

STATE OF VERMONT

SUPERIOR COURT
CHITTENDEN UNIT

CIVIL DIVISION
Docket No. _____

ERICA N. ALBARELLI, as Administrator)
of the Estate of Jeffery Hall,)
Plaintiff)
)
v.)
)
VITALCORE HEALTH STRATEGIES, LLC,)
KAREN WEIERSTALL, in her individual)
capacity and EMILY ECKEL in her individual)
capacity)
Defendants)

COMPLAINT AND JURY TRIAL DEMAND

Plaintiff, Erica N. Albarelli, Administrator of the Estate of Jeffery Hall, by her attorneys,
Gravel & Shea PC, hereby complains of Defendant and alleges as follows:

Parties

1. Plaintiff Erica N. Albarelli, Administrator of the Estate of Jeffery Hall, is a resident of the town of Milton, county of Chittenden, state of Vermont. On April 13, 2023, the Chittenden County Probate Court appointed Plaintiff Erica N. Albarelli as Administrator of the Estate of Jeffery Hall. Jeffery Hall (“Decedent”) was assaulted while incarcerated at the Northwest Correctional Facility in Swanton, Vermont by another inmate resulting in his death at the University of Vermont Medical Center in Burlington, Vermont.

2. Defendant VitalCore Health Strategies, LLC (“Defendant VitalCore”) is a foreign limited liability company doing business in Vermont with its principal place of business in Topeka, Kansas, and at all times pertinent to this complaint, had a contract with Vermont Department of Corrections to provide mental health care and treatment to inmates in custody of

the Vermont Commissioner of Corrections. Defendant VitalCore employed mental health professionals and mental health coordinators as employees and agents of VitalCore Health Strategies, LLC. As a direct and proximate result of the negligence, deviation from the standard of care and wrongful acts and omission of Defendant VitalCore’s employees and agents acting as mental health professionals and mental health coordinators, Decedent ultimately died as a result of the injuries caused by Defendant’s employees and agents.

3. Defendant Karen Weierstall (“Defendant Weierstall”) was a mental health professional at the Northwest Correctional Facility employed by VitalCore Health Strategies, LLC at all times relevant to this Complaint.

4. Defendant Emily Eckel (“Defendant Eckel”) was a mental health care coordinator at the Northwest Correctional Facility employed by VitalCore Health Strategies, LLC at all times relevant to this Complaint.

Jurisdiction

5. This Court has subject matter jurisdiction of this case and personal jurisdiction of the parties as at the time of his death Decedent was a resident of Chittenden County, Vermont and the administrator of his estate, Erica N. Albarelli, is a resident of Chittenden County, Vermont. Further, Decedent passed away as a result of the incident in the present cause of action in Chittenden County, Vermont.

Wrongful Death and Survival Action

6. This is, in part, a wrongful death action brought by Plaintiff pursuant to 14 V.S.A. § 1491-1492 and a survival action brought pursuant to § 1451-1453.

7. Plaintiff’s wrongful death action is brought on behalf of next of kin for the loss of Decedent’s love, affection, comfort, care, nurture, protection, guidance, financial and emotional

support, consult, companionship of their family member and such other claims deemed compensable under Vermont's wrongful death statute, 14 V.S.A. § 1491-1492.

8. Plaintiff's survival action includes, but is not limited to, a claim for conscious pain and suffering which preceded Decedent's death pursuant to § 1451-1453.

Facts and Legal Claim

9. On December 22, 2022, Decedent Jeffery Hall was an inmate at the Northwest State Correctional Facility in Swanton, Vermont. Mbyayenge Mafuta ("Inmate Mafuta") was also an inmate at the same facility.

10. On that date, Decedent and Inmate Mafuta were cellmates assigned to cell #17 in Unit B/C—a general population unit. Prior to December 22, 2022, Decedent and Inmate Mafuta had only been cellmates for a few days.

11. During head count at the facility, at approximately 2:00 p.m. on December 22, 2022, all inmates were in their assigned cells including Decedent and Inmate Mafuta. They were the only two individuals in cell #17 at that time and the door to the cell was shut.

12. Shortly after 2:00 p.m., Inmate Mafuta violently assaulted Decedent while they were in their cell together causing serious and life-threatening injuries to Decedent ("the assault").

13. Prior to the assault, on December 19, 2022, Inmate Mafuta had been moved to the Delta Unit for segregation and placed on a mental health watch in a camera equipped cell because he was screaming and banging things around his cell, told corrections staff that he was hearing voices and had homicidal and suicidal ideation.

14. Two days later, on December 21, 2022, Defendants Karen Weierstall and Emily Eckel, as employees and agents of Defendant VitalCore Health Strategies, LLC, recommended

that the precautions and mental health status Inmate Mafuta was placed under was no longer necessary on the grounds that Inmate Mafuta self-reported that he was able to process what had happened the day prior, was able to create a plan for being in general population and he had no suicidal or homicidal ideation. No other mental health assessments, evaluations or treatment were provided to Inmate Mafuta before he was removed from Delta Unit and the camera cell. Inmate Mafuta was then moved to general population and placed in cell #17 with Decedent.

15. Inmate Mafuta has a history of numerous mental health diagnoses including Schizophrenia, Unspecified Schizophrenia Spectrum and other psychotic disorder, cannabis use disorder, Psychosis NOS, R/O PTSD, R/O Paranoid Schizophrenia and Adjustment disorder with mixed disturbances of emotions and conduct. The mental health assessment and treatment provided to Inmate Mafuta prior to his release back in to general population was inadequate based on his history and the documented observations of his behavior and statements on the day prior to the assault which ultimately caused the death of Decedent.

16. Pursuant to its contract with the Vermont Department of Corrections and associated policies and procedures of Defendant VitalCore, Defendant VitalCore's intent is to provide a full range of mental health assessment and treatment to inmates. However, Inmate Mafuta received inadequate mental health assessment and treatment prior to his placement back in to general population and housing with a cellmate.

17. Prior to Inmate Maftua's placement in segregation in the Delta Unit on December 19, 2022, the communication regarding the determination by Defendants Weierstall and Eckel to place him in Delta Unit consisted of an e-mail from Defendant Eckel to Defendant Weierstall, who was responsible for Inmate Mafuta's assessment, indicating that he could go back to general

population and also the provision of information to custody staff regarding Inmate Mafuta's mental health status and risk of harm to self or others.

18. Prior to Inmate Mafuta's placement back in general population on December 21, 2022, Defendant Weierstall indicated that Inmate Mafuta was initially placed in segregation on mental health watch because he had homicidal ideation and suicidal ideation, intent and plan, but no means. However, Defendant Eckel indicated she "checked on" Inmate Mafuta and sent an e-mail to Defendant Weierstall who then determined based on that e-mail that Inmate Mafuta was no longer a risk of harm to himself or in need of a camera cell and mental health monitoring. He was subsequently released from the camera cell and placed in general population with a cellmate. This occurred only a few days after Inmate Mafuta had been placed in a camera cell for mental health monitoring and treatment.

19. In addition to his mental health diagnoses, Inmate Mafuta has a history of bizarre and aggressive behavior, including damage to property. The assessment by Defendant Eckel conducted prior to Inmate Mafuta's release back to general population was inadequate in that the assessment was only regarding dangers to himself and provided no questions regarding his risk of danger to others or to address his thought content regarding the behaviors resulting in his placement in Delta Unit on camera watch.

20. Despite Inmate Mafuta's serious mental illness, history of bizarre and aggressive behavior and potential risk of danger to others prior to his release to general population from Delta Unit and the camera cell, Defendants Weierstall and Eckel did not provide him with an adequate mental health assessment nor treatment prior to releasing him back into general population and housing him with a cellmate.

21. Following the assault on December 22, 2022, due the serious and life threatening injuries he sustained, Decedent was transported by ambulance to Northwestern Medical Center in St. Albans, Vermont and subsequently transferred to University of Vermont Medical Center in Burlington, Vermont on the same date. Decedent passed away from his injuries at the University of Vermont Medical Center on March 10, 2023.

COUNT I

Negligence

22. Plaintiff repeats and reasserts paragraphs 1-21 above and incorporates the same into Count I.

23. Defendants VitalCore, Weierstall and Eckel failed to provide adequate mental health assessments and treatment to Inmate Mafuta which was negligent and deviated from the standard of care ordinarily exercised by reasonably skilled, careful and prudent mental health professionals under the same or similar circumstances.

24. As a direct and proximate result of Defendants' negligence and deviation from the standard of care and wrongful acts and omissions, Decedent suffered serious bodily injury in the assault, overwhelming pain for seventy-nine days and ultimately died on March 10, 2023.

25. Pursuant to 14 V.S.A. § 1453, the Estate of Jeffery Hall is entitled to a survival action for the damages to Decedent for his medical expenses, pain and suffering, and mental anguish caused by the assault prior to his death, as a direct and proximate result of the negligence, deviation from the standard of care and wrongful acts and omission of Defendants.

26. The Estate of Jeffery Hall is entitled to damages for Defendants' medical malpractice pursuant to 12 V.S.A. § 521 and Decedent's wrongful death pursuant to 14 V.S.A. § 1492. As a direct and proximate result of the negligence, deviation from the standard of care and

wrongful acts and omission of Defendants, the next of kin of Decedent have suffered, and are entitled to recover damages related to the injury and wrongful death of Decedent including, but not limited to, the loss of love, society and companionship of Decedent and for all related economic losses stemming therefrom.

COUNT II

42 U.S.C. § 1983

27. Plaintiff repeats and reasserts paragraphs 1-26 above and incorporates the same into Count II.

28. While acting under color of state law, Defendants Karen Weierstall and Emily Eckel owed Decedent a duty of care to ensure that he was reasonably safe from other inmates who were exhibiting serious mental health issues.

29. Defendants Weierstall and Eckel breached this duty by exhibiting deliberate indifference to the foreseeable harm related to its failure to provide adequate mental health assessments and treatment to Inmate Mafuta which grossly deviated from the standard of care ordinarily exercised by reasonably skilled, careful and prudent mental health professionals under the same or similar circumstances.

30. By failing to provide adequate mental health assessments, services and treatment to Inmate Mafuta, who had recently admitted to suicidal and homicidal ideation, Defendants Weierstall and Eckel violated their constitutional obligation to protect Decedent from the foreseeable risk of harm by authorizing the premature transfer of Inmate Mafuta to general population.

31. Defendants Weierstall and Eckel's deliberate indifference to the risk posed by Inmate Mafuta's premature return to general population was the proximate cause of the mortal injuries suffered by Decedent when Inmate Mafuta assaulted him.

32. As a result, Plaintiff is entitled to relief under 42 U.S.C. § 1983, including compensatory damages, medical expenses related to the treatment of Decedent's injuries, punitive damages, and reasonable attorneys' fees and litigation expenses.

Claims For Relief

WHEREFORE, Plaintiff demands judgment in her favor against Defendants VitalCore Health Systems, LLC, Karen Weierstall and Emily Eckel in an amount to be determined by the trier of fact to include compensatory damages, medical expenses related to the treatment of Decedent's injuries, punitive damages, and reasonable attorneys' fees and litigation expenses incurred by Plaintiff and interest from the date of the injury to the date of payment to Plaintiff for the amounts awarded, and any and all damages the court deems just and proper.

Dated: July 31, 2024

/s/ Brooks G. McArthur

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