UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

SHERON MONTREY, et. al.,
Plaintiffs,

v. **Case No.: 3:07-cv-545**

TAMMY ESTEP, et.al.

Defendants.

THIRD AMENDED COMPLAINT

STATEMENT OF JURISDICTION

Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343 and 1345. This case arises out of 42 U.S.C. §1983 and 1985 and the Fourth, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution.

GENERAL ALLEGATIONS

1. Plaintiffs are residents of the Commonwealth of Virginia and citizens of the United States of America. At all times relevant herein, they were inmates at the Correctional Unit #13 ("the prison") in Chesterfield County, Commonwealth of Virginia.

2. Defendant, Marilyn Hill, is a resident of the Commonwealth of Virginia and at all times relevant herein was employed as a Major and Chief of Security at the prison, and was primarily responsible for supervising all of its uniformed employees. At all times relevant, Hill was under the immediate supervision of Defendant, Tammy Estep. She was responsible for enforcing the policies of the Virginia Department of Corrections "DOC" at the prison, and for training and

supervising Defendants Taylor, Hawkes, Harris, and Irving, and the other employees at the prison. She was further responsible for establishing the customs and practices with regard to sexual contact and conduct between employees and inmates, including Plaintiffs. Defendant Hill is sued in her individual capacity.

3. Defendant, Tammy Estep, was at all relevant times the Superintendent at the prison with primary supervisory responsibility over the facility, its employees and inmates. In her supervisory capacity, Defendant Estep was further responsible for establishing the policies of the DOC at the prison, and for training and supervising Defendants Hill, Taylor, Hawkes, Harris, and Irving, and the other employees at the prison. She was further responsible for establishing the customs and practices with regard to sexual contact and conduct between employees and inmates, including Plaintiffs. Defendant Estep is sued in her individual capacity.

4. Defendant Andrea Taylor is a resident of the Commonwealth of Virginia and at all times relevant herein was employed as a corrections officer with the DOC at the prison with supervisory responsibility over the inmates and Plaintiffs. Defendant Taylor is sued in her individual capacity.

5. Defendant Kermit Hawkes, Sr. is a resident of the Commonwealth of Virginia and at all times relevant herein was employed as a corrections officer with the DOC at the prison with supervisory responsibility over the inmates and Plaintiffs. Defendant Hawkes is sued in his individual capacity.

6. Defendant Joseph Harris is a resident of the Commonwealth of Virginia and at all times relevant herein was employed as a corrections officer with the DOC at the prison with supervisory responsibility over the inmates and Plaintiffs. Defendant Harris is sued in his individual capacity.

7. Defendant José Irving is a resident of the Commonwealth of Virginia and at all times relevant herein was employed as an Officer and prison guard at the prison with supervisory responsibility over the inmates and Plaintiffs. Defendant Irving is sued in his individual capacity.

8. Defendant Dennis Quayle is a resident of the Commonwealth of Virginia and at all times relevant herein was employed as an educator with the Virginia Department of Correctional Education "DCE" and stationed at the prison. At all times relevant Mr. Quayle had supervisory responsibility over the inmates and Plaintiffs Pearl Quinn, Jacquelyn Dunbar, and Amber Muse. Defendant Quayle is sued in his individual capacity.

9. On information and belief, Defendants Estep and Hill knew of, supported, adopted, and/or ratified the policy, custom, pattern or practice of DOC officers and/or officials and those contracted to work at the prison, including Defendants Taylor, Hawkes, Harris, Irving, and Quayle as set forth herein.

10. At all times relevant herein, Defendants Hill, Estep, Defendants Taylor, Hawkes, Harris, and Irving were acting under color of state law as officers and employees of the DOC.

11. At all times relevant herein, Defendant Quayle was acting under color of state law as an employee of the DCE.

12. The Defendants, each of them, had a special relationship with DOC inmates, including Plaintiffs, and had a constitutional and statutory duty to protect the Plaintiffs from injury by preventing unlawful sexual conduct and contact with them.

13. Between 2003 and 2006 there was extensive and ongoing sexual abuse of inmates at the prison by various corrections officers, employees, and educators working at the prison.

14. This conduct included, but was not limited to, sexual activities in return for gifts, privileges, job opportunities and other benefits.

15. The inmates and Plaintiffs were cautioned to keep quiet about what was occurring, and were threatened with reprisal and harm if they did not keep silent.

16. Inmates who spoke out were given unfavorable transfers to higher security facilities which resulted in loss of income, benefits, and privileges.

17. The nature of the Plaintiffs' incarceration was such that they were deprived of ordinary control over their sexual activities. They were in a coercive environment in which they had no choice but to concede to the guards and others' wishes and requests for sexual gratification.

18. Even after the Plaintiffs were transferred the pressure to remain silent persisted. Thus, the sexual assault and harassment of Plaintiffs by prison employees and officials, including Defendants, was ongoing, and retaliation

against Plaintiffs continued after they left the prison. It exists so long as they are in the prison system.

19. There is evidence that indication the Plaintiffs and others subjected to the sexual abuse and harassment were selected based upon their appearance, sexual history, and history of prior sexual abuse.

20. This activity was widespread, and involved large numbers both of inmates, guards and others. It was known to prison officials, including Estep and Hill, who condoned these activities, helped to cover them up, and threatened and retaliated against uncooperative inmates.

21. Each of the Plaintiff's suffered serious psychological and emotional trauma on account of this pattern of horrific abuse.

22. Inmates who spoke out were subject to harassment and placed in fear of bodily harm by other inmates who did not want the situation at the prison to become public. The harassment and threats against inmates and Plaintiffs continued after they left the prison, and continue to the present date.

23. In October, 2005 it became public knowledge that one of the inmates, Sheron Montrey, had become pregnant by one of the prison officials, Lieutenant Bobby G. Brown, Jr.

24. Shortly thereafter it became clear that the illegal treatment of inmates at the prison would be discovered, and Defendants Hill and Estep called a meeting of all guards, and prison officials and employees.

25. At that meeting the guards and others were told they would have to cease their improper fraternization with the inmates and Plaintiffs or otherwise resign or incur disciplinary action.

26. It was not until Sheron Montrey became pregnant that Defendants Hill and Estep took any action to protect the inmates from being terrorized, sexually harassed, and assaulted.

27. Investigators from the DOC's Internal Affairs Unit subsequently came to interview to current Inmates and others, including Plaintiffs, who had been transferred out of the prison.

28. Regardless, the harassment continued as most of the women interviewed were expressly counseled to keep silent by Defendants Estep, Hill, and other prison officials.

29. In fact, after talking to investigators, Plaintiff's were given unfavorable transfers or undesirable job changes within the prison and lost good time and benefits, were put into administrative segregation, suffered increases to their security levels, and other recriminations.

30. At all times relevant herein, each of the Defendants was aware that sexual contact between DOC and DCE officers and employees and inmates, including Plaintiffs, was unlawful and constituted a criminal offense.

31. Plaintiffs have exhausted their administrative remedies in compliance with Va. Code Ann. §8.01-195.6 and §8.01-243.2.

PLAINTIFF SHERON MONTREY

32. Plaintiff re-alleges Paragraphs 1 through 31 as though set forth in full herein.

33. Plaintiff Sheron Montrey was incarcerated at the prison between June, 2003 and October, 2005.

34. At all times relevant herein, Bobby G. Brown, Jr. was employed as a Lieutenant at the prison with supervisory responsibility over subsidiary officers, and the inmates. In his supervisory capacity, Brown was responsible for establishing the customs and practices with regard to sexual contact and conduct between employees and inmates, including the Plaintiff. Brown was further responsible for delegating work assignments to the inmates, and had direct supervisory responsibility over the Plaintiff.

35. While at the prison, Ms. Montrey was under the direct supervision of Brown. Brown had specifically requested that Montrey serve on his work crew and told her that if she chose to work with him she would receive a pay increase. Brown further told her that her current job was in jeopardy, which allegation was false. Ms. Montrey derived her entire income from her state paycheck.

36. Shortly after Montrey began working for him, Brown made flattering comments to her about her appearance, and told Montrey's fellow inmates that he wanted to have sexual intercourse with her.

37. Brown made continuous excuses to have Montrey in a position where she was alone with him, such as working within his office with no additional supervision.

38. Over a course of several months, Brown coerced Montrey into engaging in sexual contact, including oral sex and intercourse, with the Plaintiff, and impregnated her. Much of this conduct was witnessed by other inmates, including Jacquelyn Dunbar and Cynthia Haskett, both of whom were on Brown's work crew.

39. The gross lack of security measures at the prison allowed Brown easily to have sexual encounters with Montrey and otherwise fraternize with her and other inmates unsupervised.

40. Brown unlawfully sexually assaulted Ms. Montrey, and verbally harassed her. He ordered her to write love letters to him, and threatened her with punishment should she not comply.

41. On at least one occasion, Brown did punish Montrey by shortening her work hours and the work hours of her fellow inmates on Brown's work crew because she failed to write him love letters and otherwise submit to his sexual advances. This cost Montrey and the other inmates a loss of income and directly placed Montrey in fear that her fellow workers would commit acts of retaliation and violence against her.

42. Brown eventually forced Montrey to engage in sexual acts with him on a daily basis. Montrey pleaded with him to use a contraceptive device to

prevent the possible transmission of disease, as well as pregnancy, which request Brown refused.

43. Brown ordered the Plaintiff to keep her pregnancy a secret until such time as he would be able to retire from the DOC with full benefits.

44. Brown continued to sexually assault Montrey during her pregnancy.

45. Brown encouraged and unlawfully covered up violations of facility rules by Montrey and promised to supply Montrey with food, to deposit money into her prisoner account, to provide her with a place to live on her release date, and to assist in locating her disabled sister, from whom Montrey was estranged. These illusory promises were entirely inducements for sexually victimizing Montrey, and to guarantee her silence.

46. As an inmate at the prison, Montrey could neither consent to the unlawful sexual conduct and contact of her by Brown, nor report it to other officers and authorities at the facility.

47. At all times relevant herein, Brown had considerable influence at the facility, and as noted above, had obtained his employment through Superintendent Estep, who was his personal friend and acquaintance.

48. Estep in fact had told Brown that if he were involved with an inmate, that she would "keep the hanks off him" and protect his job.

49. Montrey was thus fearful that if she rejected the unlawful sexual contact of Brown, or reported it, Brown would retaliate and punish her by placing her in administrative segregation and further jeopardize her release or transfer

from the facility. Brown was in control of Montrey's paycheck, and had the authority to affect her security level and good time credits.

50. Montrey was furthermore in great fear of retaliation and harassment by other inmates of the facility who were aware of Brown's sexual relationship with her.

51. Donald Dyer, Grounds Supervisor and a colleague of Brown's who was aware of his sexual harassment of the Plaintiff, offered to have Montrey transferred to his work crew, which request Brown denied, and which was ratified by Defendants Estep and Hill.

52. All sexual contact and intrusion Montrey had with Brown was under the influence of fear of punishment. Brown informed her that he was best friends with Defendant, former Superintendent Tammy Estep, and that he had come to the prison as a personal friend of hers, and that his word would instantly be believed over Montrey's.

53. Plaintiff attempted to secure new employment through the DOC, which attempt was blocked by Brown, who refused to release her from his work crew.

54. Due in large part to Brown's own indiscretions and communications with other inmates and the prison employees, the sexual conduct and contact by Brown of Montrey became common knowledge at the facility. Regardless, neither Defendant Hill, who was Brown's supervisor, nor Defendant Estep, the Superintendent of the facility, took any action against Brown until her pregnancy was reported to them by another inmate.

55. Before, during, and after Brown's unlawful sexual conduct and contact with Montrey, Defendants Estep, Hill, and other officers and employees of the prison and the DOC knew or should have known of Brown's history of illicit and illegal conduct with inmates and others and that he was continuing such conduct. Despite this knowledge, Defendants Estep, Hill, and other officers and employees of the DOC at the prison and elsewhere intentionally covered up and took no action to stop such conduct by Brown or to protect inmates, including Montrey, from such conduct and injury by Brown.

56. In September, 2004, Joan Carter, an inmate of the the prison facility, sent a letter to Defendant Estep and the DOC's Internal Affairs Unit complaining that Brown would comment about her breasts, watch her sleep in her bunk, and come to work reeking of alcohol, among other transgressions of an illicit and sexually harassing nature. As a direct consequence of making this complaint, Defendants Hill and Estep ordered that Carter be placed into administrative segregation as punishment.

57. No one from the DOC Internal Affairs Unit interviewed Ms. Carter about her grievance against Brown until 2005. Despite having actual knowledge of this grievance, the DOC and its employees and supervisors at the prison, including Defendants Hill and Estep, took no action to discipline Brown or restrict his contact with female inmates.

58. It was common knowledge among the inmates, officers and employees of the DOC at the prison that Brown would frequently work at his post while visibly intoxicated, and yet, neither this behavior nor his sexual

innuendos and misconduct with regard to Sheron Montrey and other inmates resulted in any discipline.

59. Defendants Hill and Estep allowed Brown to access all areas of the facility, including prohibited areas, such as Ms. Montrey's dormitory, where he would sit with her for hours. Brown would also invite Montrey and her fellow inmates, Jacquelyn Dunbar and Cynthia Haskett, to unauthorized picnics on the prison grounds, which activities were unsupervised and uncensored by anyone at the prison facility, including Defendants Hill and Estep.

60. Brown would have sexual intercourse with Montrey in his office, which area was unsupervised and unchecked by anyone at the prison, including Defendants Hill and Estep.

61. Hill, Estep, and other officers and employees of the DOC at the prison and elsewhere knew that inmates, including Plaintiff, faced substantial risk of serious harm and disregarded that risk by failing to take reasonable measures to abate it, and by covering up and giving tacit approval of Brown's conduct.

62. In October, 2005, a fellow inmate, Jacqueline Dunbar, reported to Defendant DOC through its medical department that Ms. Montrey was pregnant.

63. Due to Montrey's reluctance to identify the father of her unborn child, which hesitation was born out of fear for her safety, Defendant Estep ordered that Montrey be placed in administrative segregation as punishment. Montrey was only released when Brown came forward and confirmed his paternity.

64. On or about October 7, 2005, Defendants Estep and Hill transferred Montrey to the Fluvanna Women's Correctional Center.

65. Despite having had actual and constructive knowledge of Brown's relationship with Montrey and other inmates, Defendants Hill and Estep did not call in the Internal Affairs Unit to investigate the matter until after the fact of Montrey's pregnancy was discovered and disseminated throughout the prison to its employees and inmates.

66. The transfer of Plaintiff to Fluvanna resulted in a loss of her income.

67. The other inmates at Fluvanna knew of Montrey by reputation, and they subjected her to harassment, humiliation, and placed her in fear for her physical safety and the safety of her unborn child.

68. In February, 2006, Plaintiff gave birth to her child, and friends of Ms. Montrey's were given temporary guardianship of the infant.

69. The Chesterfield County Office of the Commonwealth Attorney brought charges against Brown for engaging in carnal knowledge with an inmate, and in July, 2006, Brown entered a guilty plea, and was sentenced to five (5) years imprisonment with all but six (6) months suspended, and further was ordered to pay $66,917.28 to the Commonwealth as restitution for medical expenses related to Montrey's childbirth, court costs, and related expenses. Montrey was not allocated any restitution. Brown was released in January, 2007.

70. On or about April 4, 2006, Warden Barbara J. Wheeler, Warden of the Fluvanna Women's Correctional Center, granted Ms. Montrey an extension of time to file an administrative grievance, which process she completed.

71. On or about August 3, 2006, Ms. Montrey filed her Affidavit of Exhaustion of Administrative Remedies in accordance with Va. Code §8.01-195.6 and §8.01-243.2.

72. Plaintiff was released in March, 2007 after serving the maximum time on her sentence, and she resides with her child in Virginia.

PLAINTIFF TIFFANY BILLINGS

73. Plaintiffs incorporate paragraphs 1 through 73 by reference herein.

74. Plaintiff Tiffany Billings was incarcerated at the prison between approximately March 11, 2005 and December 28, 2005.

75. At all relevant times Defendant Andrea Taylor was a corrections officer at the prison and directly responsible for the care and security of Ms. Billings.

76. On or about May 14, 2005 Defendant Taylor called the Plaintiff to the front gate. Taylor took Plaintiff to a secluded location and told her to "sit on Mama's lap", whereupon Taylor proceeded to kiss and fondle the Plaintiff on her genital area. Prior to this incident, Taylor had been overtly flirtatious with the Plaintiff.

77. On May 15, 2005, which date was Ms. Billings' birthday, Taylor ordered the Plaintiff to come to a secluded office location where Taylor had

prepared a birthday meal for the Plaintiff. In the office, Defendant Taylor performed oral sex on the Plaintiff.

78. Later that same evening, Taylor came to Plaintiff's dorm and penetrated Plaintiff's genital area and stayed most of the night with the Plaintiff.

79. Between May 15, 2005 and August, 2005, Defendant Taylor repeatedly performed oral sex on the Plaintiff and penetrated her genital area. Taylor would engage in sex with Plaintiff at the Plaintiff's dorm, and in various secluded locations.

80. Defendant Taylor would often be visibly intoxicated at the time she sexually assaulted Plaintiff, and was often seen intoxicated in front of the other inmates.

81. As part of their illegal sexual relationship, Taylor told Plaintiff that she would take care of her and provide Plaintiff with things she needed and wanted. Taylor did provide the Plaintiff with unauthorized gifts of food and toiletries.

82. As an inmate at the prison, Billings could not consent to the unlawful sexual conduct and contact of her by Taylor.

83. Due in large part to Defendant Taylor's own indiscretions and communications with other inmates and the prison employees, the sexual conduct and contact by Defendant Taylor of Billings became common knowledge at the facility.

84. Prior to her relationship with Plaintiff, the DOC had previously investigated Taylor for complaints of illegal fraternization with inmates, including Sandra Lambert and Candace Lewis, and for being intoxicated at work.

Regardless, Taylor was permitted to remain in her official capacity with the DOC.

85. Despite having knowledge of Billings' sexual relationship with Taylor, neither Defendant Hill nor Defendant Estep, who was Taylor's direct supervisor, took any disciplinary action against Taylor.

86. Although said Defendants and other officers and employees of the DOC at the prison and elsewhere knew that inmates, including Plaintiff, faced substantial risk of serious harm, they disregarded that risk by failing to take reasonable measures to abate it, and by covering up and giving tacit approval of Taylor's conduct.

87. In October, 2005, Taylor resigned from the DOC.

88. Following her resignation, Taylor attempted to visit Plaintiff at the prison, which visit the Plaintiff refused.

89. On or about December 28, 2005, Defendants DOC, Estep and Hill transferred the Plaintiff to the Virginia Correctional Center for Women ("VCCW").

90. The transfer of Plaintiff to VCCW resulted in a loss of her income, and negatively affected her security level and good time allowance.

91. Following Plaintiff's transfer, Taylor warned Plaintiff not to speak with Internal Affairs, and warned Plaintiff that both she and the Plaintiff would be punished if the truth of their illegal sexual relationship was revealed.

92. Taylor began to correspond with the Plaintiff, sent her numerous romantic cards, letters and photographs, and deposited money into Plaintiff's prison account.

93. Plaintiff at all times was in fear of retaliation by Taylor, other employees and officers at the prison, and other inmates.

94. On September 12, 2006, and after her transfer to VCCW, Plaintiff filed an inmate grievance. The DOC failed to respond to the grievance and took no action on Plaintiff's behalf.

95. On or about December 11, 2006, Plaintiff filed an affidavit with the Attorney General and Division of Risk Management indicating her administrative remedies were exhausted.

PLAINTIFF KIMBERLY ROGERS

Plaintiffs incorporate paragraphs 1 through 95 by reference herein.

96. Plaintiff Kimberly Rogers was incarcerated at the prison between approximately 2005 and May 3, 2006.

97. At all relevant times Defendant José Irving was a corrections officer at the prison and directly responsible for the care, supervision and security of Ms. Rogers, who was assigned to his work crew.

98. At all relevant times Officer Hawkes was a corrections officer at the prison and directly responsible for the care, supervision and security of Ms. Rogers.

99. On or about September 6, 2005, Irving requested that Ms. Rogers accompany him to his office at the Cat Shelter on the prison grounds. At that

time, Ms. Rogers was emotionally distraught and crying over a family member who had been injured in a car accident, and Irving had offered to console her.

100. At the Cat Shelter, Irving locked the door to his office and proceeded to hug the Plaintiff, which act the Plaintiff believed was intended to comfort her. Irving then proceeded to kiss Ms. Rogers and forcefully unbutton her trousers.

101. Irving coerced Ms. Rogers into allowing him to perform oral sex on her. Irving then pulled out a condom from his wallet and pulled down his trousers. Irving forced Plaintiff to stand in front of him so he could attempt sexual intercourse, which he was unable to perform.

102. There was a knock on the office door, and Irving walked out alone. After a few minutes, Plaintiff walked out and saw Irving and Jeffery Dyer of the maintenance department standing before her. Officer Dyer asked Plaintiff if she was all right, but Plaintiff was too terrified to respond.

103. Between September, 2005 and March, 2006, Irving continued to force Plaintiff to allow him to perform oral sex on her. At each of these times, Irving was easily able to secure the Plaintiff in a closed area without security cameras or supervision.

104. On or about October 24, 2005, Jeffery Dyer filed an incident report on the basis of Irving being locked in the Cat Shelter alone with Ms. Rogers. Neither Hill nor Estep took any action on this report.

105. Irving's treatment of Plaintiff became common knowledge at the prison. In fact, in November, 2005, Lieutenant Thomas Kenner confronted Irving about his relationship with Ms. Rogers.

106. Irving verbally harassed and intimidated the Plaintiff on a daily basis, telling her that his story would always be believed over hers.

107. Meanwhile, between August, 2005 and March, 2006 Officer Kermit Hawkes, Sr. repeatedly sexually harassed and assaulted the Plaintiff. Hawkes' acts of harassment included touching Plaintiff's breast and attempting to touch her genitals, repeatedly making lascivious comments to Plaintiff, and describing in detail the sexual acts he wanted to perform on her. Hawkes also requested oral sex from the Plaintiff, stating that he had "never been with a white girl before" and that he wanted to "taste" her.

108. Officer Hawkes would commit these acts of sexual harassment and assault of the Plaintiff openly in front of the other inmates.

109. In March, 2006, Internal Affairs came to interview the Plaintiff about Officers Hawkes and Irving. The investigators informed the Plaintiff that they had discovered Dyer's write up of Irving. Notably, this interview was months after the discovery of Sheron Montrey's pregnancy, and at the time, Officer Irving was no longer working at the prison.

110. On May 3, 2006 Plaintiff was transferred to VCCW, which resulted in a loss of Plaintiff's income, and which negatively affected her security level and good time allowance.

111. Following Plaintiff's transfer to VCCW, she was subjected to repeated verbal harassment and intimidation by other inmates and DOC employees, including Defendant Hawkes' sister, Officer Charlene Hawkes, who is employed at VCCW.

PLAINTIFF MELISSA WALKER

112. Plaintiffs incorporate paragraphs 1 through 111 by reference herein.

113. Plaintiff Melissa Walker was incarcerated at the prison between approximately October 29, 2004 and December 8, 2005.

114. At all relevant times, Defendant Joseph Harris was a corrections officer at the prison and directly responsible for the care, supervision and security of Ms. Walker.

115. Officer Harris was assigned to the security checkpoint called the "White House" where inmates going to and from their jobs were patted down.

116. Harris was in possession of the keys to the prison facility and in control of who came and left. There was no security camera in the White House, and Harris was left unsupervised. He was further in charge of calling in a female guard whenever an inmate needed to be searched or "shaken down".

117. Ms. Walker had to pass through the White House each morning and afternoon, as she had earned the privilege of working outside of the prison facility and in the Administrative building, where she worked throughout 2005.

118. Throughout 2005, Officer Harris made inappropriate and lascivious comments to Ms. Walker, sometimes while grabbing his genitals. Specifically, Harris would comment about Ms. Walker's breasts and would tell her he wanted to bend her over his desk. He would also request sex.

119. Harris would also ask to see Ms. Walker's breasts, and refused to let her into the facility unless she did so, forcing her to wait for long periods of time so a female officer could come and "shake her down". On at least two (2)

occasions, Ms. Walker allowed Harris to see her breasts so that she could gain entrance to the prison.

120. Ms. Walker frequently witnessed Defendant Harris exhibit this same type of behavior to several other inmates.

121. Defendants Hill and Estep knew of Harris's propensity to harass inmates, as he had previously been removed from another post due to allegations of his improper fraternization with them.

122. Throughout 2005, Officer Harris subjected Ms. Walker to unnecessary and invasive "shake downs" as a result of her refusal to engage in sexual acts with him.

123. In July, 2005, due to the continual pressure exerted on her by Officer Harris, Ms. Walker allowed him to fondle her breasts and genitals, and to engage in oral sex with her.

124. At all times, Officer Harris was free to enter a secluded location with Ms. Walker without supervision.

125. On July 21, 2005, Ms. Walker filed a written grievance against Officer Harris detailing his acts of sexual assault and harassment of her, which grievance was received by Defendant's Hill and Estep.

126. Defendants Hill and Estep took no action to address Ms. Walker's complaint, and Mr. Harris continued at his post without consequence.

127. In October, 2005, it became known throughout the prison and the DOC that inmate Sheron Montrey had been impregnated by Lieutenant Bobby G. Brown, Jr.

128. It was not until Ms. Montrey's condition became public knowledge that the DOC, through its Internal Affairs Unit, proceeded to question Ms. Walker about the sexual harassment she experienced.

129. On or about December 8, 2005, without prior warning or any response to her grievance, the DOC, through Estep, ordered an emergency transfer of Ms. Walker to VCCW. The DOC took no action against Officer Harris at that time.

130. The transfer of Ms. Walker to VCCW resulted in a loss of her income, and negatively affected her security level and good time allowance. All of her paperwork, both legal and personal, was confiscated without explanation. Ms. Walker further lost the ability to interact with her children and work in a position outside of prison grounds.

131. On or about December 11, 2006, Plaintiff filed an affidavit with the Attorney General and Division of Risk Management indicating her administrative remedies were exhausted.

PLAINTIFF VALERIE REYNOLDS

132. Plaintiffs incorporate paragraphs 1 through 130 by reference herein.

133. Plaintiff Valerie Reynolds was incarcerated at the prison between approximately September, 2004 and January, 2006.

134. At all relevant times Defendant Joseph Harris was a corrections officer at the prison and directly responsible for the care and security of Ms. Reynolds, as she was assigned to his work crew.

135. Between September and December, 2004, Harris proceeded to ask Ms. Reynolds repeatedly for sexual favors and otherwise make lewd and lascivious comments to her.

136. During this same period of time, Officer Harris instructed Ms. Reynolds to steal gasoline from the prison facility to use in his personal truck, and threatened her with a DOC infraction if she failed to comply.

137. In November, 2004, Officer Harris took Ms. Reynolds to a private office unsupervised, and coerced her to have intercourse.

138. Officer Harris continued to threaten Ms. Reynolds with DOC infractions if she refused him sexual intercourse or told anyone about his actions.

139. Several officers at the prison, including Officer David Newcomer, knew about or personally witnessed Harris having sex with Ms. Reynolds. Regardless, no action was taken to protect her.

134. In December, 2004, Ms. Reynolds filed two (2) informal complaints with Defendant Hill about Harris's harassment of her, and he was removed off the grounds crew in January, 2005. Regardless, he was not otherwise disciplined, and he remained as an employee of the DOC.

135. In fact, Harris was transferred to the security checkpoint at the "White House", where Ms. Reynolds was forced to see him every day and be subjected to additional verbal harassment.

136. In January, 2005, Officer Harris was replaced by Defendant Irving, who had supervisory responsibility over the Plaintiff as head of the grounds crew.

137. Throughout 2005, Irving proceeded to verbally harass the Plaintiff and coerce her for sex. He specifically told her that he did not want anyone on his work crew who "didn't put out", and threatened to fire her.

138. Between January, 2005 and January, 2006, Irving continued to harass the Plaintiff, coerce her for sex, and threaten her should she not comply.

139. Defendants Hill and Estep knew or should have known about Irving's propensity for harassment as another inmate, Plaintiff Jeanette Tussing, was transferred in August, 2005 after being repeatedly sexually assaulted by Irving. In fact, Defendant Hill had questioned Ms. Tussing about the assaults prior to her transfer.

140. In May, 2006, Ms. Reynolds was transferred without notice to VCCW, resulting in the heightening of her security level and negatively affecting her good conduct allowance.

141. In May, 2006, officials from the DOC's Internal Affairs Unit came to speak with Ms. Reynolds about the harassment she experienced at the prison. Prior to that point, no one from the DOC had acknowledged or otherwise taken any action on Ms. Reynolds's complaints of December, 2004.

142. In July and August, 2006, Ms. Reynolds filed two (2) additional grievances setting out in detail her harassment by Officers Hawkes and Irving. None of her complaints was answered.

143. On or about December 11, 2006, Plaintiff filed an affidavit with the Attorney General and Division of Risk Management indicating her administrative remedies were exhausted.

PLAINTIFF JEANETTE TUSSING

144. Plaintiffs incorporate paragraphs 1 through 105 by reference herein.

145. Plaintiff Jeanette Tussing was incarcerated at the prison between approximately September, 2003 and January, 2006.

146. At all relevant times Defendant José Irving was a corrections officer at the prison and directly responsible for the care and security of Ms. Tussing.

147. In September, 2003 Ms. Tussing was temporarily assigned to Defendant Irving, who ran the mailroom, to assist him with filing. While in the mailroom, Irving physically assaulted Ms. Tussing by groping her breasts and trying to kiss her.

148. Irving temporarily left the prison and did not see Ms. Tussing again until February, 2005, when he asked her to assist him with straightening the mailroom. While in the mailroom, Irving admitted to reading Ms. Tussing's personal mail. He made sexual and inappropriate comments about Ms. Tussing's relationship with her boyfriend, and stated that he could do better for her. Irving also physically assaulted Ms. Tussing by groping her breasts and kissing her on the neck. He warned her that if he had "protection" he would do more to her, and he asked to engage in oral sex with her.

149. Between February and May, 2005, Irving persisted in assaulting Ms. Tussing and propositioning her for oral sex.

150. On or about May 13, 2005, Ms. Tussing was doing inventory for the prison at Irving's request. Although Ms. Tussing was originally accompanied by another officer, he eventually left her unsupervised with Irving.

151. Irving took Ms. Tussing to his private office unsupervised, groped her, and again propositioned her for oral sex. Irving also threatened that he would have Ms. Tussing transferred if she did not comply.

152. On even date, due to fear of physical harm and retaliation of her by Defendant Irving, Plaintiff Tussing allowed Irving to perform oral sex on her.

153. On or about June 30, 2005, Irving took Ms. Tussing to the Cat Shelter unsupervised and forced her to have oral sex with him.

154. On at least two (2) occasions during this time, Irving was confronted about his relationship with Tussing by officers at the prison, including Officer Suddoth and Officer Spratley, both of whom were aware of the relationship.

155. Throughout her imprisonment at the prison, Jeanette Tussing witnessed several other inmates being similarly harassed by Defendant Irving, none of which acts resulted in any discipline or censure of him.

156. In 2005, officials from Internal Affairs and Defendant Hill questioned Ms. Tussing about her relationship with Irving.

157. On or about August 10, 2005, Plaintiff Tussing was emergency transferred to VCCW without warning or explanation. She was placed in administrative segregation, which is customarily punitive.

158. The transfer of Ms. Tussing to VCCW resulted in the heightening of her security level and negatively affected her GCA.

159. Although Defendant Irving was transferred to a male prison facility, he received no discipline or censure as a result of his assault of Ms. Tussing.

160. On July 27, 2006, and subsequent to her briefing by Internal Affairs, Ms. Tussing filed a grievance with the DOC, which has remained unanswered.

161. On or about December 11, 2006, Plaintiff filed an affidavit with the Attorney General and Division of Risk Management indicating her administrative remedies were exhausted.

PLAINTIFF AMBER MUSE

162. Plaintiffs incorporate paragraphs 1 through 162 by reference herein.

163. Plaintiff Amber Muse was incarcerated at the prison between approximately 2005 and September 2, 2006.

164. At all relevant times Defendant James Quayle was a plumbing instructor for the Virginia Department of Correctional Education (DCE).

165. Defendant DCE contracts with the Department of Corrections to provide vocational training for inmates.

166. In October, 2005, Plaintiff was a student in Defendant Quayle's plumbing class and in his work crew.

167. Defendant Quayle was directly responsible for the safety and security of Amber Muse during his instruction of her and other inmates under his tutelage. He was also in part responsible for the rehabilitation of the inmates through education and vocational training.

168. During work hours, Quayle would frequently make lewd and lascivious sexual comments and gestures to Plaintiff, ask her to undress, and

request sexual favors, which Plaintiff refused. Quayle committed these acts in front of his inmate work crew.

169. Defendant Quayle would also bring in partially nude photographs of himself and ask his students and Plaintiff if they were attracted to him.

170. At no time did Plaintiff consent to Quayle's sexual harassment of her.

171. Plaintiff objected to Quayle's treatment of her and refused to go back to work for Quayle, as a result of which she was threatened with punishment, including the loss of her good time and adverse changes to her classification.

172. On or about October 25, 2005, Plaintiff was interviewed by Special Agent Beverly Tinsley from the DOC's Internal Affairs Unit with regard to her allegations against Quayle. Quayle was not subjected to disciplinary action as a result of the investigation, and continued in his position with the DCE at the prison.

173. On or about November 2, 2005, the DOC transferred Plaintiff to VCCW, resulting in the heightening of her security level and negatively affecting her good conduct allowance.

174. Quayle was subsequently transferred to VCCW, where he continued to be in the company of inmates who were fearful of him, including Ms. Muse and Plaintiffs Pearl Quinn and Jacquelyn Dunbar. In fact, on August 10, 2006, Ms. Muse filed a grievance against Quayle stating that she was forced to be in his presence during her horticulture class at the prison greenhouse despite her known fear of him.

175. The inactions of Estep and Hill allowed Quayle to continue teaching female inmates throughout 2006 in spite of the numerous reports of sexual assault and sexual harassment by him.

176. On September 13, 2006, Plaintiff filed another grievance on the basis of Quayle's harassment of her at the prison, which grievance failed to result in any discipline against Quayle, who remained in the employ of the DCE until he resigned due to a serious illness.

177. On or about December 11, 2006, Plaintiff filed an affidavit with the Attorney General and Division of Risk Management indicating her administrative remedies were exhausted.

PLAINTIFF PEARL QUINN

178. Plaintiffs incorporate paragraphs 1 through 177 by reference herein.

179. Plaintiff Pearl Quinn was incarcerated at the prison between approximately 2005 and July 6, 2006.

180. At all relevant times Defendant James Quayle was a plumbing instructor for the Virginia Department of Correctional Education (DCE).

181. Defendant DCE contracts with the Department of Corrections to provide vocational training for inmates.

182. Between approximately March and July, 2006, Plaintiff had a position as a tutor in Defendant Quayle's plumbing class.

183. Defendant Quayle was directly responsible for the safety and security of Pearl Quinn during his instruction of her and other inmates under his tutelage.

He was also in part responsible for the rehabilitation of the inmates through education and vocational training.

184. During work hours, Quayle would frequently make lewd and lascivious sexual comments and gestures to Plaintiff, and would ask her to go to a private area so that he could engage her in oral sex, anal sex, and intercourse, which Plaintiff refused.

185. On numerous occasions, Quayle would tell Plaintiff in graphic and vulgar detail what particular sexual acts he wanted to perform on her.

186. At no time did Plaintiff consent to the touching of her person or other acts of harassment she suffered by Quayle.

187. While in the classroom, Quayle would frequently touch the Plaintiff on her buttocks, breasts, and private areas outside her clothes. He would also ask to see her breasts. This behavior was witnessed by other inmates in Quayle's class.

188. Plaintiff repeatedly witnessed Quayle harass other students in his class, including Plaintiff, Jacquelyn Dunbar, by touching their private areas and hugging them, by verbally abusing them, and by making lewd and lascivious comments in class.

189. Defendants Hill and Estep knew or should have known about Quayle's propensity to sexually harass and assault inmates, as he had previously been investigated by the Internal Affairs Unit for improper conduct with other female inmates, including Plaintiff, Amber Muse.

190. Defendant Quayle gave unauthorized gifts and privileges to Plaintiff in exchange for her continued silence regarding his sexual harassment of Plaintiff and other inmates.

191. Quayle gave Plaintiff a certificate from the National Home Builders Corporation personally signed by him for completing courses in home building. In fact, the Plaintiff had completed no such courses.

192. Quayle repeatedly expressed to the Plaintiff that he would provide for her financially and with gifts in exchange for sex, which Plaintiff refused.

193. On or about June 28, 2006, Plaintiff had a verbal altercation with Quayle that resulted in him filing a charge against her. Subsequent to that event, Plaintiff declined to return to work for Quayle, and she filed a grievance with Defendants Hill and Estep alleging that Quayle had sexually abused her. They responded that the situation was not considered an emergency and took no further action.

194. Following Ms. Quinn's complaints about Defendant Quayle, Defendant Hill ordered Plaintiff to be placed into administrative segregation. Plaintiff was expressly warned by Defendant Hill that she had better be telling the truth, as she could be ruining Quayle's life. She was further advised to forget about the incident.

195. Plaintiff was also the target of repeated harassment by other inmates due to her allegations against Quayle, who was a popular and lenient instructor.

196. On July 6, 2006, Plaintiff was transferred to VCCW, which resulted in a loss of her income and negatively affected her security level and good time allowance.

197. In June and July, 2006, Plaintiff filed several grievances against Quayle and Defendant Hill, alleging that she feared for her safety. Plaintiff had heard rumors that Quayle would be teaching at VCCW, where Plaintiff was then incarcerated. In response thereto, the DOC informed Ms. Quinn that her situation was a "non-emergency", and stated that she was "placed in special housing for (her) protection".

198. The failure of Estep and Hill to take action to protect Ms. Quinn and her fellow inmates directly and indirectly resulted in the Quayle's continued employment in women's facilities throughout 2006, until such time as he suffered a serious illness and could not return to work.

199. Despite having actual and constructive knowledge of Quayle's harassment of Plaintiff and other female inmates, the Plaintiff was not confronted until July 20, 2006, when Special Agent Beverly J. Tinsley interviewed Plaintiff at VCCW. Agent Tinsley had previously investigated Quayle with respect to allegations brought by Plaintiff, Amber Muse.

200. On or about December 11, 2006, Plaintiff filed an affidavit with the Attorney General and Division of Risk Management indicating her administrative remedies were exhausted.

PLAINTIFF JACQUELYN DUNBAR

201. Plaintiffs incorporate paragraphs 1 through 200 by reference herein.

202. Plaintiff Jacquelyn Dunbar was incarcerated at the prison between approximately 2003 and December 10, 2006.

203. In 2006, Plaintiff was a student in Defendant Quayle's plumbing class.

204. Defendant Quayle was directly responsible for the safety and security of Ms. Dunbar during his instruction of her and the other inmates under his tutelage. He was also in part responsible for the rehabilitation of the inmates through education and vocational training.

205. During work hours, Quayle would frequently make lewd and lascivious sexual comments and gestures to Ms. Dunbar, and would ask her to engage in oral sex and intercourse, which Plaintiff refused.

206. On several occasions, Quayle would strike Plaintiff on the buttocks and touch her breasts in front of her fellow inmates, including Plaintiff, Pearl Quinn.

207. Defendants Hill and Estep knew or should have known about Quayle's propensity to sexually harass and assault inmates, as he had previously been investigated by the Internal Affairs Unit for improper conduct with other female inmates, including Plaintiff, Amber Muse.

208. On August 23, 2006, Plaintiff was transferred to VCCW without notice or explanation.

209. Notably, Plaintiff was close companions with inmate Sheron Montrey, and had witnessed Montrey engage in sexual acts with Lieutenant Bobby G.

Brown, Jr. on several occasions. Internal Affairs had spoken with Dunbar about the Montrey incident a few weeks prior to her transfer to VCCW.

210. Plaintiff's transfer to VCCW resulted in a loss of her income and negatively affected her security level and good time allowance.

211. On September 13, 2006, Plaintiff filed an administrative grievance regarding Defendant Quayle's sexual harassment and assault of her.

212. On or about December 11, 2006, Plaintiff filed an affidavit with the Attorney General and Division of Risk Management indicating her administrative remedies was exhausted.

COUNT I: 42 U.S.C. §1983; EIGHTH AMENDMENT
ALL DEFENDANTS

213. Plaintiff re-alleges Paragraphs 1 through 212 as though set forth in full herein.

214. The acts and omissions of each Defendant, set forth above, were objectively serious as they were incompatible with cruel and unusual contemporary standards of decency.

215. The acts and omissions of the Defendants regarding the sexual harassment and assault of the Plaintiffs by the prison officers, officials and educators, including Defendants Taylor, Hawkes, Harris, Irving, and Quayle, and the policy, custom, pattern or practice thereon, as set forth above, have no legitimate law enforcement or penological purpose.

216. The acts and omissions of each Defendant were committed with a culpable state of mind in that they were knowledgeable at all times that the sexual conduct and contact by Defendants Taylor, Hawkes, Harris, Irving and

Quayle of Plaintiffs was unlawful, that the cover-up of such conduct and contacts was unlawful, that the aforesaid policy, custom, pattern or practice regarding the same was unlawful and unconstitutional, and that such conduct and contacts, the cover-up of such conduct and contacts, and the policy, custom, pattern or practice of the same would cause, or would likely cause injury to the Plaintiffs.

217. Plaintiffs, at all times during their incarceration, possessed a right under the Eighth Amendment of the United States Constitution to be secure in their bodily integrity, and to be free from excessive force, unnecessary and wanton infliction of pain or cruel and unusual punishment. The acts and omissions of the Defendants set forth above constituted an invasion of Plaintiffs' bodily integrity, excessive force, unnecessary and wanton infliction of emotional and physical pain, and risks of disease attendant to sexual assault.

218. The acts and omissions of the Defendants set forth above were committed with deliberate indifference or reckless disregard toward Plaintiffs' constitutional rights, health and safety.

219. As a direct and proximate result of the acts and omissions of the Defendants alleged herein, Plaintiffs suffered and continue to suffer severe injury, including but not limited to extreme humiliation and embarrassment, fear of retaliation and punishment by prison officials and guards, fear of serious bodily injury or death from attacks by other inmates, fear of physical injury and assault and battery by other inmates, medical expenses, injury to their reputation, severe emotional and psychological injury, economic injury, unlawful

and unwarranted upgrades to their security levels, loss of their good time allowances, loss of their privileges, and deprivation of their constitutional rights and privileges, including those under the Fourth, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution.

COUNT II: 42 U.S.C. §1983; FAILURE TO SUPERVISE DEFENDANTS MARILYN HILL, AND TAMMY ESTEP

220. Plaintiff re-alleges Paragraphs 1 through 220 as though set forth in full herein.

221. Between 2003 and 2006, Defendants Hill and Estep had received multiple complaints about sexual harassment and assault of the prison inmates and the Plaintiffs by Taylor, Hawkes, Harris, Irving, Quayle, Bobby G. Brown, Jr., David Newcomer, and other employees and agents of the prison. However, Estep and Hill took no consequential action to discipline those individuals or restrict their contact with inmates and Plaintiffs.

222. Defendants Hill and Estep, despite having actual and constructive knowledge that illegal fraternization with inmates was occurring at the prison, refused to put in place any safety measures to prevent officers and employees from entering private and unauthorized areas with the inmates for purposes unrelated to work or any penalogical reason, and specifically, for engaging in illegal sexual harassment and assault.

223. Defendants Hill and Estep failed to transfer or remove Brown, Taylor, Hawkes, Harris, Irving Quayle, and other prison guards accused of assaulting inmates from the prison or suspend or terminate their employment with the Virginia Department of Corrections and Department of Correctional Education.

This is in spite of Estep and Hill's having actual and constructive knowledge of these individuals' sexual misconduct towards and assault on the Plaintiffs.

224. Hill and Estep allowed Defendants Taylor, Hawkes, Harris, Irving and Quayle to work with female inmates at the prison and other prison facilities subsequent to Internal Affairs' investigation, which was prompted by the pregnancy of inmate Sheron Montrey. Instead Hill and Estep transferred the Plaintiffs, who they considered troublemakers, to a higher level security facility where they lost rights and privileges.

225. Once Internal Affairs became aware of Sheron Montrey's pregnancy, Hill and Estep specifically warned the Plaintiffs and the other inmates at the prison to keep quiet about the sexual assault and harassment that they were forced to endure over a period of years.

226. The acts and omissions of the Defendants set forth above were committed with deliberate indifference or reckless disregard toward Plaintiffs' constitutional rights, health and safety.

227. As a direct and proximate result of the acts and omissions of the Defendants alleged herein, Plaintiffs suffered and continue to suffer severe injury, including but not limited to extreme humiliation and embarrassment, fear of retaliation and punishment by prison officials and guards, fear of serious bodily injury or death from attacks by other inmates, fear of physical injury and assault and battery by other inmates, medical expenses, injury to their reputation, severe emotional and psychological injury, economic injury, unlawful and unwarranted upgrades to their security levels, loss of their good time

allowances, loss of their privileges, and deprivation of their constitutional rights and privileges, including those under the Fourth, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution.

COUNT III: 42 U.S.C. §1985(3)-ALL DEFENDANTS

228. Plaintiff re-alleges Paragraphs 1 through 227 as though set forth in full herein.

229. Defendants Hill and Estep and the other defendants intentionally conspired, while acting under color of state law, to deprive, both directly and indirectly, Plaintiffs of their constitutional privileges and rights.

230. The acts and omissions of the Defendants set forth above were committed with deliberate indifference or reckless disregard toward Plaintiffs' constitutional rights, health and safety.

231. Attached as Exhibit "A" hereto is an affidavit executed by Defendant Brown setting forth in detail the relevant acts and omissions of Defendants Estep and Hill in furtherance of this conspiracy to allow harm to the Plaintiffs by prison officials, including, but not limited to, Brown, Taylor, Harris, Irving, Hawkes, and Quayle.

232. As a direct and proximate result of the acts and omissions of the Defendants alleged herein, Plaintiffs suffered and continue to suffer severe injury, including but not limited to extreme humiliation and embarrassment, fear of retaliation and punishment by prison officials and guards, fear of serious bodily injury or death from attacks by other inmates, fear of physical injury and assault and battery by other inmates, medical expenses, injury to their

reputation, severe emotional and psychological injury, economic injury, unlawful and unwarranted upgrades to their security levels, loss of their good time allowances, loss of their privileges, and deprivation of their constitutional rights and privileges, including those under the Fourth, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution.

WHEREFORE, Plaintiffs pray for judgment against the Defendants, jointly and severally, general and punitive damages, in the amount of ten million dollars ($10,000,000.00), including pre and post-judgment interest, and costs of suit, including but not limited to expert witness fees and attorney's fees.

TRIAL BY JURY IS DEMANDED

SHERON MONTREY, et. al.

By:_____/s/_____

Tara D'Lutz
VSB #74515
Counsel for Plaintiffs
901 Moorefield Park Drive, Ste. 101
Richmond, Virginia 23236
804-523-7444 Office
804-523-7446 Facsimile
Taranoeld@aol.com

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of March, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following.

Edward J. McNelis
Rawles & McNelis, PC
1111 East Main Street, Suite 1701
Richmond, Virginia 23219

John Gibney
Thompson McMullan
100 Shockoe Slip
Richmond, Virginia 23219

And I hereby certify that I have mailed the document by U.S. Mail to the following non-filing users.

Andrea Taylor, 6725 Arbor Lake Dr., #304, Chester, Virginia 23831
Jose Irving, 13208 Gate Post Court, Midlothian, Virginia 23112
Kermit Hawkes, 294 Carlton Road, Crewe, Virginia 23930
Joseph Harris, 6900 Atmore Drive, Richmond, Virginia 23261

By:_____/s/_____

Tara D'Lutz
VSB #74515
Counsel for Plaintiffs
901 Moorefield Park Drive, Ste. 101
Richmond, Virginia 23236
804-523-7444 Office
804-523-7446 Facsimile
Taranoeld@aol.com