures, and/or by failing to enforce such policies and procedures

intended to ensure that inmates and pretrial detainees such as Quan A. Ho were provided a level of health care that a civilized society would think necessary;

- d. By failing to have policies and procedures in place, and/or by failing to adequately supervise or train employees and contractors in accordance with said policies and procedures, and/or by failing to enforce such policies and procedures intended to ensure the reasonable safety and health of pretrial detainees suffering from a lifelong, life-threatening health condition, such as Mr. Ho suffered from hemophilia;
- e. By failing to intervene in a medically reasonable way to prevent Quan A. Ho's severe pain and serious, irreparable injury with actual knowledge of Plaintiff's medical needs.

78. Repeatedly over the period of his incarceration, Defendants were deliberately indifferent to Mr. Ho's medical needs. The policies and procedures developed and administered by Defendants were deficient and Defendants were deliberately indifferent to foreseeable circumstances known by Defendants such as those experienced by Mr. Ho, including his suffering from internal bleeding, swelling of the arms and extremities, severe pain, and irreparable damage to his joints and back.

79. Although Mr. Ho's medical needs were known to Defendants, his pleas for medical attention were ignored by medical and non-medical staff, employees, independent contractors, supervisors and agents at the Fairfax County Adult Detention Center.

80. As a direct and proximate result of Defendants' deliberate indifference, Mr. Ho has suffered severe pain and suffering, irreparable bodily injury, loss of consortium and resultant pecuniary damages.

81. The damages suffered by Plaintiff, caused by Defendants' deliberate indifference, were manifestly foreseeable, particularly given that Defendants knew or should have known that Mr. Ho suffered from severe hemophilia and he continuously pled for Defendants to provide him necessary medical care.

82. The conduct of Defendants constitutes cruel and unusual punishment in violation of the Eighth Amendment to the United States Constitution, the due process clause of the Fourteenth Amendment, and 42 U.S.C. §1983.

83. Defendants were jointly and severally deliberately indifferent to the serious harm they caused Plaintiff.

84. The conduct of Defendants was willful, reckless, wanton and intentional.

85. The conduct of Defendants was the proximate cause of the injuries and damages suffered by Plaintiff, the amount of which will be proven at trial.

**COUNT II**  
**VIOLATION OF CONSTITUTIONAL EQUAL PROTECTION RIGHTS**  
**42 U.S.C. §§ 1981 and 1983**  
**(Against All Defendants)**

86. Plaintiff realleges and incorporates by reference the allegations contained in Paragraphs 1-85 above as though fully set forth herein.

87. The conduct of Defendants Kincaid, Barry, Rohrer, Vaanjilnorov, John Does 1-3, Jane Does 1-3, John Roes 1-3 and Jane Roes 1-3, along with medical staff and/or the other employees of the Fairfax County Adult Detention Center was under the color of state law.

88. The conduct of each of these Defendants, along with medical staff and/or the other employees or independent contractors of the Fairfax County Adult Detention Center deprived Plaintiff of his due process, equal protection and constitutional rights in violation of 42 U.S.C. §1983.

89. Plaintiff was denied his due process, equal protection and constitutional rights because of his race, Asian, and his national origin, Vietnamese. Plaintiff would have received superior medical treatment or care by Defendants but for his race or national origin. Defendants' constitutional and other legal wrongdoing was substantially motivated by hostility towards Plaintiff because of his race or national origin in violation of 42 U.S.C. 1981 and 1983.

90. The conduct of these Defendants was the proximate cause of the injuries and damages suffered by Plaintiff, the amount of which will be proven at trial.

**COUNT III**  
**VIOLATION OF CONSTITUTIONAL RIGHTS BY POLICY OR CUSTOM**  
**42 U.S.C. §1983**  
**(Against Defendant Fairfax County, Virginia and**  
**Defendants Kincaid and Barry in their official capacity)**

91. Plaintiff realleges and incorporates by reference the allegations contained in Paragraphs 1-90 above as though fully set forth herein.

92. The conduct of Defendants Fairfax County, Kincaid (in her official capacity) and Barry (in his official capacity) was under the color of state law.

93. The conduct of Defendants Fairfax County, Kincaid (in her official capacity) and Barry (in his official capacity), and the conduct of their agents was pursuant to Defendants' policies, procedures, practices or customs of failing to specially hire for or provide specialized training to the Fairfax County Sheriff's Department personnel and other employees of the Fairfax County Adult Detention Center to avoid significant internal injuries to pretrial detainees with serious medical conditions, such as severe hemophilia. This includes failure to tailor its hiring or provide specialized training for the proper monitoring of such detainees, provision of health care for such detainees, or methods of restraint and housing. Such failures caused severe and irreversible personal, psychological and bodily injury that deprived Mr. Ho of his due process,

equal protection and constitutional rights under the color of the laws of the Commonwealth of Virginia, in violation of 42 U.S.C. §1983.

94. The conduct or nonfeasance of these Defendants and their agents was pursuant to their policies, procedures, practices or customs whereby the Fairfax County Sheriff's Department personnel and other employees of the Fairfax County Adult Detention Center caused significant internal injuries and bodily harm to pretrial detainees with serious medical conditions, such as severe hemophilia, via methods of handcuffing, shackling and other physical restraint and housing without regard for specialized needs which caused severe and irreversible personal, psychological and bodily injury that deprived Mr. Ho of his due process, equal protection and constitutional rights under the color of the law in violation of 42 U.S.C. §1983.

95. The conduct or nonfeasance of these Defendants and their agents was pursuant to their policies, procedures, practices or customs, pursuant to which the Fairfax County Sheriff's Department personnel and other employees of the Fairfax County Adult Detention Center maltreated, disregarded or otherwise invidiously discriminated against pretrial detainees of the Asian race and specifically of Vietnamese origin – particularly Vietnamese “Boat People.” Defendants also ratified such discriminatory treatment by failing to remedy it, thereby making it a *de facto* policy of these Defendants. Such policy, procedure, practice or custom deprived Mr. Ho of his due process, equal protection and constitutional rights under color of law in violation of 42 U.S.C. §1983.

96. The conduct of these Defendants and their agents was pursuant to their policies, procedures, practices or customs of deliberate disregard, disdain or indifference to examine and maintain the requisite qualifications and quality of its Sheriff's Department personnel, medical personnel, independent contractors and other employees working at the Fairfax County Adult

Detention Center to treat detainees with Plaintiff's affliction. As a result, Mr. Ho was deprived of his due process, equal protection and constitutional rights under the color of the laws of the Commonwealth of Virginia, in violation of 42 U.S.C. §1983.

97. The conduct of these Defendants and their agents was pursuant to their policies, procedures, practices or customs of deliberate disregard, disdain or indifference to the proper staffing and management of the Sheriff's Department personnel, independent contractors and other employees working at the Fairfax County Adult Detention Center, including but not limited to the lack of properly certified, educated and trained supervisory, management or administrative personnel, including the lack of a warden or director of jail operations trained and able to properly handle and care for the medical needs of pretrial detainees with severe illnesses and conditions, such as severe hemophilia. All of these policies and procedures deprived Mr. Ho of his due process, equal protection and constitutional rights under the color of the laws of the Commonwealth of Virginia, in violation of 42 U.S.C. §1983.

98. The conduct of these Defendants and their agents was pursuant to their policies, procedures, practices or customs of deliberate disregard, disdain or indifference to the proper staffing and management of the medical personnel, independent contractors and other health care employees working at the Fairfax County Adult Detention Center, including but not limited to the lack of properly certified, educated and trained supervisory, management or administrative medical personnel, specifically the lack of properly trained nurses and medical doctors on staff to properly prepare treatment plans and guidelines to treat and care for the medical needs of pretrial detainees with severe illnesses and conditions, such as severe hemophilia. All of these policies and procedures deprived Mr. Ho of his due process, equal protection and constitutional rights under the color of the laws of the Commonwealth of Virginia, in violation of 42 U.S.C. §1983.

99. The conduct of these Defendants and their agents was pursuant to their policies, procedures, practices or customs of refusing or failing to provide specialized training to the medical and health care personnel and other employees or independent contractors of the Fairfax County Adult Detention Center to address the health care needs and properly treat and house pretrial detainees with serious medical conditions, such as severe hemophilia. Such policies, procedures, practices or customs deprived Mr. Ho of his due process, equal protection and constitutional rights under the color of the laws of the Commonwealth of Virginia, in violation of 42 U.S.C. §1983.

100. Mr. Ho was denied his due process, equal protection and constitutional rights because of his race, Asian, and his national origin, Vietnamese, by Defendants Fairfax County, Barry and Kincaid.

101. These Defendants, acting under the color of state law, denied Mr. Ho's 42 U.S.C. §1983 rights guaranteed by the Fifth, Eighth, Ninth and Fourteenth Amendments to the United States Constitution, as manifested in part by their mistreatment, physical abuse and complete and willful disregard and deliberate indifference to Plaintiff's due process, equal protection and constitutional rights and his known serious medical needs.

102. As a result, Plaintiff has been harmed in such amount as shall be proven at trial.

**COUNT IV**  
**VIOLATION OF THE AMERICANS WITH DISABILITIES ACT**  
**42 U.S.C. §§ 12101-12213**  
**(Against Defendant Fairfax County, Virginia**  
**and Defendants Kincaid and Barry in their official capacities)**

103. Plaintiff realleges and incorporates by reference the allegations contained in Paragraphs 1-102 above as though fully set forth herein.

104. Fairfax County, Virginia and the Fairfax County Sheriff's Department receive Federal

financial assistance to operate the Fairfax County Detention Center, and are subject to the Americans with Disabilities Act (“ADA”).

105. Defendants have a duty not to discriminate against inmates and pretrial detainees, such as Mr. Ho, based on their disability.

106. Mr. Ho has, and was known by Defendants to have, Type A hemophilia, which substantially limits major life activities. Mr. Ho is thus “disabled” within the meaning of the ADA.

107. Defendants discriminated against Mr. Ho by failing to provide him with any, much less adequate, medical care while he was incarcerated at the Fairfax County Adult Detention Center.

108. Defendants further discriminated against Mr. Ho by locking him up in solitary confinement because he requested medical care for his disability. For the vast majority of his incarceration, he was excluded from the general population of the Detention Center and not allowed to participate in any programs offered for inmates and detainees in the Detention Center because of his disability.

109. Mr. Ho was placed in solitary confinement solely because of his disability; specifically, because he requested medical treatment for his severe disability.

110. Defendant’s discrimination against Mr. Ho based on his disability constitutes a violation of the ADA, for which Mr. Ho has suffered damages in an amount to be determined at trial.

**COUNT V**  
**DELIBERATE INDIFFERENCE TO PLAINTIFF’S SERIOUS MEDICAL NEEDS**  
**Virginia Common Law**  
**(Against All Defendants)**

111. Plaintiff realleges and incorporates by reference the allegations contained in Paragraphs 1-110 above as though fully set forth herein.

112. Repeatedly over the period of his incarceration, Defendants were deliberately indifferent

to Mr. Ho's medical needs. The policies and procedures developed and administered by Defendants were knowingly and subjectively unreasonable and deficient, and Defendants were knowingly, subjectively and deliberately indifferent to foreseeable circumstances such as those experienced by Mr. Ho, including his suffering from internal bleeding, swelling of the arms and extremities, severe pain, and irreparable damage to his joints and back.

113. Although Mr. Ho's medical needs were known to Defendants, his pleas for medical attention were ignored by medical and non-medical staff, employees, supervisors and agents at the Fairfax County Adult Detention Center.

114. As a direct and proximate result of Defendants' knowing, subjective and deliberate indifference, Mr. Ho has suffered severe pain and suffering, irreparable bodily injury, loss of consortium and resultant pecuniary damages.

115. The damages suffered by Plaintiff, caused by Defendants' knowing, subjective and deliberate indifference were manifestly foreseeable, particularly given that Defendants knew or should have known that Mr. Ho suffered from severe hemophilia and he continuously pled for Defendants to provide him necessary medical care.

116. The conduct of Defendants constitutes cruel and unusual punishment and was in violation of VA Const. Art. 1, § 9 and VA Code Ann. § § 53.1-32(A).

117. Defendants were jointly and severally deliberately indifferent to the serious harm he caused Plaintiff.

118. The conduct of Defendants was willful, reckless, wanton and intentional.

119. The conduct of Defendants was the proximate cause of the injuries and damages suffered by Plaintiff, the amount of which will be proven at trial.

**COUNT VI**  
**GROSS NEGLIGENCE**  
**Virginia Common Law**  
**(Against All Defendants)**

120. Plaintiff realleges and incorporates by reference the allegations contained in Paragraphs 1-119 above as though fully set forth herein.

121. Defendants owed a manifest duty to Mr. Ho to provide reasonable care, including medical care, to a pretrial inmate whose custody and care they had assumed.

122. Defendants knew or should have known of Mr. Ho's medical condition, Type A Hemophilia. Despite this knowledge, Defendants breached their duty and, in so doing, acted with reckless indifference and/or willful disregard for their duty to provide for Mr. Ho's health and safety by denying Mr. Ho the medical care that they knew his condition demanded. Defendants did so knowing that it was not providing adequate supervision or medical attention, and despite their awareness of Mr. Ho's above-described medical condition and needs.

123. Defendants further knew that the Fairfax County Adult Detention Center was inadequately designed, inadequately staffed and improperly operated to provide adequate medical care to Mr. Ho. This deliberate denial of medical care to inmates and pretrial detainees in need of care, such as Mr. Ho, and the deliberate disregard for the necessary training, staffing and monitoring constituted conscious or reckless disregard for human life or for the rights of another human being—rights well-established by federal and state law as the standard of care for inmates and detainees in need of medical care. Defendants demonstrated no exertion of effort to avoid the known consequences of their failures to act in accordance with their known duties to prevent harm.

124. The conduct of Defendants was intentional; or, alternatively, was grossly negligent, being in the absence of slight diligence, or the want of even scant care under the common law of the

Commonwealth of Virginia.

125. The conduct of Defendants was the proximate cause of the injuries and damages suffered by Mr. Ho, the amount of which shall be proven at trial.

**COUNT VII**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
**Virginia Common Law**  
**(Against All Defendants)**

126. Plaintiff realleges and incorporates by reference the allegations contained in Paragraphs 1-125 above as though fully set forth herein.

127. Defendants' conduct, through their agents and representatives, described *supra*, was intentional or reckless in that it had the specific purpose of inflicting emotional distress on Mr. Ho, the conduct was fully intended, and Defendants knew or should have known that severe emotional distress would likely result.

128. Furthermore, Defendants gave their agents and employees implied authority to engage in this conduct by permitting its continuation and, indeed, ratified the behavior by failing to remedy it.

129. Defendants' treatment of Mr. Ho, particularly after he repeatedly requested medical attention and informed them of his extreme pain, was malicious, willful and wanton, and evinced a conscious disregard for the rights of Mr. Ho. This conduct by Defendants was actuated with malice, spite and ill will.

130. In addition, as a direct result of the treatment of Mr. Ho by Defendants, Mr. Ho has suffered, and continues to suffer, severe emotional distress.

131. Defendants' conduct was outrageous and intolerable in that it offends generally accepted standards of decency and morality.

132. As a direct and proximate result of Defendants' conduct, Mr. Ho has suffered and

continues to suffer severe emotional distress, including anxiety, fear of death, mental anguish, and loss of enjoyment of life, as well as past and future loss of income and benefits of employment, medical expenses, other past pecuniary losses, future pecuniary losses and other nonpecuniary losses.

133. Due to the severity of Defendants' conduct, Mr. Ho is entitled to punitive or exemplary damages.

**COUNT VIII**  
**CONSPIRACY**  
**42 U.S.C. § 1985**  
**(Against All Defendants)**

134. Plaintiff realleges and incorporates by reference the allegations contained in Paragraphs 1-133 above as though fully set forth herein.

135. Each of the Defendants has conspired to knowingly and willingly deprive Plaintiff of his due process, equal protection and constitutional rights, in violation of 42 U.S.C. §1985.

136. Defendants acted in concert to refuse and deny Plaintiff adequate, required treatment and medical care for his hemophilia in substantial part because of his Vietnamese heritage and/or race, or otherwise.

137. Defendants conspired and acted in concert to injuriously shackle, brutally restrain, ridicule, debase and banish Plaintiff to solitary confinement, all without reason, justification, cause or excuse.

138. Defendants' actions caused further injury and exacerbation of prior severe internal injuries, which had also been caused by Defendants at the time of his arrest and initial incarceration.

139. Defendants also willfully and continuously deprived Plaintiff of life-saving mandatory medical treatment, e.g., his regularly scheduled and/or need-based intravenous blood factor

injections, all despite, in disregard of and deliberate indifference to Plaintiff's known medical condition, e.g., severe hemophilia.

140. Defendants conspired and acted in concert to maltreat, harm or otherwise invidiously discriminate against Plaintiff because of his being of Asian race and, specifically, of Vietnamese origin and of a sect or group known as Vietnamese "Boat People," thereby acting pursuant to an orchestrated plan and understanding to deprive and deny Plaintiff of his due process, equal protection and constitutional rights under the color of the laws of the laws of the Commonwealth of Virginia, in violation of 42 U.S.C. §1983 and 1985(3).

141. Defendants Fairfax County, Barry, Rohrer and Kincaid violated 42 U.S.C. §1985(3) by refusing to prevent a 42 U.S.C. §1985(3) conspiracy by the remaining Defendants and their employees.

142. Defendants Fairfax County, Barry, Rohrer and Kincaid violated 42 U.S.C. §1985(3) by refusing to prevent a 42 U.S.C. §1985(3) conspiracy by the remaining Defendants and their employees against Plaintiff because he is an Asian of Vietnamese national origin in a sect or group known as Vietnamese "Boat People."

143. Pursuant to the tacit and overt agreements of Defendants, and their conspiracy or plan to completely disregard and act in deliberate indifference to Plaintiff's due process, equal protection and constitutional rights and his known serious medical needs, Plaintiff has been harmed in such amount as shall be proven at trial.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a jury trial on all issues to which he is so entitled.



/s/

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