

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**PHILLIP LASTER SR.; and
ASHANTA LASTER**

Plaintiffs,

v.

RANKIN COUNTY SCHOOL DISTRICT,

Defendant.

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CIVIL ACTION NO: 3:24-cv-20-CWR-FKB
Jury Requested

PLAINTIFFS’ ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, both individually and as the representatives and heirs of the estate of Phillip “Trey” Laster Jr., PHILLIP LASTER SR. and ASHANTA LASTER (“Plaintiffs”) complaining of RANKIN COUNTY SCHOOL DISTRICT, (“Defendant”), and in support thereof would respectfully show unto the Court as follows:

I. SUMMARY OF THE COMPLAINT

1. Science has established that the leading *preventable* cause of death in athletes is Exertional Heat Stroke (EHS). The Mississippi High School Activities Association (MHSAA) and the National Federation of High Schools (NFHS) in which Defendant is a member specifically warned their schools of this preventable cause of death only a few days before Trey Laster died from EHS. Both of these organizations provided numerous warnings of EHS, identified the risks to lower the chances of EHS, and provided specific instructions on the type of EHS preventative measures that are to be present at each practice and sporting event.

2. Despite the common knowledge of these risks, Defendant decided to conduct their first practice of the year during the hottest part of the day on August 1, 2022. Defendant did not have any acclimatization period prior to this first practice. When Trey arrived at practice, instead of being slowly worked into practice, he was immediately required to go through intense conditioning. Eventually, Trey began expressing EHS symptoms including dizziness, disorientation, stumbling, and nausea. Yet, Trey was required to continue running until he threw up again and passed out. Defendant did not have any EHS preventative measures on the field. Defendant did not have any ice baths or cooling mechanisms, did not take Trey's core temperature, and did not begin implementing any common EHS prevention procedures. Instead, Defendant placed Trey in the back of a hot pick-up truck which only increased his body heat. Defendant's grossly inadequate heat prevention and response led to Trey passing away shortly thereafter.

3. Defendant knew that EHS was preventable. Yet, Defendant intentionally ignored all of the risk indicators of EHS, intentionally chose to expose their athletes to these known dangers, and chose not to have in place any of the mechanisms to prevent a student's death from EHS. Defendant did not take and/or ignored both the Wet Bulb Globe Temperature and the Heat Index at the time of the practice which fell within the extreme danger categories. Defendant did not have a proper acclimatization period for their athletes. Defendant did not modify their practices in light of the conditions and Trey's personal signs of EHS. Defendant did not have even one proper EHS preventative measure on the field. And when Trey passed out, Defendant's employees had no training or supervision on how to properly respond to prevent Trey from passing away.

4. Knowing how to prevent the leading preventable cause of death for athletes but deliberately choosing not to do even the bare minimum to prevent these types of deaths is shocking to the conscious. For far too long have schools and their employees been able to act with utter

impunity to the lives of the students placed in their care all in the name of a sport. Science has caught up with the law and has shown that schools must be held accountable for placing their students' lives in danger especially when those schools knew that they could protect these students from the leading preventable cause of death but they chose not to.

5. Defendant deliberately violated Trey's constitutional rights. Defendant failed to train and supervise their employees on the exact techniques, tools, procedures, and protocols to prevent EHS related deaths. Ultimately, Defendant's actions shock the conscious because they expressly knew how to prevent Trey's death but deliberately chose not to. Therefore, Defendant must be held liable for their actions to compensate Plaintiffs for the tragic loss of their son.

II. PARTIES

6. Phillip Laster Sr. is the father of decedent Phillip "Trey" Laster Jr. and is a resident of Pearl, Rankin County, Mississippi.

7. Ashanta Laster is the mother of decedent Phillip "Trey" Laster Jr. and is a resident of Pearl, Rankin County, Mississippi.

8. Defendant Rankin County School District ("RCSD"), is a school district organized under the laws of the State of Mississippi and is a political subdivision of the State of Mississippi, with the ability to sue and be sued. RCSD may be served with process in the time and manner provided by law by and through service of a Complaint and Summons upon its Superintendent, Scott Rimes, at 1220 Apple Park Place, Brandon, Mississippi 39042.

III. JURISDICTION AND VENUE

9. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and § 1343 because Plaintiffs are suing for relief under 42 U.S.C. § 1983. This Court has supplemental jurisdiction over the state claims pursuant to 28 U.S.C. § 1367.

10. Venue is proper in the Southern District of Mississippi pursuant to 28 U.S.C. § 1391 because Defendant is located in the Southern District of Mississippi, and all or a substantial part of the causes of action accrued in the Southern District of Mississippi.

IV. FACTS AND ALLEGATIONS

11. Plaintiffs incorporate the foregoing paragraphs as if set forth fully herein.

12. On August 1, 2022, Trey was seventeen years old and excited to begin his senior year and senior football season at Brandon High School. Besides his family, Trey's true passion was football. At six-foot one-inch-tall and three hundred and twenty-eight pounds (328 lbs), Trey was perfectly suited as a lineman for a team that had aspirations to make a deep run in high school football playoffs.

13. August 1 was the first day of football practice for the varsity squad. It was a sweltering day on the football field. At 4:00 p.m. when football practice began, the heat index was 103 degrees Fahrenheit on the football field.

14. Because it was the first day of practice, the football players had not gone through a proper two-week acclimatization to the heat as required by school and athletic association guidelines. As recognized in all literature and training's on preventing heat exhaustion, Trey's size made him especially prone to heat exhaustion and put him in the highest risk category. When Trey arrived at practice, his coaches immediately began making him do wind sprints during the hottest part of the day. While he was running, Trey began exhibiting signs of heat exhaustion including stumbling, becoming dizzy, and becoming nauseous. Ultimately, Trey vomited due to the extreme conditions and the failure to properly adjust the training to the environment and his high-risk factors.

15. Instead of immediately checking Trey's body temperature and beginning a proper cooling and rehydration process, Trey was required to continue sprinting. Ultimately, Trey vomited again and passed out from heat exhaustion.

16. The coaches and staff of RCSD did not have proper medical personnel on the field and did not have any of the required cooling materials available. RCSD did not have any of the cold-water immersion tubs that are required to be on the field in these heat conditions. Even if they did have the tubs on the field, the testimony shows that the staff did not attempt to put Trey into a tub or take his temperature. Instead, the staff put Trey into a bed of a truck which would have been hotter than the surrounding area. This egregious response to Trey's condition shows a deliberate failure in Defendant's training and supervision of their staff as even staff who are slightly trained in handling heat exhaustion would have known to rapidly cool Trey's body and not try to place him in a hot truck bed.

17. When the emergency responders made it to the field, they pulled him off of the truck bed and continued conducting CPR on him. By the time, Trey was transported to the hospital it was too late. Trey was pronounced deceased. The cause of his death was exertional heat stroke (EHS) which is the leading cause of **preventable** death in high school athletes. Now his parents are left without a son and must seek justice from the Courts.

18. When examining the facts and circumstances leading up to Trey's death, RCSD's actions and omissions violated numerous school and athletic standards which a reasonably prudent school and staff would have heeded. These acts and omissions are egregious and show a deliberate indifference to the rights of student athletes including Trey because it is now a matter of common knowledge that EHS is preventable and taking even bare minimum steps can help prevent these deaths. *See* attached numerous articles and exhibits concerning proper heat prevention from

organizations to which RCSD belonged to as Exhibit A. RCSD, however, ignored these bare minimum steps with direct knowledge that their actions would most likely lead to the death or serious injury of one of their students. Below are a few of the examples of items that RCSD deliberately failed to do that led to Trey's death.

RCSD Failed to Take or Ignored the Wet Bulb Globe Temperature

19. As required by both the Mississippi High School Activities Association (MHSAA) and the National Federation of High Schools (NFHS) both of which RCSD is a member, the RCSD staff was required to take the Wet Bulb Globe Temperature (WBGT) every day before practice. The WBGT takes into consideration many more factors than just the temperature on the field and is supposed to provide a guideline for when athletics are to be canceled, postponed, or modified due to extreme risk of EHS. Each school is required to chart the WBGT throughout each day as this is one of the main steps to prevent players from being subjected to conditions that result in EHS.

20. Unfortunately, on this day of practice, Defendant failed to check the WBGT before practice and/or failed to heed the WBGT. If they had checked the WBGT, Defendant would have seen that the WBGT was around 88 degrees Fahrenheit or higher. According to MHSAA and the NFHS, this WBGT falls under the extreme degree of EHS risk and the staff must modify their practices accordingly. If RCSD had properly monitored the WBGT, they should have delayed the start of the practice and/or not engaged in any conditioning especially for lineman and high-risk players. This is especially important when the players had not undergone any acclimatization since this was the first day of practice for the entire year.

RCSD Failed to Take or Ignored the Heat Index

21. At the time of practice, the heat index on the football field ranged from 103–104 degrees Fahrenheit. The heat index is taken in the shade and takes into consideration a much smaller individual, not football players. Under MHSAA policies, a heat index in this range required that RCSD delay practice or move it into an indoor facility. At no point, should RCSD conduct football practices in this condition and they especially should not require linemen to do conditioning drills in this weather.

22. Defendant again failed to check or heed the heat index at the time of practice. Instead of modifying the practice including not requiring conditioning drills, RCSD did a full practice and required Trey to do conditioning drills without any adequate breaks. By failing to adhere to simple sport science and state guidelines, RCSD was deliberately indifferent to Trey’s life. It shocks the conscience that RCSD staff would ignore numerous warnings, policies, and procedures on how to prevent EHS.

RCSD Did Not Conduct Proper Acclimatization Prior to Beginning Conditioning Drills

23. It is well known that athletic programs are not to run headfirst into significant conditioning and on field activities following a summer break. Instead, RCSD is required to provide at least a two-week acclimatization period prior to beginning significant physical activities. The purpose of the acclimatization is to allow these players’ bodies to get used to the heat and physical activity through progressive activities following a summer break where most players especially lineman are not doing outdoor physical activities.

24. This acclimatization period is especially important for large lineman such as Trey whose bodies are at high-risk of suffering EHS. The acclimatization is a necessary step to help prevent the “the leading preventable cause of death among athletes”—EHS. In this acclimatization period and especially on the first day of practice in the heat, players are not to be subjected to wind

sprints or other significant conditioning exercises. Additionally, players should be provided very frequent hydration breaks with a minimum of four, four-minute breaks in an one-hour period. As required by the NFHS and MHSAA, the majority of heat related deaths occur during the first few days of practice. To prevent these deaths, the first few days are to focus on instruction and not conditioning, and any conditioning done should be sport specific. Wind sprints are leading cause of those types of deaths and should be limited to the end of practice and should be done in short bursts with significant breaks in between if they are done at all. The first few weeks of practice must be modified to be held during times when the heat index and WBGT ratings are at their lowest and slowly built up to times when those temperatures are higher.

25. RCSD, however, was deliberately indifferent to these requirements and warnings and on the first day of practice required Trey to do wind sprints for a lengthy period of time without any breaks despite Trey's obvious need for hydration and rest. RCSD did not provide any acclimatization period. RCSD did not modify their practices in light of the conditions and did not suspend all conditioning during this period. Trey should not have been subjected to any conditioning on the first day of practice let alone at a time when the heat index was over 103 and the WBGT was over 88. RCSD should not have been conducting the first practice of the year at the hottest time of the day as this violates the standard rules for building up tolerance to heat. RCSD's deliberate failures led to Trey's preventable death via EHS.

RCSD Failed to Have Proper EHS Preventative Measures on the Football Field

26. MHSAA and NFHS require that coaches have ice bathtubs on the field at all times during any summer months or whenever the heat index or WBGT temperatures reach a high-risk area. Ice baths are the number one method for preventing EHS deaths when a player exhibits any signs of heat related illness. Whenever a player exhibits any heat related illness symptoms, they

are to be immediately placed in an ice bath to lower their core body temperature. This method must be done immediately and in accordance with standard protocol must be done before any attempt to transport the individual to a medical facility.

27. In conjunction with cooling facilities on field, the school and athletic staff must also have on hand tools to be able to take the rectal temperature of any athlete who exhibits any of the symptoms of heat related illness. This is the only acceptable method to taking an athlete's temperature. The athlete's temperature indicates whether the player is going through a heat related illness and can provide a gauge for how long the player should be submersed in the ice bath.

28. RCSD was deliberately indifferent to these simple life-saving requirements. RCSD either did not have an ice bath on the field during this practice or they failed to place Trey in the bath. RCSD also did not pull Trey from the field and take his temperature when he began exhibiting signs of heat related illness. If RCSD had done these simple techniques, they would have seen that Trey was suffering from EHS and needed to be placed in an ice bath immediately. Instead, RCSD required Trey to continue doing wind sprints and when he passed out, they placed him in the hot bed of a truck instead of taking his temperature and placing him in an ice bath. RCSD's deliberate indifference to Trey's life ultimately caused his death from EHS.

RCSD Failed to Modify the Practice in Light of the Conditions and Trey's Specific Risk Factors

29. Football coaches and programs are required to modify their practices and procedures in relation to the external conditions of the field and must modify it to each individual player. Discussed above are some of the external conditions that RCSD failed to heed, but RCSD also failed to heed the specific risk factors for Trey.

30. In the past five years, over 75% of all EHS related deaths among athletes were high school football lineman who were considered obese. In the majority of these deaths, the linemen

were subjected to needless conditioning meant more for wide receivers and running backs. Unlike other positions, linemen do not sprint for long periods of time, instead their activities are more strength based with breaks in between bursts of activity. RCSD is required to modify their practices, especially at the beginning of the year, to avoid obese linemen from being subjected to needless conditioning. Additionally, obese players are also more likely to suffer heat related illnesses even in cooler temperatures. So even if the heat index or WBGT are in a normal range, obese athletes are still at a high-risk for EHS.

31. RCSD ignored these factors, science, and standards and required Trey to do wind sprints for a significant period of time without breaks. Trey as an obese lineman was included in the high-risk category of athletes for EHS. Instead of providing extra supervision for Trey as required by MHSAA and NFHS, RCSD ignored Trey's call for help and did not modify their first practice of the season to prevent Trey's death caused by EHS.

32. Each of the items above are not discretionary and instead are ministerial acts that are required by all school districts to prevent the leading preventable cause of death among high school athletes. None of these above activities involve any considerations of public policy and are not real policy decisions.

RCSD's Egregious Failures Show a Deliberate Indifference to the Lives of Student-Athletes and Show a Drastic Failure to Train and Supervise their Staff.

33. The number of egregious failures by RCSD staff that led to Trey's death exemplify the shocking lack of training and supervision by RCSD over their staff. Over the past decade and especially in the past year, EHS death prevention has been the subject of extensive literature, news coverage, and NFHS and MHSAA policies and procedures. RCSD policymakers including its coaches, principals, and board members were aware of the extreme risks EHS posed on student athletes and the actions that had to be taken to prevent these preventable deaths. RCSD was told

directly through numerous communications what actions they had to take to prevent these deaths from NFHS and MHSAA.

34. Yet, RCSD failed to train and supervise their coaches and staff on these prevention methods and did not enforce these policies despite knowing of their omission in their training and supervision. For example, RCSD knew that their coaches were failing to implement proper heat index and WBGT readings before practices and failed to modify practices in light of those readings. RCSD also knew that coaches were ignoring heat illness symptoms in their players, did not conduct proper acclimatization periods, did not modify practices and drills to eliminate risks to players who are at high risk of EHS, and did not place on the field proper cooling methods including required ice baths.

35. RCSD knew that all of these items were required to prevent heat related deaths; yet RCSD did nothing to ensure that these items were in place and used at each practice. Without these items, it was inevitable that a player would suffer a heat related illness and injuries and ultimately death. RCSD knew of these risks of the constitutional violations to the student's bodily integrity; yet they were deliberately indifferent in allowing these actions and omissions to take place. Ultimately, this failure to train and supervise also led to Trey's death.

V. CAUSES OF ACTION

36. Plaintiff incorporates the foregoing paragraphs as if set forth fully herein.

A. COUNT I: *MONELL* CLAIM; VIOLATION OF THE FOURTEENTH AMENDMENT; PURSUANT TO 42 U.S.C. § 1983; SUBSTANTIVE DUE PROCESS

37. Plaintiffs bring a claim against RCSD for the violations of Trey's substantive due process rights under the 14th Amendment pursuant to 42 U.S.C. § 1983.

38. Trey has a liberty interest in his bodily integrity to be free from state-occasioned damage. This liberty interest is well established in the United States jurisprudence as a constitutional right.

39. RCSD deprived Trey of this right by subjecting him to conditions on the football field which led to his death. Specifically, RCSD blatantly ignored the fact that Brandon High School staff failed to take the necessary precautions and modifications to the first football practice of the year to meet the clearly established measures to prevent heat related illnesses. This includes but is not limited to failing to take or heed the heat index or WBGT, failing to have on the field ice baths and other cooling mechanisms, failing to modify conditioning schedules in accordance with acclimatization standards, and failing to modify conditioning schedules in light of the weather and Trey's risk factors which made him more prone to EHS. EHS is the most preventable cause of death and RCSD was well aware of this, yet they deliberately implemented, promoted, and enforced policies, practices and procedures which would inevitably lead to the death of a football player.

40. RCSD's policies, practices, and procedures included failing to take the WBGT and heat index temperatures at the beginning of practices and/or ignoring those temperatures. In the alternative, RCSD's policymakers ratified this practice by ignoring the fact that football teams in the district were repeatedly practicing during the hottest parts of the day and their practices were not modified in light of those temperatures. These policies are seen as well by the fact that throughout the district football practices before school start could have been scheduled for any time in the day and yet they were repeatedly scheduled during the hottest parts of the day instead of in the early morning or later in the evening.

41. RCSD also had a policy, practice, and procedure of failing to implement acclimatization periods when it was clearly established that these periods are required to prevent heat related illnesses. Both MHSAA and NFHS promulgated numerous warnings to their member schools to not allow full football practices and conditioning drills to be conducted during the hottest parts of the days and especially not during the first few weeks of practice as they are supposed to allow for a two-week minimum acclimatization period. Once again RCSD ignored these warnings and allowed full conditioning during the hottest parts of the day even for the first day of practice.

42. RCSD also had the egregious practice, policy, and procedure of not requiring schools to have heat illness prevention measures in place at each practice and sporting event during the summer months. Specifically, RCSD did not have a policy requiring ice baths, rectal thermometers, and procedures which would pull players from participation should they exhibit any signs of heat related illness. This policy, practice, and procedure was further ratified by the policymakers of RCSD as they continued to permit schools to have practices and sporting events without these measures in place despite knowing of the extreme risk of EHS without these measures.

43. RCSD knew especially from MHSAA and NFHS that their policies, practices, and procedures violated these standards to prevent EHS and that eventually their policies would lead to the heat related death or injuries of their athletes. Yet, RCSD continued with their practices, policies, and procedures with deliberate indifference to their athlete's constitutional rights.

44. Ultimately, these policies, practices, and procedures were the moving force behind Trey's death. Even the most incompetent school districts know of the minimum requirements to prevent the "leading preventable death among athletes." RCSD knew how to prevent Trey's death;

however, consistent with their policies, practices, and procedures, RCSD ignored the WBGT and heat index, failed to modify the practices and drills in light of the conditions, failed to enforce an appropriate acclimatization period, and failed to have and implement proper cooling mechanisms.

45. As of August 2022, the history, science, and knowledge concerning EHS and its preventative measures was widely known. In fact, MHSAA and NFHS told their member schools repeatedly how to prevent EHS injuries and death. The fact that RCSD ignored these common requirements with full knowledge that these preventative measures must be put in place to prevent EHS deaths shocks the conscience. It is inexcusable that RCSD ignored the most fundamental preventative measures. It was only a matter of time before a student would pass away.

46. Defendant's egregious deliberate indifference was the moving force behind Trey's death.

B. COUNT II: *MONELL* CLAIM; VIOLATION OF THE FOURTEENTH AMENDMENT; PURSUANT TO 42 U.S.C. § 1983; FAILURE TO TRAIN AND SUPERVISE

47. Plaintiffs bring a claim against RCSD for the violations of Trey's substantive due process rights under the 14th Amendment pursuant to 42 U.S.C. § 1983 for the failure to train and supervise.

48. Trey has a liberty interest in his bodily integrity to be free from state-occasioned damage. This liberty interest is well established in the United States jurisprudence as a constitutional right.

49. As shown above, EHS is preventable. Both NFHS and MHSAA have incorporated and recognized numerous practices, policies, and procedures for preventing these deaths. Failing to adhere to these rules and procedures will foreseeably lead to the deaths of student athletes. School districts, including RCSD, know exactly how to prevent these deaths.

50. It is RCSD's duty then to adequately train and supervise their staff on the implementation and use of these preventative measures as inadequate training and supervision will inevitably lead to the death or injuries of students due to heat related illnesses.

51. RCSD, however, ignored these requirements and failed to adequately train and supervise their staff. Specifically, the football staff at Brandon High School was not trained to take and heed the heat index and WBGT temperatures when implementing their practices. The football staff was not trained on a proper acclimatization period and drills. The football staff was not trained on the proper heat illness prevention measures including having ice baths on the field at all times and to use those ice baths as soon as a player has a sign of a heat related illness.

52. RCSD training policy was deliberately indifferent to the rights of their students including Trey because RCSD knew that their training policy was inadequate and that the staff even if they were trained would not heed or use that training. This is evidenced by the fact that football practices were scheduled and implemented during the hottest parts of the day when school was not even in session and that even with direct knowledge of the heat no preventative measures were in place. Additionally, this was a traditional starting time and schedule as year after year practices at the beginning of the year would be scheduled during the hottest parts of the day without a heat acclimatization period or without tailoring drills to the conditions.

53. Trey should have had his core temperature checked and placed in an ice bath upon his first signs of heat exhaustion. The staff did not heed those signs and instead made him to continue doing wind sprints. RCSD knew that their training was inadequate and that Brandon High School was not implementing or enforcing any heat illness prevention requirements, yet RCSD did not discipline the staff or prevent them from continuing to practice in this manner. RCSD knew

that their inadequate training and supervision of their staff would lead to the death or injury of an athlete, yet they permitted these practices to occur despite that risk.

54. Ultimately, this failure to train and supervise was the cause in the violation of Trey's constitutionally protected rights. Without this failure, Trey's death was preventable. Instead, Plaintiffs have suffered significant damages as a result of Defendant's constitutional violation.

C. COUNT III: NEGLIGENCE OF RCSD: MTCA

55. Plaintiffs incorporate the foregoing paragraphs as if set forth fully herein.

56. RCSD owed Trey a duty to provide him with a safe school environment. RCSD owed Trey a duty to ensure that he was not subjected to conditions which could result in his death. RCSD owed Trey a reasonable duty of care. Further, RCSD owed Trey a duty to hire, supervise, train, delegate, and retain competent coaches and staff to prevent players' injuries and deaths.

57. RCSD breached these duties through various acts and omissions, including but not limited to:

- a. Failing to take and heed the WBGT at the beginning of practice and throughout the practice;
- b. Failing to take and heed the heat index at the beginning of practice and throughout the practice;
- c. Failing to modify and/or postpone the practice in light of the environmental conditions;
- d. Failing to implement an appropriate acclimatization period and modify the drills and conditioning in light of the acclimatization of their players;

- e. Failing to suspend and/or modify conditioning drills for players who were at high-risk of EHS such as Trey who was a large lineman;
- f. Failing to properly monitor Trey and check his temperature in light of his exhibiting heat illness symptoms;
- g. Failing to remove Trey from practice and forcing him to continue with wind sprints despite exhibiting symptoms of heat illness and in light of the science against wind sprints for lineman on the first day of practice;
- h. Failing to have heat illness prevention measures in place at the beginning of practice including but not limited to ice baths;
- i. Failing to place Trey immediately in an ice bath upon exhibiting symptoms of heat illness but instead placing him in a hot back of a truck; and
- j. Such other acts of negligence which will be determined during the course of this case.

58. Each of these acts and omissions was a direct and proximate cause of Trey's death. EHS is preventable. If RCSD had acted with reasonable care and implemented these acts, Trey's death would not have occurred. These acts singularly or in combination with others constitute negligence.

59. These acts and omissions were ministerial in nature as they were required by rules and regulations promulgated by MHSAA and NFHS. Defendant and its employees had no element of choice or judgment in implementing these preventative measures. Even if they did have a choice these decisions do not implicate any policy consideration.

VI. DAMAGES

60. Plaintiffs incorporate the foregoing paragraphs as if set forth fully herein.

61. Plaintiffs seek compensatory damages, pre and post judgment interest, costs, and attorney's fees to the maximum amounts allowed by law.

62. Plaintiff suffered the following damages as a direct and proximate result of RCSD's violations as identified above;

- a. Actual damages;
- b. Medical expenses incurred in the past;
- c. Mental anguish and emotional distress incurred in the past and in the future;
- d. Loss of consortium, society, and companionship in the past and in the future;
- e. Pain and suffering incurred in the past and in the future;
- f. Pre-judgment interest; and
- g. Post-judgment interest.

VII. ATTORNEY'S FEES

63. Plaintiffs incorporate the foregoing paragraphs as if set forth fully herein.

64. Pursuant to 42 U.S.C. § 1988, Plaintiffs are entitled to recover their attorney's fees and costs.

VIII. CONDITIONS PRECEDENT

65. Pursuant to Federal Rule of Civil Procedure 9(c), Plaintiffs generally allege that all conditions precedent have occurred and have been performed. Specifically, Plaintiffs served a proper Notice of Claim to Defendant pursuant to Mississippi Code § 11-46-11 and waited the appropriate time frame before filing suit. Plaintiffs now timely bring forth this Complaint.

IX. JURY REQUEST

66. Plaintiffs respectfully request a trial by a jury of their peers on all matters triable to a jury. Plaintiffs will tender the appropriate fee.

X. PRAYER

WHEREFORE PREMISES CONSIDERED, Plaintiffs pray that judgment be rendered against Defendant, for an amount in excess of the jurisdictional limits of this Court. Plaintiffs further pray for all other relief, both legal and equitable, to which they may show themselves entitled.

THIS the 11th day of January, 2024.

Respectfully submitted,

BLACKMON & BLACKMON, PLLC

/s/ Edward Blackmon, Jr.

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