

**IN THE CIRCUIT COURT OF SHELBY COUNTY, TENNESSEE
30th JUDICIAL DISTRICT AT MEMPHIS**

MELVIN INGRAM;
SHANTEL ADAMS;
STEVEN WESBY;
HARRY OLIVER;
PATRICK SHAW;
ASHLEY ROBERTSON;
DAVID ANDREW BECK;
ROBERT COLUCCI;
LAROME HUMPHREY; and
LAKISHA MCCOY
Individually and as class
Representatives for all similarly
Situated claimants
PLAINTIFFS

VS.

CAUSE NO: _____
JURY DEMANDED

COUNTY OF SHELBY, TENNESSEE
DEFENDANT

**CLASS ACTION COMPLAINT FOR DAMAGES UNDER THE
TENNESSEE GOVERNMENTAL TORT LIABILITIES ACT
AND PETITION FOR TEMPORARY AND PERMANENT INJUNCTIVE RELIEF**

COMES NOW the Plaintiffs, identified herein in their individual capacities and as class representatives for all other similarly situated persons, by and through the undersigned attorneys of record, and files this Class Action Complaint pursuant to the Tennessee Governmental Tort Liabilities Act and would respectfully show unto this Honorable Court as follows:

NATURE OF ACTION

1. The Plaintiffs herein, Melvin Ingram, Shantel Adams, Steven Wesby, Harry Oliver, Patrick Shaw, Ashley Robertson, David Andrew Beck, Robert Colucci, LaRome Humphrey, and Lakisha McCoy, individually, and as proposed class representatives, and the putative class members are victims who were arrested and taken to the Shelby County Jail and

incarcerated an extended and unlawful period of time. Each of said Plaintiffs was detained an unlawful period of time due to the Defendant Shelby County, Tennessee's failure to reasonably maintain its criminal justice hardware and/or software database and record management system. But for the Defendant Shelby County Tennessee's failure to meet the requisite standard of care in implementing, maintaining and transitioning its computer systems and organizational systems concerning the processing of inmates in the Shelby County Jail, which they knew in advance was going to be problematic, each of these Plaintiffs would not have suffered severe physical and emotional distress and related damages. This action is brought pursuant to the Tennessee Governmental Tort Liabilities Act, T.C.A. Section 29-20-101 *et. seq.* and the Tennessee common law of negligence, negligent infliction of emotional distress and reckless infliction of emotional distress.

2. The Defendant Shelby County failed to responsibly handle the transition between computer organizational hardware and/or software database and record management systems, as it relates to the following relevant functions of the Shelby County Jail: inmate processing, inmate booking, inmate bond status, inmate location, inmate court assignment and availability, and inmate time incarcerated.

3. The County's handling of the computer transition concerning inmate processing at the Shelby County Jail fell below the standard of care imposed upon itself and below the standard of care upheld by comparable County administrations responsible for maintaining a comparable jail system. Shelby County's overall management of the computer transition was an abject failure. This management responsibility was a non-delegable duty. The new computer hardware and/or software database and record management system finally implemented on and around November 1, 2016, was non-functioning as to the following essential and primary

functions of basic governance: inmate processing, inmate booking, inmate bond status, inmate location, inmate court assignment and availability, and inmate time incarcerated. These failures are organizational failures of the Defendant Shelby County and not merely technically based computer issues. Each of the aforesaid failures was foreseeable and preventable but for Shelby County's inability to effectively manage its resources and transition team concerning the new Tyler Technology Inc.'s Odyssey computer systems.

4. The County's mis-management of its criminal justice hardware and/or software database and record management system was below the applicable standard of care. This breach of its duty of care was a cause in fact of the Plaintiffs' serious and severe physical and emotional injuries. As a policy matter and matter of Tennessee jurisprudence, it is the legal cause of Plaintiffs' injuries as well. Therefore, these Plaintiffs proceed under the Tennessee Governmental Tort Liabilities Act requesting the maximum available monetary recovery thereunder and asking the court for injunctive and declaratory relief as finally determined to be just.

PARTIES

5. Melvin Ingram is a resident of Shelby County, Tennessee. He appears individually and as a proposed class representative. His claims are typical of the class in that he has suffered severe physical and emotional disturbance from the County's breach of duty of care, negligence and recklessness as described herein.

6. Shantel Adams is a resident of Shelby County, Tennessee. She appears individually and as a proposed class representative. Her claims are typical of the class in that she has suffered severe physical and emotional disturbance from the County's breach of duty of care, negligence and recklessness as described herein.

7. Steven Wesby is a resident of Shelby County, Tennessee. He appears individually and as a proposed class representative. His claims are typical of the class in that he has suffered severe physical and emotional disturbance from the County's breach of duty of care, negligence and recklessness as described herein.

8. Harry Oliver is a resident of Shelby County, Tennessee. He appears individually and as a proposed class representative. His claims are typical of the class in that he has suffered severe physical and emotional and disturbance from the County's breach of duty of care, negligence and recklessness as described herein.

9. Patrick Shaw is a resident of Shelby County, Tennessee. He appears individually and as a proposed class representative. His claims are typical of the class in that he has suffered severe physical and emotional disturbance from the County's breach of duty of care, negligence and recklessness as described herein.

10. Ashley Robertson is a resident of Shelby County, Tennessee. She appears individually and as a proposed class representative. Her claims are typical of the class in that she has suffered severe physical and emotional disturbance from the County's breach of duty of care, negligence and recklessness as described herein.

11. David Andrew Beck is a resident of Shelby County, Tennessee. He appears individually and as a proposed class representative. His claims are typical of the class in that he has suffered severe physical and emotional disturbance from the County's breach of duty of care, negligence and recklessness as described herein.

12. Robert Colucci is a resident of Shelby County, Tennessee. He appears individually and as a proposed class representative. His claims are typical of the class in that he

has suffered severe physical and emotional disturbance from the County's breach of duty of care, negligence and recklessness as described herein.

13. LaRome Humphrey is a resident of Shelby County, Tennessee. He appears individually and as a proposed class representative. His claims are typical of the class in that he has suffered severe physical and emotional disturbance from the County's breach of duty of care, negligence and recklessness as described herein.

14. Lakisha McCoy is a resident of Shelby County, Tennessee. She appears individually and as a proposed class representative. Her claims are typical of the class in that she has suffered severe physical and emotional disturbance from the County's breach of duty of care, negligence and recklessness as described herein.

15. Defendant, County of Shelby, Tennessee is a county government organized under the laws of the State of Tennessee, which operates the Shelby County Jail and the Shelby County District Attorney's Office and it can be served with process to the chief executive officer, the Office of the Mayor, Mark Luttrell, or the county attorney, located at 160 North Main Street, 11th Floor, Memphis, TN 38103, pursuant to Tenn. R. Civ. P. Rule 4.04 (7).

16. Based on information and belief and the entire record in this cause, Plaintiffs contend that other unknown and unnamed individuals may be responsible for part of the causes brought herein. Plaintiffs hereby reserve the right to add these persons/entities once their identities become known.

CLASS ALLEGATIONS

17. The above named Plaintiffs collectively appear as class representatives bringing their individual claims and acting as representatives for all similarly situated persons in accordance with Tenn. R. Civ. P. 23.01.

a. The class consists of individuals who were arrested and taken to the Shelby County jail and incarcerated an extended and unlawful period of time. Said unlawful incarceration would not have occurred but for the breach of the duty of care and negligence of the Defendant Shelby County, Tennessee in the management of its criminal justice hardware and/or software database and record management system. Each of these Plaintiffs suffered serious and severe physical and emotional injuries as a direct and proximate result of the County's breach of duty of care, and negligence as described herein. Counsels' educated approximation of the number of persons affected in this regard is upwards of 500 (five hundred) individuals.

b. The number of victims suffering serious physical and emotional injury due to the breach of duty of care, and negligent actions, by the Defendant is far in excess of that which could practicably be joined in a single action. The certification of a class of individuals as described herein will serve the ends of justice in that a full and final resolution of these particular claims may be reached and finally determined in a consistent and uniform manner.

c. The legal and factual issues raised by these class representatives are typical of and substantially similar to those of the other class claimants. Namely, the standard of care for the County will be established. Each claimant can make their case under the same standard of care. Legal and factual causation can be determined based upon the same core factual allegations as alleged herein. The County grossly mismanaged its entire criminal justice records and computer hardware and/or software database and record management system, affecting the whole of the Shelby County Jail. Said mismanagement is therefore the core liability issue. In other words, the same standard of care and controlling facts – as it concerns the Defendant – will operate for each class claimant.

d. Individual issues of liability do not predominate over the collective issues raised by these plaintiffs. Each plaintiff or class claimant can show that they have suffered a serious and verifiable physical and emotional injury as a direct result of the manner in which the County has admitted to this scandal. A claim for reckless or negligent infliction of emotional distress need not be based upon conduct that was directed at a specific person or that occurred in the presence of the plaintiff. *Doe vs. Roman Catholic Diocese of Nashville*, 154 S.W.3d 22 (Tenn. 2005). Apart from the requisite proof required of each individual as to the seriousness of their emotional and physically manifested injuries, all other elements of proving the tort of reckless or negligent infliction of emotional distress will be nearly identical for each claimant.

e. Each of these plaintiffs have suffered serious physical and emotional injury due to the Defendant's breach of duty of care, negligence, cavalier and recklessly indifferent manner in which the County managed its hardware and/or software database and record management system.

f. These class representatives do not present claims or have special interests which conflict with the interests of the class that they seek to represent. They have retained counsel that is competent and experienced in civil litigation, and which are competent to bring this class action based on adequate study and proper professional association. These class representatives will diligently prosecute this action, fairly and adequately protecting the interests of the class as a whole.

18. The Defendant has acted or refused to act on grounds generally applicable to these plaintiffs, and the questions of law and fact common to the class predominate over any questions affecting only individual members. In ultimately and precisely determining the standard of care applicable to Shelby County and the breach of duty of care thereof which

unilaterally affected all of these plaintiffs, the following issues will be addressed without limitation:

- a. Whether Defendant had a custom, policy and practice of irresponsibly maintaining its hardware and/or software database and record management systems.
- b. Whether Defendant failed to have any organizational plan or policy concerning its hardware and/or software database and record management systems in place responsible for the effective maintenance of and effective usage of data entered during inmate processing at the Shelby County Jail.
- c. Whether Defendant had any mandatory protocol or established policy concerning the effective maintenance of and effective usage of data entered during inmate processing at the Shelby County Jail.
- d. Whether or not there was any reasonably effective communication between Defendant Shelby County, and Tyler Technologies, Inc., on these issues, and whether or not there was reasonably effective communication between the various officials and sub-units within the Shelby County Jail about the criminal justice hardware and/or software database and record management system.
- e. Whether or not there was any reasonable effort made in determining the actual number of persons lost in Defendant's hardware and/or software database and record management system, and planning for, training and/or implementing the emergency measures necessary to correct problems.
- f. Whether or not there was any due deliberation or meaningful communication and exchange between the Mayor's or Executive Office and the management employees at the Shelby County Criminal Court, or other Departments, about within its related criminal justice

hardware and/or software database and record management system, before adoption and implementation of the Odyssey system. (See, Exhibit A, dated 11-24-2016, *IT Services Memorandum.*)

g. Whether or not there had been any policy resolutions as to the specific itemization of and allotment of the approximate \$10,000,000 (ten million dollars) earmarked for the implementation of the Odyssey system and related changes to the collective criminal justice hardware and/or software database and record management system, which is managed by the Defendant, Shelby County, Tennessee.

h. Whether or not there were any deliberative policy decisions made concerning the strategy, manner, and time frame for implementation of the Odyssey system, and whether or not contingency plans were made to avoid persons being lost in the Odyssey system during the implementation period.

19. Individual litigation on these particular claims as stated herein would increase the expenses of all parties and the burden on the court system. It would also create the potential for inconsistent or contradictory judgments, and would possibly impair or impede the ability of individual class members to protect their interests. By contrast, this class action presents far fewer management difficulties, and provides the benefits of a single adjudication, economy of scale, and comprehensive supervision over these claims by a single court.

FACTS

20. Melvin Ingram was arrested on or about midnight on November 9, 2016 and charged with Driving While a Habitual Motor Vehicle Offender. He was taken to the Shelby County Jail and informed that his bond could not be set due to “computer issues.” Mr. Ingram was specifically informed by intake employees at the Shelby County Jail that he would likely be

detained an extraordinary amount of time due to the non-functioning computer system. Mr. Ingram spent almost the entire day November 9, 2016 (from 2am in the morning until midnight) at 201 Poplar waiting for his bond to be set. His bond was finally set at approximately 2pm on November 10, 2016, at which time his sister paid his bond, and he was released that evening. Mr. Ingram was damaged by this incident in a specific amount to be proven at a hearing of this cause. Specifically, Mr. Ingram has suffered severe physical and emotional distress as a direct result of the County's negligence in this regard.

21. Shantel Adams was arrested on November 9, 2016 at approximately 10am and charged with Aggravated Assault. She was taken to Shelby County Jail East Women's Detention Facility in Memphis, TN. Ms. Adam's sister went to A&A Bail Bonds to secure Ms. Adams' bail bond, but was informed that Ms. Adams did not yet have a bond. Ms. Adams herself was told by jail personnel that she was not in the Shelby County Jail's computer system, and the setting of her bond had been seriously delayed as a direct result of the same. Ms. Adam's bond was not set by the jail until approximately 8pm on November 10, 2016. After paying said bond, her sister had to drive to Jail East personally, because Ms. Adams was still not showing up in the computer system, and the jail denied that she was incarcerated there. Ms. Adams was damaged by this incident in a specific amount to be proven at a hearing of this cause. Ms. Adams has suffered severe physical and emotional distress as a direct result of the County's negligence in this regard.

22. Steven Wesby was arrested on November 13, 2016 in connection with a domestic disturbance and he was taken to the Shelby County Jail at 201 Poplar Ave. Mr. Wesby asked jail employees numerous times about his bail bond, and was told many times to sit and wait until he heard otherwise. Despite the means to pay a bond, on November 14, 2016 Mr. Wesby was still in

jail without a bond set. He was briefly taken to court that day, but was told that he was “not on the docket,” and was taken back to the jail. On November 15, 2016, he was again taken to court and a bond of \$75,000 was announced by the judge on his case. Despite the fact that the judge had announced a bond in court, his sister was unable to post his bond, because the bond company told her that there was no bond in the system. Mr. Wesby also confirmed with jail employees that no bond was in the system due to computer system difficulties, which prevented him from posting a bond and being released. Mr. Wesby’s bond finally appeared in the system on November 19, 2016, at which time his family posted the bond, and he was released the next morning. Mr. Wesby was damaged by this incident in a specific amount to be proven at a hearing of this cause. Mr. Wesby has suffered severe physical and emotional distress as a direct result of the County’s negligence in this regard.

23. Harry Oliver was arrested on and around November 4, 2016 in connection with an alleged burglary. He was taken to the Shelby County Jail at 201 Poplar Ave. Mr. Oliver was informed by Shelby County Jail employees that the computer system was down and processing was being performed by hand. He was informed that there would be serious delays in the setting and processing of his bond. He was permitted a bond and released on November 7, 2016. Mr. Oliver was damaged by this incident in a specific amount to be proven at a hearing of this cause. Mr. Oliver has suffered severe physical and emotional distress as a direct result of the County’s negligence in this regard.

24. Patrick Shaw was arrested on and around November 4, 2016 in connection with an alleged burglary. He was taken to the Shelby County Jail at 201 Poplar Ave. Mr. Shaw was informed by Shelby County Jail employees that the computer system was down and processing was being performed by hand. He was informed that there would be serious delays in the setting

and processing of his bond. He was permitted a bond and released on November 7, 2016. Mr. Shaw was damaged by this incident in a specific amount to be proven at a hearing of this cause. Mr. Shaw has suffered severe physical and emotional distress as a direct result of the County's negligence in this regard.

25. Ashley Robertson was a witness to an altercation but was arrested on and around November 12, 2016, then charged with alleged Aggravated Assault. She was taken to the Shelby County Jail at 201 Poplar Ave, then Memphis Women's Jail East, where she remained until November 17, 2016, despite being released on her recognizance by the Court on November 15, 2016. She was initially denied a scheduled court appearance despite sitting in the holding cell adjacent to the courtroom between 9 a.m. and 5 p.m. On November 15, 2016, she was informed by Jail East employees that her bond was set at \$20,000.00. That day she was taken to Court, where she was released "ROR," meaning released on her own recognizance. After being transferred back to Jail East, and expecting to be released, she was told to wait in a cell because the computer system did not verify she was to be released. This situation continued for two further days whereby she was prevented from leaving the Jail's custody. Ms. Robertson was damaged by this incident in a specific amount to be proven at a hearing of this cause. Ms. Robertson has suffered severe physical and emotional distress as a direct result of the County's negligence in this regard.

26. David Andrew Beck was transferred from Shelby County Correctional Center on November 1, 2016, in connection with a "hold" for a potential parole violation from Louisiana, to the Shelby County Jail at 201 Poplar Ave. On or about November 3, 2016, he was released from the "hold" by Louisiana, and this fact was relayed to Shelby County Government on that same date. Mr. Beck was informed by Shelby County Jail employees that Defendant's computer

system was down and that processing was being performed by hand, and therefore, there would be serious delays in processing his release. Mr. Beck was damaged by this incident in a specific amount to be proven at a hearing of this cause. Mr. Beck has suffered severe physical and emotional distress as a direct result of the County's negligence in this regard.

27. Robert Colucci was arrested on and around November 13, 2016, and charged with an alleged domestic assault. He was taken to the Shelby County Jail at 201 Poplar Ave. There, he spent two nights in a holding cell. On November 15, 2016, he was moved to a cell, and released later on November 16, 2016. Mr. Colucci was informed by Shelby County Jail employees they did not know how to operate Defendant's new computer system to access his information. He was also informed there would be serious delays in the setting and processing of his bond. Mr. Colucci was damaged by this incident in a specific amount to be proven at a hearing of this cause. Mr. Colucci has suffered severe physical and emotional distress as a direct result of the County's negligence.

28. LaRome Humphrey was arrested on and around November 8, 2016. He was taken to the Shelby County Jail at 201 Poplar Ave., where he has remained in custody since that time. Mr. Humphrey was not made aware of his scheduled court date, which he missed, and therefore, a bench warrant was issued for his arrest. Mr. Humphrey was informed by Shelby County Jail employees that Defendant's computer system was down and processing was being performed by hand, and therefore, there would be serious delays in the setting and processing of his bond. He was damaged by this incident in a specific amount to be proven at a hearing of this cause. Mr. Humphrey has suffered severe physical and emotional distress as a direct result of the County's negligence.

29. Lakisha McCoy was taken into custody on or about November 3, 2016, for an alleged violation of probation. She was taken to the Shelby County Jail at 201 Poplar Ave., and subsequently to the Women's Jail at the Shelby County Correctional Center, known as Jail East. On November 4, 2016, she was not taken to Court because she was told the computer system was down and the Court did not have her paperwork. Ms. McCoy's attorney subsequently obtained a bond for Ms. McCoy. Ms. McCoy was issued a \$5,000.00 bond, and it was paid at about 3 p.m. that day. However, Jail East employees told Ms. McCoy Defendant's computer system was down, and therefore, there they could not provide her any information on her bond. On November 6, 2016, she was finally released from custody.

30. On November 7, 2016, Ms. McCoy appeared at Court, but was told she was not on the docket because the system was down. Accordingly, she was scheduled for another court date. However, later that day, the Shelby County Sheriff's office called Ms. McCoy, demanding she turn herself in because there remained an active warrant for her arrest. At 6 a.m. on November 8, 2016, Sheriff officials began banging on her window, informing her they had a warrant for her arrest. She showed the Sheriff officials her jail release paperwork, and they verified it by telephone. Later that same evening, Memphis Police Department arrived at her home ready to arrest her, based on an active warrant. Again, she showed the police her release paperwork and they verified it by telephone. At 6 a.m. on November 9, 2016, Sheriff's deputies arrived at her home again, ready to arrest her based on the active warrant. Again, she showed them her release paperwork and they verified it by telephone. By this stage, Ms. McCoy was greatly distressed and called Chief Director Robinson at the Sheriff's office to inform him she was going to the media about police harassment. Director Robinson offered his apologies, confirmed her warrant remained active because of problems related to Defendant's new

computer system, and asked her not to go to the media. However, Ms. McCoy was so distressed by her treatment she met with a Channel 3 reporter on November 10, 2016, and was part of a news story that aired later that evening. Ms. McCoy was damaged by this incident in a specific amount to be proven at a hearing of this cause. Ms. McCoy has suffered severe physical and emotional distress as a direct result of the County's negligence in this regard.

COUNT ONE

Negligent Infliction of Emotional Distress

31. The class representatives and all plaintiffs restate, reiterate and incorporate by reference all of the allegations contained in paragraphs 1-30 as if set forth herein verbatim.

32. The narrative outlined in paragraphs 1-30 shows Defendant breached the standard of care under which it operated. By information and belief, Shelby County breached its own policies and procedures, some formal and some informal.

33. The narrative outlined in paragraphs 1-30 shows Defendant failed to operate and act in accordance with nationally accepted practices concerning local governance considered to be best practices.

34. But-for the dismal and abominable failures of Defendant to meet the standard of care concerning its management of the Shelby County Jail and the related criminal justice hardware and/or software database and record management system, planning, training and integration, the plaintiffs would not have suffered severe physical and emotional injuries.

35. There is a strong vested public interest in ensuring Defendant's administration does not needlessly cause physical and emotional injury to persons entering the criminal justice system. The legal and proximate causation of these plaintiffs' injuries can be established by the existence or not, and content of this policy consideration.

36. A reasonable policy-maker and a reasonable governmental actor could have foreseen that losing persons within Defendant's hardware and/or software database and record management system would cause substantial and serious physical and emotional injuries to said persons. These injuries were reasonably foreseeable and preventable by inexpensive means.

37. At all times relevant herein, the employees and agents of Defendant were acting within their scope of employment and/or agency with Defendant.

38. As a direct and proximate result of Defendant's conduct, plaintiffs suffered injuries, including but not limited to, compensatory damages for serious physical and emotional pain, suffering, mental anguish and other non-pecuniary losses.

39. For the all of these reasons, the plaintiffs are entitled to maximum available recovery under the Tennessee Governmental Tort Liabilities Act. Once the class of claimaints herein is certified, Plaintiffs will submit a statement of damages applicable to each class member. The Plaintiffs estimate that upon class certification, their collective provable damages will be approximately \$10,000.000.00 (Ten million and 00/100 dollars). Each Plaintiff in this case suffered separate injuries, and each of these injuries occurred at a specific and distinct time.

COUNT TWO

Reckless Infliction of Emotional Distress

40. The class representatives and all class claimants/plaintiffs restate, reiterate and incorporate by reference all of the allegations contained in paragraphs 1-39 as if set forth herein verbatim.

41. The facts of this case will show that the actors and agents of the County acted in such a manner as to be willfully indifferent to the consequences which were likely to result

therefrom. The culpable actions of the Defendant as described in this Complaint were taken in reckless disregard of the consequences which would necessarily follow from the same.

42. This gross callousness was not intentional, but reckless. This reckless behavior indicates a greater and more odious breach of the applicable standard of care such as to all the more fully warrant full consideration and acceptance of these Plaintiffs' claims.

COUNT THREE

Negligence, Gross Negligence

43. The actions and non actions and above-described conduct of Defendant constitutes gross, per se, and regular negligence. Plaintiffs are entitled to compensatory damages for bills related to medical and psychological treatment, physical and emotional pain, suffering, mental anguish, lost income, and other non-pecuniary losses associated with their serious physical and emotional injuries.

44. For all of these reasons, the plaintiffs are entitled to maximum available recovery under the Tennessee Governmental Tort Liabilities Act, as well as compensatory damages individually.

COUNT FOUR

Tennessee Governmental Tort Liabilities Act

Wavier of Immunity

45. The class representatives and all class claimants/plaintiffs restate, reiterate and incorporate by reference all of the allegations contained in paragraphs 1-44 as if set forth herein verbatim.

46. The general rule of sovereign immunity appertaining to the County is expressly waived by the Tennessee Governmental Tort Liabilities Act with certain exceptions as outlined

in Tenn. Ann. Code § 29-20-205(2). This section provides that intentional infliction of emotional distress is disallowed. This tort is appropriate in the context of individual liability, but not governmental liability.

47. However, negligent and reckless infliction of emotional distress are claims properly allowable under the GTLA statute, and Defendant is liable for the same as outlined herein. Immunity is not retained for negligent infliction of emotional distress. *Sallee v. Barrett*, 171 S.W.3d 822 (Tenn. 2005).

48. The plaintiffs do not represent the public at large. They are a certain group of individuals to which Defendant should be legally held to have owed a special duty of care. Defendant's reckless mismanagement of its hardware and/or software database and record management system is such that a special duty of care exists. This special duty of care was owed to persons placed in the custody of the Shelby County Jail. These victims suffered serious and ascertainable physical and emotional injuries as a direct result of Defendant's failure to meet the requisite standard of care regarding its criminal justice hardware and/or software database and record management system.

49. The Shelby County Commissioners voted on December 7, 2016 to budget \$185,692 in additional funding for overtime for the General Sessions Court Clerks and hire more employees for when the criminal justice system "went askew." The plaintiffs herein have a likelihood of success on the merits and there is no less drastic alternative than to request injunctive relief both mandatorily for the records and to enjoin the failed new system implementation and for a reversion to the "legacy systems," existing prior to November 1, 2016, The Defendant has had nearly two months and apparently cannot determine the issues and link problems or fix the issues and problems, which are well known to exist not only in this

jurisdiction, but others where Tyler Technologies have sold the software and attempted to implement or assist in the implementation of the Odyssey software.

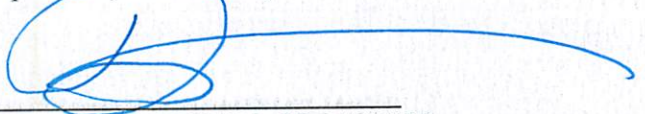
WHEREFORE, PREMISES CONSIDERED, the Plaintiffs pray as follows:

1. Plaintiffs be awarded damages, both compensatory and punitive, against Defendant in the stated amount or maximum available amount. They also ask this Court to provide declaratory relief on these matters for the purposes of advancing litigation and to make final resolution of these matters.
2. Further, these plaintiffs ask that injunctive relief be provided as determined to be just and proper. Plaintiffs pray for general relief consistent with these pleadings, specifically paragraph 49 herein, and including, but not limited to, an injunction from the Court Clerk, or other official, for the Defendant not to alter or make deletions, and preserve in their whole and original form the versioned history and source code for all software components in the Odyssey system; software quality test plans and all results from automated and manual testing efforts; the substance and state of software defects logged in any defect tracking system during development of the software, or as reported by users in the field; software project plans and expected timelines (including but not limited to, development, deployment, quality, risk, and communication plans); release notes provided for deployed versions of the software; functional and technical software design documents and any documentation, including email communications, produced or exchanged as related to the design, construction, or maintenance of the software or related systems, as requested of Defendant on November 21, 2016. (See attached, Exhibit B.)

3. Allow proper process and notice to be issued and served upon Defendant requiring it to answer this Complaint.
4. That the Plaintiffs be allowed to amend this Complaint as necessary to serve the ends of justice and judicial economy.
5. That if allowed, the matters in controversy be decided by a jury.
6. That plaintiffs be awarded such other and further relief as the Court deems necessary and proper in these circumstances, including the award of attorney fees, court costs, and expenses, and further, that the plaintiffs/class representatives be granted reasonable fees for their efforts in organizing and presenting the claims of the class in general.

THIS IS THE FIRST APPLICATION FOR EXTRAORDINARY RELIEF IN THIS CAUSE.

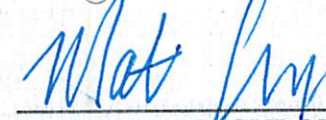
Respectfully submitted,



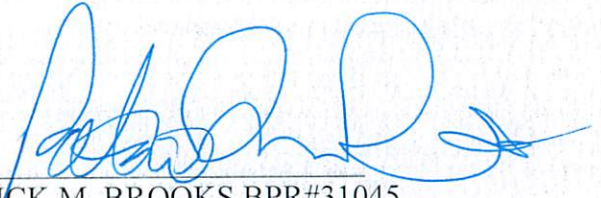
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Attorneys, Plaintiffs/Class Representatives

FIAT

To the Clerk of the Court:

Please set the Injunctive relief as prayed for in paragraph 2, for a hearing on: January ____, 2017

JUDGE

Date: _____

CERTIFICATE OF SERVICE

I do hereby certify that I have caused to be delivered a copy of the foregoing to the County Attorney, 160 N. Main, 9th floor, 38103, by mailing and/or fax 222-2105 on this date 12-24-16.



Beth Brooks

AFFIDAVIT

STATE OF TENNESSEE
COUNTY OF SHELBY

I, Ashley Robertson, after first being duly sworn according to law, do make oath that the facts stated in the foregoing document are true to the best of my personal knowledge, information and belief.



Ashley Robertson

Sworn to and subscribed before me this 22nd day of December, 2016.

My Commission expires:

73017


Notary Public



SHELBY COUNTY GOVERNMENT

MARK H. LUTTRELL, JR., MAYOR

Information Technology Services

MEMORANDUM

Shelby County Integrated Criminal Justice System (iCJIS) Roadmap – 11/24/2016

The details below include all the legacy systems being replaced and identify the specific application replacing each legacy system.

JSS, JMS, and IMS will continue to be available as inquiry only systems for months after the new applications Go-Live.

For information regarding new arrests and bonds contact Jail Info – 901.222.4700

General Sessions Court Clerk Criminal Division cannot process credit card payments over the phone from November 1st, 5PM, until November 22nd, 8AM. Cash payments only can be accepted at the following locations:

Hickory Hill Office
3768 S. Hickory Ridge Mall
Suite 514
Memphis, TN 38115

Mullins Station Office
1075 Mullins Station Road
Room W 115
Memphis, TN 38134

Criminal Justice Center
201 Poplar Ave
LL-81
Memphis, TN 38103

Legacy System	Date/Time no longer updated	New System	Date/Time available	How to Access
JSS	Nov. 1, 5PM	Odyssey	Now Available	User account/Client install
JSSi http://jssi.shelbycountyttn.gov/	Nov. 1, 5PM	Odyssey Portal	Now Available	https://cjs.shelbycountyttn.gov
JSS inquiry/Blue Screen/TN05	Nov. 1, 5PM	Odyssey	Now Available	Generic agency account/Client install
JMS	Nov. 1, 5PM	OMSe	Now Available	https://omse.shelby.elink/OMS (internal only; not public link)

For more information, contact Ed Raper at ed.raper@shelbycountyttn.gov or (901) 222-2619.

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SHELBY COUNTY GOVERNMENT

MARK H. LUTTRELL, JR., MAYOR

Information Technology Services MEMORANDUM

Legacy System	Date/Time no longer updated	New System	Date/Time available	How to Access
JMSi	Nov. 1, 5PM	Info Hub Portal	Coming in 2017	Online with user account
IMS	Nov. 1, 8AM	OMSc	Now Available	https://omse.shelby.clink/OMS (internal only; not public link)
N/A	N/A	SessionWorks Clerk Edition	Now Available	Client install used only in court rooms
N/A	N/A	SessionWorks Judge Edition	Now Available	Client install used only in court rooms
Pretrial Supervision Access Databases	N/A	Odyssey Supervision	Now Available	User account/client install
N/A	N/A	JustWare Defender	Now Available	User account/client install
Who's In Jail	Nov. 1, 5PM	Inmate Lookup	Now available Sheriff's Jail/Jail East Now available/Shelby County Division of Corrections	Online, no account needed https://imljail.shelbycountyttn.gov/IML https://imlscdc.shelbycountyttn.gov/IML

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SHELBY COUNTY GOVERNMENT

MARK H. LUTTRELL, JR., MAYOR

Information Technology Services

MEMORANDUM

Legacy System	Date/Time no longer updated	New System	Date/Time available	How to Access
ePayments for General Sessions Criminal Court & Traffic Tickets http://www.shelbycountyttn.gov/index.aspx?nid=2395	Nov. 1, 5PM	No change	TBD	http://www.shelbycountyttn.gov/index.aspx?nid=2395
Prefilled forms for General Sessions Criminal http://gs4x.shelbycountyttn.gov/gscring/gscr_courtforms	Nov. 1, 5PM	Odyssey	Now Available	Generic agency account/Client install
Prefilled forms for Criminal Court http://courtforms.shelbycountyttn.gov/	Nov. 1, 5PM	No change	Now Available	http://courtforms.shelbycountyttn.gov/
Affidavits & Misdemeanor Citations from General Sessions Criminal https://documents.shelbycountyttn.gov/Affidavits/	Nov. 1, 5PM	Odyssey Portal	Now Available Scanning of documents to begin Nov. 28	https://cjs.shelbycountyttn.gov/CJS
Warrant Information System http://www.shelbywarrants.org/	Nov. 1, 5PM	No Change	Now Available	http://www.shelbywarrants.org/
Victim Notification https://www.vinelink.com	Nov. 1, 5PM (will be offline)	No Change	Now Available	https://www.vinelink.com
WASP	Nov. 1, 5PM	No Change	Now Available	No Change

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SHELBY COUNTY GOVERNMENT

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Information Technology Services

MEMORANDUM

Commonly Asked about Reports – These reports will all remain available in their current systems, but not updated with data after November 1st, 5PM

Legacy Reports	Date/Time no longer updated	New Report	Date/Time available	How to Access
AHIS	Nov. 1, 5PM	Case History	Now Available	Odyssey
JSS Rapsheet	Nov. 1, 5PM	Case History	Now Available	Odyssey
Sheriff's Personal History Sheet	Nov. 1, 5PM	None	No longer needed	N/A
Court Dockets	Nov. 1, 5PM	(various types) Docket	Now Available	OnBase (Internal Only) https://onbase.shelby.elink
Court Dockets	Nov. 1, 5PM	(various types) Dockets	Now Available	https://xfer.shelbycountyttn.gov
Jail Credit Report	Nov. 1, 5PM	Jail Credit Report	Dec. 1, 8AM	OnBase
Jail List	Nov. 1, 5PM	Jail List	Now Available	OnBase
Hit List	Nov. 1, 5PM	Parties with Active Warrants	Now Available	Odyssey

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BETH BROOKS LAW OFFICE

ATTORNEY AT LAW
2299 UNION AVE.
MEMPHIS, TN 38104
Tel 726-0111 • Fax 726-1007

November 21, 2016

Shelby County Criminal Court Clerk, Richard Desaussure
Chief Administrative Officer
201 Poplar
Memphis, TN 38103 Hand delivered

Re: Computer Software Forensics

Dear Mr. Desaussure:

As Chief Administrative Officer, you directly supervise the Director of Operations, the Director of Finance, the Director of Administrative Services as well as the Director of Client Services and therefore I assume you are the correct person to address my request.

Please do not alter or delete and preserve in their original form the following:

- The versioned history and source code for all software components in the system.
- Software quality test plans and their results from automated and manual testing efforts.
- The substance and state of software defects logged in any defect tracking system during development of the software, or as reported by users in the field.
- Software project plans and expected timelines. (Including but not limited to development, deployment, quality, risk, and communication plans)
- Release notes provided for deployed versions of the software.
- Functional and technical software design documents.
- Any documentation and email communication produced or exchanged as related to the design, construction, or maintenance of the software or related systems.

Thank you in advance for your cooperation.

Sincerely,



Beth Brooks

C. Steve Wilson, Matt Gulotta, Dan Lofton, David Allen Beck, LaRome Humphrey, Ashley Robertson, Lekeisha McCoy

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