



NOTICE TO FILER

Requirements for Completing Service

IN THE CIRCUIT CIVIL COURT OF ETOWAH COUNTY, ALABAMA
STACEY MICHELLE FREEMAN V. BRANDI FULLER ET AL

31-CV-2022-900443.00

To: BRENDEN LAWRENCE SMITH
bsmith@rubiofirm.com

In your complaint filing, you requested that one or more of the Defendants be served by Private Process Server:

In order to affect service, you must deliver the following document to the process server for service.

The process server, once the process server has served the recipient, must complete the "service return". This service return must be returned to the Clerk of the Court issuing service.

CASSANDRA JOHNSON
801 FORREST AVENUE
SUITE 202
GADSDEN, AL 35901

The summons and complaint should be served in compliance with Alabama Rules of Civil Procedure 4:

How Served and Returned. The person serving process shall locate the person to be served and shall deliver a copy of the process and accompanying documents to the person to be served. When the copy of the process has been delivered, the person serving process shall endorse that fact on the process and return it to the clerk, who shall make the appropriate entry on the docket sheet relating to the action. The return shall clearly indicate the name, address, and telephone number of the person serving process. The return of the person serving process in the manner described herein shall be prima facie evidence that process has been served.



AlaFile E-Notice

31-CV-2022-900443.00

To: BRANDI FULLER
827 FORREST AVE.
GADSDEN, AL, 35901

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF ETOWAH COUNTY, ALABAMA

STACEY MICHELLE FREEMAN V. BRANDI FULLER ET AL
31-CV-2022-900443.00

The following complaint was FILED on 11/7/2022 3:01:20 PM

Notice Date: 11/7/2022 3:01:20 PM

CASSANDRA JOHNSON
CIRCUIT COURT CLERK
ETOWAH COUNTY, ALABAMA
801 FORREST AVENUE
SUITE 202
GADSDEN, AL, 35901

256-549-2150

SUMMONS
- CIVIL -

Court Case Number
31-CV-2022-900443.00

IN THE CIRCUIT COURT OF ETOWAH COUNTY, ALABAMA
STACEY MICHELLE FREEMAN V. BRANDI FULLER ET AL

NOTICE TO: BRANDI FULLER, 827 FORREST AVE., GADSDEN, AL 35901

(Name and Address of Defendant)

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S),
BRENDEN LAWRENCE SMITH

[Name(s) of Attorney(s)]

WHOSE ADDRESS(ES) IS/ARE: 490 WILDWOOD NO. CIR. SUITE 150, BIRMINGHAM, AL 35242

[Address(es) of Plaintiff(s) or Attorney(s)]

THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

**TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL
PROCEDURE TO SERVE PROCESS:**

You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.

Service by certified mail of this Summons is initiated upon the written request of _____
pursuant to the Alabama Rules of the Civil Procedure. *[Name(s)]*

11/07/2022

(Date)

/s/ CASSANDRA JOHNSON

(Signature of Clerk)

By: _____

(Name)

Certified Mail is hereby requested.

(Plaintiff's/Attorney's Signature)

RETURN ON SERVICE

Return receipt of certified mail received in this office on _____
(Date)

I certify that I personally delivered a copy of this Summons and Complaint or other document to _____

_____ in _____ County,
(Name of Person Served) *(Name of County)*

Alabama on _____
(Date)

(Address of Server)

(Type of Process Server)

(Server's Signature)

(Server's Printed Name)

(Phone Number of Server)



State of Alabama Unified Judicial System Form ARCiv-93 Rev. 9/18	COVER SHEET CIRCUIT COURT - CIVIL CASE (Not For Domestic Relations Cases)	Case: 31 Date of Filing: 11/07/2022 Judge Code:
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GENERAL INFORMATION

IN THE CIRCUIT COURT OF ETOWAH COUNTY, ALABAMA

STACEY MICHELLE FREEMAN v. BRANDI FULLER ET AL

First Plaintiff: Business Individual
 First Defendant: Business Individual
 Government Other
 Government Other

NATURE OF SUIT: Select primary cause of action, by checking box (check only one) that best characterizes your action:

TORTS: PERSONAL INJURY

- WDEA - Wrongful Death
 TONG - Negligence: General
 TOMV - Negligence: Motor Vehicle
 TOWA - Wantonness
 TOPL - Product Liability/AEMLD
 TOMM - Malpractice-Medical
 TOLM - Malpractice-Legal
 TOOM - Malpractice-Other
 TBFM - Fraud/Bad Faith/Misrepresentation
 TOXX - Other: _____

TORTS: PERSONAL INJURY

- TOPE - Personal Property
 TORE - Real Property

OTHER CIVIL FILINGS

- ABAN - Abandoned Automobile
 ACCT - Account & Nonmortgage
 APAA - Administrative Agency Appeal
 ADPA - Administrative Procedure Act
 ANPS - Adults in Need of Protective Service

OTHER CIVIL FILINGS (cont'd)

- MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve
 CVRT - Civil Rights
 COND - Condemnation/Eminent Domain/Right-of-Way
 CTMP - Contempt of Court
 CONT - Contract/Ejection/Writ of Seizure
 TOCN - Conversion
 EQND - Equity Non-Damages Actions/Declaratory Judgment/Injunction Election Contest/Quiet Title/Sale For Division
 CVUD - Eviction Appeal/Unlawful Detainer
 FORJ - Foreign Judgment
 FORF - Fruits of Crime Forfeiture
 MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition
 PFAB - Protection From Abuse
 EPFA - Elder Protection From Abuse
 QTLB - Quiet Title Land Bank
 FELA - Railroad/Seaman (FELA)
 RPRO - Real Property
 WTEG - Will/Trust/Estate/Guardianship/Conservatorship
 COMP - Workers' Compensation
 CVXX - Miscellaneous Circuit Civil Case

ORIGIN: F **INITIAL FILING**
 A **APPEAL FROM DISTRICT COURT**
 O **OTHER**
 R **REMANDED**
 T **TRANSFERRED FROM OTHER CIRCUIT COURT**

HAS JURY TRIAL BEEN DEMANDED? YES NO

Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P, for procedure)

RELIEF REQUESTED: **MONETARY AWARD REQUESTED** **NO MONETARY AWARD REQUESTED**

ATTORNEY CODE:

SMI398

11/7/2022 3:01:15 PM

/s/ BRENDEN LAWRENCE SMITH

Date

Signature of Attorney/Party filing this form

MEDIATION REQUESTED: YES NO UNDECIDED

Election to Proceed under the Alabama Rules for Expedited Civil Actions: YES NO

IN THE CIRCUIT COURT OF ETOWAH COUNTY, ALABAMA

STACEY MICHELLE FREEMAN, an)
individual,)
)
Plaintiff,)
)
v.)
)
BRANDI FULLER, an individual in)
her individual and official capacity;)
JONATHON W. HORTON AS)
SHERIFF OF ETOWAH COUNTY;)
ETOWAH COUNTY DEPARTMENT)
OF HUMAN RESOURCES, an agency))
of Etowah County;)
)
Defendants.)

CV-_____

COMPLAINT

COMES NOW the Plaintiff, Stacey Michelle Freeman, by and through her counsel of record, and files this Complaint against the Defendants and further states as follows:

PARTIES, JURISDICTION AND VENUE

1. The Plaintiff, Stacey Michelle Freeman, (“Freeman”) is over the age of nineteen (19) and is a resident and citizen of Etowah County, Alabama.
2. The Defendant, Brandi Fuller, (“Brandi”) is over the age of nineteen (19) and is a resident and citizen of Etowah County, Alabama. At all times relevant to this complaint, Brandi was an Etowah County Sherriff’s Department investigator and an employee or agent of the State of Alabama and Etowah County. At all times Brandi was acting under color of state law and in the

line and scope of her employment as an Etowah County Sherriff's Department Investigator. Brandi is sued in her individual and official capacity.

3. The Defendant, Jonathan Horton, is the Sheriff of Etowah County Sherriff's Department, ("Sherriff"). The Sheriff serves in an elected capacity and is responsible for supervision of Sheriff's deputies and employees who investigate criminal activity and make arrest.
4. Furthermore, Sheriff Horton is responsible for the maintenance, staffing, upkeep, and care of inmates at the Etowah County Correctional Facility where Freeman was housed.
5. The Defendant, the Etowah County Department of Human Resources ("DHR") is an agency of Etowah County located in Etowah County, Alabama.
6. Any reference to "the Defendants" is a reference to all named Defendants herein.
7. Venue is appropriate in this judicial district because all the facts and circumstances made the basis of this complaint occurred in Etowah County.
8. This court has jurisdiction through federal question and supplemental jurisdiction – specifically violations of section 1983 and all state law claims which naturally flow.

STATEMENT OF FACTS

9. Freeman lives in in Gallant, Alabama. She has two (2) daughters, Kaitlin, and Chloe.
10. On January 21, 2022, a DHR petition was filed to remove Freeman's children from her home. The basis upon which DHR sought removal was Freeman's alleged drug use.
11. On January 26, 2022, the two (2) children were removed from Freeman's home. At said date and time, Kaitlin told DHR that Freeman was pregnant.
12. On January 27, 2022, Liz Collier, a DHS caseworker, spoke with Freeman and said that she knew that she was pregnant. Freeman denied the allegation and offered to take a pregnancy test at the courthouse. However, no test was administered despite Freeman's pleas.
13. On February 1, 2022, between 10:00 PM and midnight, Freeman had a flat tire in Gallant, Alabama and law enforcement officers came to the scene to assist. However, upon arrival the Sheriff Deputies informed her that a warrant for an arrest had been issued on a chemical endangerment charge. Freeman was taken directly to the Etowah County Jail, booked, had her mug shot taken, forced to change into jail clothes, forced to hand over her personal belongings to the Deputies, and taken to a cell with two (2) other cellmates. At the time of the arrest, Freeman was undergoing her menstrual cycle and requested feminine products. She was denied this most basic and proper care guaranteed by the United States Constitution.

14. Brandi Fuller, in her sworn complaint for which a warrant was issued, states specifically that on or about January 27, 2022, Freeman, “did test positive for amphetamines, alcohol and marijuana while pregnant. The judge/clerk/magistrate signed a warrant based on that patently false information provided by Fuller.
15. Upon Freeman’s arrest, her mugshot was posted online by the Etowah County Sherriff’s Department. The mugshot is still visible by doing an internet search using google or other search engines.
16. Upon her mugshot being posted online, multiple family members and friends contacted Freeman regarding her detention.
17. At said date and time and location, Freeman was then falsely arrested and wrongfully imprisoned by Sherriff’s Deputies from Etowah County. Freeman was taken to jail, placed in a prison uniform, deprived of her personal belongings, held for hours, and deprived of her liberty. She was told her bond would be a ten-thousand-dollar (\$10,000.00) cash bond. The Sheriff, and or his employees had no probable cause to arrest Freeman.
18. Freeman was not brought in for an initial appearance or formally charged with a crime during the time she was incarcerated.
19. Instead, on February 2, 2022, a male police officer came to Freeman’s cell and asked for a urine sample for a pregnancy test. Because she was having her menstrual cycle, Freeman asked for privacy and feminine products. Again,

requests were ignored, and she was forced to provide the urine sample while in the cell. The pregnancy test indicated that Fuller was not pregnant.

20. Brandi Fuller questioned Freeman for twenty (20) minutes and then finally told her that she would be released. However, Brandi threatened, warned, and admonished Freeman that she would be charged if Brandi found out that she pregnant within the next several months. Brandi told Freeman to wear a condom if she planned to have sex.
21. A motion to nolle prosequere the case against Freeman was made on February 2, 2022, and an order was entered that same day with the instructions she was to be immediately released.
22. Etowah County Sheriff's Department and DHR were negligent in the hiring, training, and retention of its employees and agents whose actions lead to the arrest of the plaintiff.
23. The Etowah County Sheriff's Department, through its agents, violated Freeman's constitutional rights.
24. As a proximate result of the above actions by Etowah County Sheriff's Department and DHR, the claimant was deprived of her children, caused her to incur pain and suffering, the embarrassment of being charged with chemical endangerment, and mental anguish.
25. Brandi Fuller has been involved in many investigations of chemical endangerment charges as it pertains to those pregnant and those that recently gave birth.

26. Brandi Fuller has been involved in an obscene number of arrests for pregnant and postpartum women jailed on chemical endangerment charges.
27. Since, 2010 there have been in excess of one-hundred and fifty (150) similar “chemical endangerment” cases in Etowah County. It is widely speculated that Etowah County makes more arrests for chemical endangerment than any other county in the state. Brandi has been involved in the investigation, arrest and prosecution of most, if not all, of these cases.
28. Documentation exists that each of these women charged with chemical endangerment were held on a ten-thousand dollars (\$10,000.00) cash bond and most could not leave until they entered a drug rehab program. These bail conditions are clearly unconstitutional.
29. In one such case, the Court rejected a cash bond for a pregnant inmate because bond conditions required the jailed inmate entered a rehab facility. However, specialists who evaluated the individual found that the inmate did not qualify for a rehab placement because they lacked a substance use disorder.
30. The Etowah County jail has not provided proper care for the pregnant inmates or those that they believed to be pregnant. Furthermore, denying requests for feminine hygiene products is a often denied request.
31. While, this may be the first instance of a false positive pregnancy test in relation to chemical endangerment charges, it is also well documented that

there have been a number of false positive drug tests as related to the individuals charged and jailed with chemical endangerment.

32. The Sheriff's department and its employees have been reckless in investigating in making arrests of women for chemical endangerment and then encouraging their prosecution.
33. Brandi Fuller, nor anyone else from the Etowah County Sheriff's Department ever corroborate whether those arrested for chemical endangerment are in fact pregnant before making complaints and arrests.
34. There is irreparable harm done in even the investigation of a chemical endangerment charge which can trigger a DHR investigation

COUNT ONE
(FALSE IMPRISONMENT UNDER SECTION 1983)
Against the Jonathan Horton, and Brandi Fuller

35. The Plaintiff incorporates and re-alleges paragraphs nine (9) through thirty-four (34) by reference.
36. Under the Fourth Amendment to the United States Constitution, Plaintiff has a right to be free from unreasonable searches and seizures, including search and seizure of her person and effects. Plaintiff also has a constitutional right to remain silent and to peaceably refuse consent to a search, regardless of whether an officer lawfully requests to search Plaintiff's person or belongings.
37. On February 1, 2022, the Etowah County Sherriff's Department deprived Freeman of her Fourth Amendment right to be secure in her person and free

from unreasonable seizures. To wit: by placing Freeman in handcuffs and unlawfully detaining and arresting her on the side of the road without probable cause. This detention lasted over twenty-four (24) hours.

38. This action took place with full knowledge that Fuller or the Etowah County Sherriff's Department did not have probable cause to arrest Freeman. This detention was not conducted in good faith and with willful disregard to Plaintiff's constitutional rights.
39. The Defendants' lacked probable cause and arguable probable cause to detain and arrest the Plaintiff. Based on such the cases against Freeman was ultimately nolle prossed.
40. The Etowah County Sherriff's Department acted willfully, knowingly, and purposefully and/or with deliberate indifference to deprive the Plaintiff of her constitutional rights when they unlawfully detained and arrested her.
41. This belief is based, in part, on the fact that their actions were ordered, authorized, and/or ratified by the Etowah County Sherriff's Department.

WHEREFORE, PREMISES CONSIDERED, Plaintiff seeks such compensatory and punitive damages as a jury may reward, his costs and reasonable attorneys' fees pursuant to 42 U.S.C. §1988, and any such other, different, and further relief which this Court finds he is entitled.

COUNT TWO
(FALSE IMPRISONMENT UNDER ALABAMA CODE SECTION 6-5-170)
Against Jonathan Horton and Brandi Fuller

42. The Plaintiff incorporates and re-alleges paragraphs nine (9) through thirty-four (34) by reference.
43. The Sheriff caused the unlawful detention of Plaintiff whereby she was deprived of her personal liberty. Specifically, the Etowah County Sherriff's Department directed Sherriff's Deputies to detain Plaintiff in the Jail for approximately twenty-four (24) hours, with full knowledge that there was no probable cause, reasonable suspicion of unlawful activity, arguable probable cause, or any other lawful reason justifying the detention, as fully described herein.
44. The Defendants' initial detention of Plaintiff was not conducted for the purposes of investigating criminal activity, as there was no reasonable, articulable suspicion of any illegal activity, or arguable probable cause. With full knowledge that no crime was committed, the Defendants instructed Sherriff's Deputies to continue to detain Plaintiff. This continued detention deprived Plaintiff of her personal liberty and was not conducted in good faith, but with disregard to Plaintiff's constitutional rights.
45. These Defendants also directed that Plaintiff be detained at the Etowah County jail for twenty-four (24) hours until her bond could be posted, as opposed to allowing her to be released on his own recognizance.
46. The Defendants have engaged in a racket for which they have charged

hundreds of individuals who are pregnant or believe to be pregnant with chemical endangerment.

47. The inmates have all been given the same \$10,000 bond and many have been given additional bond requirements of completing rehab treatment.

WHEREFORE, PREMISES CONSIDERED, Plaintiff seeks such compensatory and punitive damages as a jury may reward, attorneys' fees, and any such other, different, and further relief which this Court finds he is entitled.

COUNT THREE

(NEGLIGENCE UNDER ALABAMA LAW)

Against Jonathan Horton, Etowah County Department of Human Resources, and Brandi Fuller

48. The Plaintiff incorporates and re-alleges paragraphs nine (9) through thirty-four (34) by reference.
49. The Defendants were under a duty to ensure reasonable care in investigating, prosecuting, and detaining Freeman for alleged chemical endangerment of a child.
50. Upon information and belief, the Defendants relied on the word of a minor child to conclude that Freeman was pregnant.
51. Despite knowing that they were relying on a minor child, the Defendants breached their duty to use reasonable care in the investigation of Freeman for chemical endangerment of a child.
52. As a direct and proximate result of the Defendant's negligence, the Plaintiff has been injured as set out in paragraphs thirteen (13) to seventeen (17).

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants for compensatory and punitive damages in an amount to be determined by the trier of fact plus interest, costs, expenses, and attorney's fees.

COUNT FOUR
(WANTONNESS UNDER ALABAMA LAW)
**Against Jonathan Horton, Etowah County Department of Human
Resources, and Brandi Fuller**

53. The Plaintiff incorporates and re-alleges paragraphs nine (9) through thirty-four (34) by reference.
54. The Defendants were under a duty to ensure reasonable care in investigating, prosecuting, and detaining Freeman for alleged chemical endangerment of a child.
55. Fuller has been involved in hundreds of investigations as related to a chemical endangerment charge and subsequent arrest. Essentially, Fuller goes unchecked in any complaints she makes regarding a chemical endangerment charge.
56. Upon information and belief, the Defendants relied on the word of a minor child to conclude that Freeman was pregnant.
57. Despite knowing that they were relying on a minor child, the Defendants breached their duty to use reasonable care and acted with complete disregard in the investigation of Freeman for chemical endangerment of a child.
58. As a direct and proximate result of the Defendant's wantonness, the Plaintiff has been injured as set out in paragraphs thirteen (13) to seventeen (17).

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants for compensatory and punitive damages in an amount to be determined by the trier of fact plus interest, costs, expenses, and attorney's fees.

COUNT FIVE
(DEFAMATION)

Against the Jonathan Horton, Etowah County Department of Human Resources, and Brandi Fuller

59. The Plaintiff incorporates and re-alleges paragraphs nine (9) through thirty-four (34) by reference.
60. The Defendants did intentionally, knowingly, and willingly make false and defamatory statements concerning the Plaintiff.
61. The Defendants published defamatory statements to a wide range of persons in the public through publication on the Etowah County website.
62. The statements made by Defendants that Plaintiff was arrested for chemical endangerment of a child, were false and untrue and defamed Plaintiff.
63. By publication of the statements to a wide range of persons in the public, Plaintiff has sustained extensive damages including, but not limited to, inter alia, damage to reputation, obloquy, public humiliation, shame, embarrassment, contempt, ridicule, aversion, degradation, disgrace.
64. The false statements of sufficient specificity were made negligently, wantonly, with malice and/or recklessly by the Defendants.
65. As a proximate result of the Defendants' acts of defamation, Plaintiff suffered actual and continuing financial damage and embarrassment, humiliation, and mental anguish.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants for compensatory and punitive damages in an amount to be determined by the trier of fact plus interest, costs, expenses, and attorney's fees.

COUNT SIX
(Violation of Constitutional Rights - Deliberate Indifference to Medical Care 1983 - Sheriff Horton)

64. The Plaintiff incorporates and re-alleges paragraphs nine (9) through thirty-four (34) by reference.
65. The Defendant acted with deliberate indifference toward the serious medical needs of Stacey Fuller while an inmate at the Etowah County Correctional Facility.
66. The Defendant knew or should have known that failing to provide medical care for Freeman would result in serious injury yet with deliberate indifference they knew that this would pose a substantial risk to her physical well being.
67. The Defendant is responsible through a theory of Monell liability due to their repeated deliberate indifference to medical care of female inmates at the Etowah County Jail.
68. Specifically, female inmates are not given proper feminine hygiene products when requested.
69. Furthermore, the Defendant is responsible for the unconstitutional customs and policies that lead to the deliberate indifference in this particular case.

70. The suffering and injury to the Plaintiff was a direct and foreseeable result of these customs and policies.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants for compensatory and punitive damages in an amount to be determined by the trier of fact plus interest, costs, expenses, and attorney's fees.

DATED: November 7, 2022

Respectfully submitted,

/s/ Martin Weinberg
Martin Weinberg (WEI035)
Attorney for Plaintiff
PO Box 154
Shannon, AL. 35142
attorneyweinberg@bellsouth.net
205-785-5575

/s/ Brenden L. Smith
Brenden L. Smith (SMI398)
Attorney for Plaintiff
RUBIO LAW FIRM, P.C.
490 Wildwood No. Cir., Ste. 150
Birmingham, AL 35209
t. 205.443.7850
bsmith@rubiofirm.com

PLAINTIFF WILL SERVE THE DEFENDANTS BY PROCESS SERVER AT THE FOLLOWING ADDRESSES:

Brandi Fuller
827 Forrest Ave.
Gadsden, Alabama, 35901

Jonathan Horton
827 Forrest Ave.
Gadsden, Alabama, 35901

**Etowah County Department Of
Human Resources**
201 Hoke Street
Gadsden, Alabama, 35903

/s/ Brenden L. Smith
Attorney for Plaintiff

SUMMONS
- CIVIL -

Court Case Number
31-CV-2022-900443.00

IN THE CIRCUIT COURT OF ETOWAH COUNTY, ALABAMA
STACEY MICHELLE FREEMAN V. BRANDI FULLER ET AL

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BRENDEN LAWRENCE SMITH

[Name(s) of Attorney(s)]

WHOSE ADDRESS(ES) IS/ARE: 490 WILDWOOD NO. CIR. SUITE 150, BIRMINGHAM, AL 35242

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(Signature of Clerk)

By: _____

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I certify that I personally delivered a copy of this Summons and Complaint or other document to _____
_____ in _____ County,
(Name of Person Served) *(Name of County)*

Alabama on _____
(Date)

(Address of Server)

(Type of Process Server)

(Server's Signature)

(Server's Printed Name)

(Phone Number of Server)

31-CV-2022-900443.00

STACEY MICHELLE FREEMAN V. BRANDI FULLER ET AL

C001 - STACEY MICHELLE FREEMAN

(Plaintiff)

v.

D001 - BRANDI FULLER

(Defendant)



SERVICE RETURN COPY



AlaFile E-Notice

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To: JONATHAN HORTON
827 FORREST AVE.
GADSDEN, AL, 35901

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CIRCUIT COURT CLERK
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BRENDEN LAWRENCE SMITH

[Name(s) of Attorney(s)]

WHOSE ADDRESS(ES) IS/ARE: 490 WILDWOOD NO. CIR. SUITE 150, BIRMINGHAM, AL 35242

[Address(es) of Plaintiff(s) or Attorney(s)]

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11/07/2022

(Date)

/s/ CASSANDRA JOHNSON

(Signature of Clerk)

By: _____

(Name)

Certified Mail is hereby requested.

(Plaintiff's/Attorney's Signature)

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(Date)

I certify that I personally delivered a copy of this Summons and Complaint or other document to _____
_____ in _____ County,
(Name of Person Served) *(Name of County)*

Alabama on _____
(Date)

(Address of Server)

(Type of Process Server)

(Server's Signature)

(Server's Printed Name)

(Phone Number of Server)



ELECTRONICALLY FILED
11/7/2022 3:01 PM
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CIRCUIT COURT OF
ETOWAH COUNTY, ALABAMA
CASSANDRA JOHNSON, CLERK

State of Alabama Unified Judicial System Form ARCiv-93 Rev. 9/18	COVER SHEET CIRCUIT COURT - CIVIL CASE (Not For Domestic Relations Cases)	Case: 31 Date of Filing: 11/07/2022	Judge Code:
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GENERAL INFORMATION

**IN THE CIRCUIT COURT OF ETOWAH COUNTY, ALABAMA
STACEY MICHELLE FREEMAN v. BRANDI FULLER ET AL**

First Plaintiff: Business Individual Government Other

First Defendant: Business Individual Government Other

NATURE OF SUIT: Select primary cause of action, by checking box (check only one) that best characterizes your action:

TORTS: PERSONAL INJURY

- WDEA - Wrongful Death
 TONG - Negligence: General
 TOMV - Negligence: Motor Vehicle
 TOWA - Wantonness
 TOPL - Product Liability/AEMLD
 TOMM - Malpractice-Medical
 TOLM - Malpractice-Legal
 TOOM - Malpractice-Other
 TBFM - Fraud/Bad Faith/Misrepresentation
 TOXX - Other: _____

TORTS: PERSONAL INJURY

- TOPE - Personal Property
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OTHER CIVIL FILINGS

- ABAN - Abandoned Automobile
 ACCT - Account & Nonmortgage
 APAA - Administrative Agency Appeal
 ADPA - Administrative Procedure Act
 ANPS - Adults in Need of Protective Service

OTHER CIVIL FILINGS (cont'd)

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 COMP - Workers' Compensation
 CVXX - Miscellaneous Circuit Civil Case

ORIGIN: F **INITIAL FILING** A **APPEAL FROM DISTRICT COURT** O **OTHER**

R **REMANDED** T **TRANSFERRED FROM OTHER CIRCUIT COURT**

HAS JURY TRIAL BEEN DEMANDED? YES NO

Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P, for procedure)

RELIEF REQUESTED: **MONETARY AWARD REQUESTED** **NO MONETARY AWARD REQUESTED**

ATTORNEY CODE:

SMI398

11/7/2022 3:01:15 PM

/s/ BRENDEN LAWRENCE SMITH

Date

Signature of Attorney/Party filing this form

MEDIATION REQUESTED: YES NO UNDECIDED

Election to Proceed under the Alabama Rules for Expedited Civil Actions: YES NO

IN THE CIRCUIT COURT OF ETOWAH COUNTY, ALABAMA

**STACEY MICHELLE FREEMAN, an)
 individual,)
)
 Plaintiff,)
)
 v.)
)
**BRANDI FULLER, an individual in)
 her individual and official capacity;)
 JONATHON W. HORTON AS)
 SHERIFF OF ETOWAH COUNTY;)
 ETOWAH COUNTY DEPARTMENT)
 OF HUMAN RESOURCES, an agency))
 of Etowah County;)
)
 Defendants.)****

CV-_____

COMPLAINT

COMES NOW the Plaintiff, Stacey Michelle Freeman, by and through her counsel of record, and files this Complaint against the Defendants and further states as follows:

PARTIES, JURISDICTION AND VENUE

1. The Plaintiff, Stacey Michelle Freeman, (“Freeman”) is over the age of nineteen (19) and is a resident and citizen of Etowah County, Alabama.
2. The Defendant, Brandi Fuller, (“Brandi”) is over the age of nineteen (19) and is a resident and citizen of Etowah County, Alabama. At all times relevant to this complaint, Brandi was an Etowah County Sherriff’s Department investigator and an employee or agent of the State of Alabama and Etowah County. At all times Brandi was acting under color of state law and in the

line and scope of her employment as an Etowah County Sherriff's Department Investigator. Brandi is sued in her individual and official capacity.

3. The Defendant, Jonathan Horton, is the Sheriff of Etowah County Sherriff's Department, ("Sherriff"). The Sheriff serves in an elected capacity and is responsible for supervision of Sheriff's deputies and employees who investigate criminal activity and make arrest.
4. Furthermore, Sheriff Horton is responsible for the maintenance, staffing, upkeep, and care of inmates at the Etowah County Correctional Facility where Freeman was housed.
5. The Defendant, the Etowah County Department of Human Resources ("DHR") is an agency of Etowah County located in Etowah County, Alabama.
6. Any reference to "the Defendants" is a reference to all named Defendants herein.
7. Venue is appropriate in this judicial district because all the facts and circumstances made the basis of this complaint occurred in Etowah County.
8. This court has jurisdiction through federal question and supplemental jurisdiction – specifically violations of section 1983 and all state law claims which naturally flow.

STATEMENT OF FACTS

9. Freeman lives in in Gallant, Alabama. She has two (2) daughters, Kaitlin, and Chloe.
10. On January 21, 2022, a DHR petition was filed to remove Freeman's children from her home. The basis upon which DHR sought removal was Freeman's alleged drug use.
11. On January 26, 2022, the two (2) children were removed from Freeman's home. At said date and time, Kaitlin told DHR that Freeman was pregnant.
12. On January 27, 2022, Liz Collier, a DHS caseworker, spoke with Freeman and said that she knew that she was pregnant. Freeman denied the allegation and offered to take a pregnancy test at the courthouse. However, no test was administered despite Freeman's pleas.
13. On February 1, 2022, between 10:00 PM and midnight, Freeman had a flat tire in Gallant, Alabama and law enforcement officers came to the scene to assist. However, upon arrival the Sheriff Deputies informed her that a warrant for an arrest had been issued on a chemical endangerment charge. Freeman was taken directly to the Etowah County Jail, booked, had her mug shot taken, forced to change into jail clothes, forced to hand over her personal belongings to the Deputies, and taken to a cell with two (2) other cellmates. At the time of the arrest, Freeman was undergoing her menstrual cycle and requested feminine products. She was denied this most basic and proper care guaranteed by the United States Constitution.

14. Brandi Fuller, in her sworn complaint for which a warrant was issued, states specifically that on or about January 27, 2022, Freeman, “did test positive for amphetamines, alcohol and marijuana while pregnant. The judge/clerk/magistrate signed a warrant based on that patently false information provided by Fuller.
15. Upon Freeman’s arrest, her mugshot was posted online by the Etowah County Sherriff’s Department. The mugshot is still visible by doing an internet search using google or other search engines.
16. Upon her mugshot being posted online, multiple family members and friends contacted Freeman regarding her detention.
17. At said date and time and location, Freeman was then falsely arrested and wrongfully imprisoned by Sherriff’s Deputies from Etowah County. Freeman was taken to jail, placed in a prison uniform, deprived of her personal belongings, held for hours, and deprived of her liberty. She was told her bond would be a ten-thousand-dollar (\$10,000.00) cash bond. The Sheriff, and or his employees had no probable cause to arrest Freeman.
18. Freeman was not brought in for an initial appearance or formally charged with a crime during the time she was incarcerated.
19. Instead, on February 2, 2022, a male police officer came to Freeman’s cell and asked for a urine sample for a pregnancy test. Because she was having her menstrual cycle, Freeman asked for privacy and feminine products. Again,

requests were ignored, and she was forced to provide the urine sample while in the cell. The pregnancy test indicated that Fuller was not pregnant.

20. Brandi Fuller questioned Freeman for twenty (20) minutes and then finally told her that she would be released. However, Brandi threatened, warned, and admonished Freeman that she would be charged if Brandi found out that she pregnant within the next several months. Brandi told Freeman to wear a condom if she planned to have sex.
21. A motion to nolle prosequere the case against Freeman was made on February 2, 2022, and an order was entered that same day with the instructions she was to be immediately released.
22. Etowah County Sheriff's Department and DHR were negligent in the hiring, training, and retention of its employees and agents whose actions lead to the arrest of the plaintiff.
23. The Etowah County Sheriff's Department, through its agents, violated Freeman's constitutional rights.
24. As a proximate result of the above actions by Etowah County Sheriff's Department and DHR, the claimant was deprived of her children, caused her to incur pain and suffering, the embarrassment of being charged with chemical endangerment, and mental anguish.
25. Brandi Fuller has been involved in many investigations of chemical endangerment charges as it pertains to those pregnant and those that recently gave birth.

26. Brandi Fuller has been involved in an obscene number of arrests for pregnant and postpartum women jailed on chemical endangerment charges.
27. Since, 2010 there have been in excess of one-hundred and fifty (150) similar “chemical endangerment” cases in Etowah County. It is widely speculated that Etowah County makes more arrests for chemical endangerment than any other county in the state. Brandi has been involved in the investigation, arrest and prosecution of most, if not all, of these cases.
28. Documentation exists that each of these women charged with chemical endangerment were held on a ten-thousand dollars (\$10,000.00) cash bond and most could not leave until they entered a drug rehab program. These bail conditions are clearly unconstitutional.
29. In one such case, the Court rejected a cash bond for a pregnant inmate because bond conditions required the jailed inmate entered a rehab facility. However, specialists who evaluated the individual found that the inmate did not qualify for a rehab placement because they lacked a substance use disorder.
30. The Etowah County jail has not provided proper care for the pregnant inmates or those that they believed to be pregnant. Furthermore, denying requests for feminine hygiene products is a often denied request.
31. While, this may be the first instance of a false positive pregnancy test in relation to chemical endangerment charges, it is also well documented that

there have been a number of false positive drug tests as related to the individuals charged and jailed with chemical endangerment.

32. The Sheriff's department and its employees have been reckless in investigating in making arrests of women for chemical endangerment and then encouraging their prosecution.
33. Brandi Fuller, nor anyone else from the Etowah County Sheriff's Department ever corroborate whether those arrested for chemical endangerment are in fact pregnant before making complaints and arrests.
34. There is irreparable harm done in even the investigation of a chemical endangerment charge which can trigger a DHR investigation

COUNT ONE
(FALSE IMPRISONMENT UNDER SECTION 1983)
Against the Jonathan Horton, and Brandi Fuller

35. The Plaintiff incorporates and re-alleges paragraphs nine (9) through thirty-four (34) by reference.
36. Under the Fourth Amendment to the United States Constitution, Plaintiff has a right to be free from unreasonable searches and seizures, including search and seizure of her person and effects. Plaintiff also has a constitutional right to remain silent and to peaceably refuse consent to a search, regardless of whether an officer lawfully requests to search Plaintiff's person or belongings.
37. On February 1, 2022, the Etowah County Sherriff's Department deprived Freeman of her Fourth Amendment right to be secure in her person and free

from unreasonable seizures. To wit: by placing Freeman in handcuffs and unlawfully detaining and arresting her on the side of the road without probable cause. This detention lasted over twenty-four (24) hours.

38. This action took place with full knowledge that Fuller or the Etowah County Sherriff's Department did not have probable cause to arrest Freeman. This detention was not conducted in good faith and with willful disregard to Plaintiff's constitutional rights.
39. The Defendants' lacked probable cause and arguable probable cause to detain and arrest the Plaintiff. Based on such the cases against Freeman was ultimately nolle prossed.
40. The Etowah County Sherriff's Department acted willfully, knowingly, and purposefully and/or with deliberate indifference to deprive the Plaintiff of her constitutional rights when they unlawfully detained and arrested her.
41. This belief is based, in part, on the fact that their actions were ordered, authorized, and/or ratified by the Etowah County Sherriff's Department.

WHEREFORE, PREMISES CONSIDERED, Plaintiff seeks such compensatory and punitive damages as a jury may reward, his costs and reasonable attorneys' fees pursuant to 42 U.S.C. §1988, and any such other, different, and further relief which this Court finds he is entitled.

COUNT TWO
(FALSE IMPRISONMENT UNDER ALABAMA CODE SECTION 6-5-170)
Against Jonathan Horton and Brandi Fuller

42. The Plaintiff incorporates and re-alleges paragraphs nine (9) through thirty-four (34) by reference.
43. The Sheriff caused the unlawful detention of Plaintiff whereby she was deprived of her personal liberty. Specifically, the Etowah County Sherriff's Department directed Sherriff's Deputies to detain Plaintiff in the Jail for approximately twenty-four (24) hours, with full knowledge that there was no probable cause, reasonable suspicion of unlawful activity, arguable probable cause, or any other lawful reason justifying the detention, as fully described herein.
44. The Defendants' initial detention of Plaintiff was not conducted for the purposes of investigating criminal activity, as there was no reasonable, articulable suspicion of any illegal activity, or arguable probable cause. With full knowledge that no crime was committed, the Defendants instructed Sherriff's Deputies to continue to detain Plaintiff. This continued detention deprived Plaintiff of her personal liberty and was not conducted in good faith, but with disregard to Plaintiff's constitutional rights.
45. These Defendants also directed that Plaintiff be detained at the Etowah County jail for twenty-four (24) hours until her bond could be posted, as opposed to allowing her to be released on his own recognizance.
46. The Defendants have engaged in a racket for which they have charged

hundreds of individuals who are pregnant or believe to be pregnant with chemical endangerment.

47. The inmates have all been given the same \$10,000 bond and many have been given additional bond requirements of completing rehab treatment.

WHEREFORE, PREMISES CONSIDERED, Plaintiff seeks such compensatory and punitive damages as a jury may reward, attorneys' fees, and any such other, different, and further relief which this Court finds he is entitled.

COUNT THREE

(NEGLIGENCE UNDER ALABAMA LAW)

Against Jonathan Horton, Etowah County Department of Human Resources, and Brandi Fuller

48. The Plaintiff incorporates and re-alleges paragraphs nine (9) through thirty-four (34) by reference.
49. The Defendants were under a duty to ensure reasonable care in investigating, prosecuting, and detaining Freeman for alleged chemical endangerment of a child.
50. Upon information and belief, the Defendants relied on the word of a minor child to conclude that Freeman was pregnant.
51. Despite knowing that they were relying on a minor child, the Defendants breached their duty to use reasonable care in the investigation of Freeman for chemical endangerment of a child.
52. As a direct and proximate result of the Defendant's negligence, the Plaintiff has been injured as set out in paragraphs thirteen (13) to seventeen (17).

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants for compensatory and punitive damages in an amount to be determined by the trier of fact plus interest, costs, expenses, and attorney's fees.

COUNT FOUR
(WANTONNESS UNDER ALABAMA LAW)
**Against Jonathan Horton, Etowah County Department of Human
Resources, and Brandi Fuller**

53. The Plaintiff incorporates and re-alleges paragraphs nine (9) through thirty-four (34) by reference.
54. The Defendants were under a duty to ensure reasonable care in investigating, prosecuting, and detaining Freeman for alleged chemical endangerment of a child.
55. Fuller has been involved in hundreds of investigations as related to a chemical endangerment charge and subsequent arrest. Essentially, Fuller goes unchecked in any complaints she makes regarding a chemical endangerment charge.
56. Upon information and belief, the Defendants relied on the word of a minor child to conclude that Freeman was pregnant.
57. Despite knowing that they were relying on a minor child, the Defendants breached their duty to use reasonable care and acted with complete disregard in the investigation of Freeman for chemical endangerment of a child.
58. As a direct and proximate result of the Defendant's wantonness, the Plaintiff has been injured as set out in paragraphs thirteen (13) to seventeen (17).

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants for compensatory and punitive damages in an amount to be determined by the trier of fact plus interest, costs, expenses, and attorney's fees.

COUNT FIVE
(DEFAMATION)

Against the Jonathan Horton, Etowah County Department of Human Resources, and Brandi Fuller

59. The Plaintiff incorporates and re-alleges paragraphs nine (9) through thirty-four (34) by reference.
60. The Defendants did intentionally, knowingly, and willingly make false and defamatory statements concerning the Plaintiff.
61. The Defendants published defamatory statements to a wide range of persons in the public through publication on the Etowah County website.
62. The statements made by Defendants that Plaintiff was arrested for chemical endangerment of a child, were false and untrue and defamed Plaintiff.
63. By publication of the statements to a wide range of persons in the public, Plaintiff has sustained extensive damages including, but not limited to, inter alia, damage to reputation, obloquy, public humiliation, shame, embarrassment, contempt, ridicule, aversion, degradation, disgrace.
64. The false statements of sufficient specificity were made negligently, wantonly, with malice and/or recklessly by the Defendants.
65. As a proximate result of the Defendants' acts of defamation, Plaintiff suffered actual and continuing financial damage and embarrassment, humiliation, and mental anguish.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants for compensatory and punitive damages in an amount to be determined by the trier of fact plus interest, costs, expenses, and attorney's fees.

COUNT SIX
(Violation of Constitutional Rights - Deliberate Indifference to Medical Care 1983 - Sheriff Horton)

64. The Plaintiff incorporates and re-alleges paragraphs nine (9) through thirty-four (34) by reference.
65. The Defendant acted with deliberate indifference toward the serious medical needs of Stacey Fuller while an inmate at the Etowah County Correctional Facility.
66. The Defendant knew or should have known that failing to provide medical care for Freeman would result in serious injury yet with deliberate indifference they knew that this would pose a substantial risk to her physical well being.
67. The Defendant is responsible through a theory of Monell liability due to their repeated deliberate indifference to medical care of female inmates at the Etowah County Jail.
68. Specifically, female inmates are not given proper feminine hygiene products when requested.
69. Furthermore, the Defendant is responsible for the unconstitutional customs and policies that lead to the deliberate indifference in this particular case.

70. The suffering and injury to the Plaintiff was a direct and foreseeable result of these customs and policies.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants for compensatory and punitive damages in an amount to be determined by the trier of fact plus interest, costs, expenses, and attorney’s fees.

DATED: November 7, 2022

Respectfully submitted,

/s/ Martin Weinberg
Martin Weinberg (WEI035)
Attorney for Plaintiff
PO Box 154
Shannon, AL. 35142
attorneyweinberg@bellsouth.net
205-785-5575

/s/ Brenden L. Smith
Brenden L. Smith (SMI398)
Attorney for Plaintiff
RUBIO LAW FIRM, P.C.
490 Wildwood No. Cir., Ste. 150
Birmingham, AL 35209
t. 205.443.7850
bsmith@rubiofirm.com

PLAINTIFF WILL SERVE THE DEFENDANTS BY PROCESS SERVER AT THE FOLLOWING ADDRESSES:

Brandi Fuller
827 Forrest Ave.
Gadsden, Alabama, 35901

Jonathan Horton
827 Forrest Ave.
Gadsden, Alabama, 35901

**Etowah County Department Of
Human Resources**
201 Hoke Street
Gadsden, Alabama, 35903

/s/ Brenden L. Smith
Attorney for Plaintiff

SUMMONS
- CIVIL -

Court Case Number
31-CV-2022-900443.00

IN THE CIRCUIT COURT OF ETOWAH COUNTY, ALABAMA
STACEY MICHELLE FREEMAN V. BRANDI FULLER ET AL

NOTICE TO: JONATHAN HORTON, 827 FORREST AVE., GADSDEN, AL 35901

(Name and Address of Defendant)

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S),
BRENDEN LAWRENCE SMITH

(Name(s) of Attorney(s))

WHOSE ADDRESS(ES) IS/ARE: 490 WILDWOOD NO. CIR. SUITE 150, BIRMINGHAM, AL 35242

(Address(es) of Plaintiff(s) or Attorney(s))

THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

**TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL
PROCEDURE TO SERVE PROCESS:**

You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.

Service by certified mail of this Summons is initiated upon the written request of _____
pursuant to the Alabama Rules of the Civil Procedure. *(Name(s))*

11/07/2022

(Date)

/s/ CASSANDRA JOHNSON

(Signature of Clerk)

By: _____

(Name)

Certified Mail is hereby requested.

(Plaintiff's/Attorney's Signature)

RETURN ON SERVICE

Return receipt of certified mail received in this office on _____
(Date)

I certify that I personally delivered a copy of this Summons and Complaint or other document to _____
_____ in _____ County,
(Name of Person Served) *(Name of County)*

Alabama on _____
(Date)

(Address of Server)

(Type of Process Server)

(Server's Signature)

(Server's Printed Name)

(Phone Number of Server)

31-CV-2022-900443.00

STACEY MICHELLE FREEMAN V. BRANDI FULLER ET AL

C001 - STACEY MICHELLE FREEMAN

(Plaintiff)

v.

D002 - JONATHAN HORTON

(Defendant)



SERVICE RETURN COPY



AlaFile E-Notice

31-CV-2022-900443.00

To: ETOWAH COUNTY DEPARTMENT OF HUMAN RESOURCES
201 HOKE STREET
GADSDEN, AL, 35903

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF ETOWAH COUNTY, ALABAMA

STACEY MICHELLE FREEMAN V. BRANDI FULLER ET AL
31-CV-2022-900443.00

The following complaint was FILED on 11/7/2022 3:01:20 PM

Notice Date: 11/7/2022 3:01:20 PM

CASSANDRA JOHNSON
CIRCUIT COURT CLERK
ETOWAH COUNTY, ALABAMA
801 FORREST AVENUE
SUITE 202
GADSDEN, AL, 35901

256-549-2150

SUMMONS
- CIVIL -

Court Case Number
31-CV-2022-900443.00

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STACEY MICHELLE FREEMAN V. BRANDI FULLER ET AL

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(Name and Address of Defendant)

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BRENDEN LAWRENCE SMITH

[Name(s) of Attorney(s)]

WHOSE ADDRESS(ES) IS/ARE: 490 WILDWOOD NO. CIR. SUITE 150, BIRMINGHAM, AL 35242

[Address(es) of Plaintiff(s) or Attorney(s)]

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[Name(s)]

11/07/2022

(Date)

/s/ CASSANDRA JOHNSON

(Signature of Clerk)

By: _____

(Name)

Certified Mail is hereby requested.

(Plaintiff's/Attorney's Signature)

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(Date)

I certify that I personally delivered a copy of this Summons and Complaint or other document to _____

in _____

County,

(Name of Person Served)

(Name of County)

Alabama on _____

(Date)

(Address of Server)

(Type of Process Server)

(Server's Signature)

(Server's Printed Name)

(Phone Number of Server)



ELECTRONICALLY FILED
11/7/2022 3:01 PM
31-CV-2022-900443.00
CIRCUIT COURT OF
ETOWAH COUNTY, ALABAMA
CASSANDRA JOHNSON, CLERK

State of Alabama Unified Judicial System Form ARCiv-93 Rev. 9/18	COVER SHEET CIRCUIT COURT - CIVIL CASE (Not For Domestic Relations Cases)	Case: 31 Date of Filing: 11/07/2022	Judge Code:
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ORIGIN: F **INITIAL FILING** A **APPEAL FROM DISTRICT COURT** O **OTHER**

R **REMANDED** T **TRANSFERRED FROM OTHER CIRCUIT COURT**

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RELIEF REQUESTED: **MONETARY AWARD REQUESTED** **NO MONETARY AWARD REQUESTED**

ATTORNEY CODE:

SMI398

11/7/2022 3:01:15 PM

/s/ BRENDEN LAWRENCE SMITH

Date

Signature of Attorney/Party filing this form

MEDIATION REQUESTED: YES NO UNDECIDED

Election to Proceed under the Alabama Rules for Expedited Civil Actions: YES NO

IN THE CIRCUIT COURT OF ETOWAH COUNTY, ALABAMA

**STACEY MICHELLE FREEMAN, an)
 individual,)
)
 Plaintiff,)
)
 v.)
)
 BRANDI FULLER, an individual in)
 her individual and official capacity;)
 JONATHON W. HORTON AS)
 SHERIFF OF ETOWAH COUNTY;)
 ETOWAH COUNTY DEPARTMENT)
 OF HUMAN RESOURCES, an agency)
 of Etowah County;)
)
 Defendants.)**

CV-_____

COMPLAINT

COMES NOW the Plaintiff, Stacey Michelle Freeman, by and through her counsel of record, and files this Complaint against the Defendants and further states as follows:

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4. Furthermore, Sheriff Horton is responsible for the maintenance, staffing, upkeep, and care of inmates at the Etowah County Correctional Facility where Freeman was housed.
5. The Defendant, the Etowah County Department of Human Resources ("DHR") is an agency of Etowah County located in Etowah County, Alabama.
6. Any reference to "the Defendants" is a reference to all named Defendants herein.
7. Venue is appropriate in this judicial district because all the facts and circumstances made the basis of this complaint occurred in Etowah County.
8. This court has jurisdiction through federal question and supplemental jurisdiction – specifically violations of section 1983 and all state law claims which naturally flow.

STATEMENT OF FACTS

9. Freeman lives in in Gallant, Alabama. She has two (2) daughters, Kaitlin, and Chloe.
10. On January 21, 2022, a DHR petition was filed to remove Freeman's children from her home. The basis upon which DHR sought removal was Freeman's alleged drug use.
11. On January 26, 2022, the two (2) children were removed from Freeman's home. At said date and time, Kaitlin told DHR that Freeman was pregnant.
12. On January 27, 2022, Liz Collier, a DHS caseworker, spoke with Freeman and said that she knew that she was pregnant. Freeman denied the allegation and offered to take a pregnancy test at the courthouse. However, no test was administered despite Freeman's pleas.
13. On February 1, 2022, between 10:00 PM and midnight, Freeman had a flat tire in Gallant, Alabama and law enforcement officers came to the scene to assist. However, upon arrival the Sheriff Deputies informed her that a warrant for an arrest had been issued on a chemical endangerment charge. Freeman was taken directly to the Etowah County Jail, booked, had her mug shot taken, forced to change into jail clothes, forced to hand over her personal belongings to the Deputies, and taken to a cell with two (2) other cellmates. At the time of the arrest, Freeman was undergoing her menstrual cycle and requested feminine products. She was denied this most basic and proper care guaranteed by the United States Constitution.

14. Brandi Fuller, in her sworn complaint for which a warrant was issued, states specifically that on or about January 27, 2022, Freeman, “did test positive for amphetamines, alcohol and marijuana while pregnant. The judge/clerk/magistrate signed a warrant based on that patently false information provided by Fuller.
15. Upon Freeman’s arrest, her mugshot was posted online by the Etowah County Sherriff’s Department. The mugshot is still visible by doing an internet search using google or other search engines.
16. Upon her mugshot being posted online, multiple family members and friends contacted Freeman regarding her detention.
17. At said date and time and location, Freeman was then falsely arrested and wrongfully imprisoned by Sherriff’s Deputies from Etowah County. Freeman was taken to jail, placed in a prison uniform, deprived of her personal belongings, held for hours, and deprived of her liberty. She was told her bond would be a ten-thousand-dollar (\$10,000.00) cash bond. The Sheriff, and or his employees had no probable cause to arrest Freeman.
18. Freeman was not brought in for an initial appearance or formally charged with a crime during the time she was incarcerated.
19. Instead, on February 2, 2022, a male police officer came to Freeman’s cell and asked for a urine sample for a pregnancy test. Because she was having her menstrual cycle, Freeman asked for privacy and feminine products. Again,

requests were ignored, and she was forced to provide the urine sample while in the cell. The pregnancy test indicated that Fuller was not pregnant.

20. Brandi Fuller questioned Freeman for twenty (20) minutes and then finally told her that she would be released. However, Brandi threatened, warned, and admonished Freeman that she would be charged if Brandi found out that she pregnant within the next several months. Brandi told Freeman to wear a condom if she planned to have sex.
21. A motion to nolle prosequere the case against Freeman was made on February 2, 2022, and an order was entered that same day with the instructions she was to be immediately released.
22. Etowah County Sheriff's Department and DHR were negligent in the hiring, training, and retention of its employees and agents whose actions lead to the arrest of the plaintiff.
23. The Etowah County Sheriff's Department, through its agents, violated Freeman's constitutional rights.
24. As a proximate result of the above actions by Etowah County Sheriff's Department and DHR, the claimant was deprived of her children, caused her to incur pain and suffering, the embarrassment of being charged with chemical endangerment, and mental anguish.
25. Brandi Fuller has been involved in many investigations of chemical endangerment charges as it pertains to those pregnant and those that recently gave birth.

26. Brandi Fuller has been involved in an obscene number of arrests for pregnant and postpartum women jailed on chemical endangerment charges.
27. Since, 2010 there have been in excess of one-hundred and fifty (150) similar “chemical endangerment” cases in Etowah County. It is widely speculated that Etowah County makes more arrests for chemical endangerment than any other county in the state. Brandi has been involved in the investigation, arrest and prosecution of most, if not all, of these cases.
28. Documentation exists that each of these women charged with chemical endangerment were held on a ten-thousand dollars (\$10,000.00) cash bond and most could not leave until they entered a drug rehab program. These bail conditions are clearly unconstitutional.
29. In one such case, the Court rejected a cash bond for a pregnant inmate because bond conditions required the jailed inmate entered a rehab facility. However, specialists who evaluated the individual found that the inmate did not qualify for a rehab placement because they lacked a substance use disorder.
30. The Etowah County jail has not provided proper care for the pregnant inmates or those that they believed to be pregnant. Furthermore, denying requests for feminine hygiene products is a often denied request.
31. While, this may be the first instance of a false positive pregnancy test in relation to chemical endangerment charges, it is also well documented that

there have been a number of false positive drug tests as related to the individuals charged and jailed with chemical endangerment.

32. The Sheriff's department and its employees have been reckless in investigating in making arrests of women for chemical endangerment and then encouraging their prosecution.
33. Brandi Fuller, nor anyone else from the Etowah County Sheriff's Department ever corroborate whether those arrested for chemical endangerment are in fact pregnant before making complaints and arrests.
34. There is irreparable harm done in even the investigation of a chemical endangerment charge which can trigger a DHR investigation

COUNT ONE
(FALSE IMPRISONMENT UNDER SECTION 1983)
Against the Jonathan Horton, and Brandi Fuller

35. The Plaintiff incorporates and re-alleges paragraphs nine (9) through thirty-four (34) by reference.
36. Under the Fourth Amendment to the United States Constitution, Plaintiff has a right to be free from unreasonable searches and seizures, including search and seizure of her person and effects. Plaintiff also has a constitutional right to remain silent and to peaceably refuse consent to a search, regardless of whether an officer lawfully requests to search Plaintiff's person or belongings.
37. On February 1, 2022, the Etowah County Sherriff's Department deprived Freeman of her Fourth Amendment right to be secure in her person and free

from unreasonable seizures. To wit: by placing Freeman in handcuffs and unlawfully detaining and arresting her on the side of the road without probable cause. This detention lasted over twenty-four (24) hours.

38. This action took place with full knowledge that Fuller or the Etowah County Sherriff's Department did not have probable cause to arrest Freeman. This detention was not conducted in good faith and with willful disregard to Plaintiff's constitutional rights.
39. The Defendants' lacked probable cause and arguable probable cause to detain and arrest the Plaintiff. Based on such the cases against Freeman was ultimately nolle prossed.
40. The Etowah County Sherriff's Department acted willfully, knowingly, and purposefully and/or with deliberate indifference to deprive the Plaintiff of her constitutional rights when they unlawfully detained and arrested her.
41. This belief is based, in part, on the fact that their actions were ordered, authorized, and/or ratified by the Etowah County Sherriff's Department.

WHEREFORE, PREMISES CONSIDERED, Plaintiff seeks such compensatory and punitive damages as a jury may reward, his costs and reasonable attorneys' fees pursuant to 42 U.S.C. §1988, and any such other, different, and further relief which this Court finds he is entitled.

COUNT TWO
(FALSE IMPRISONMENT UNDER ALABAMA CODE SECTION 6-5-170)
Against Jonathan Horton and Brandi Fuller

42. The Plaintiff incorporates and re-alleges paragraphs nine (9) through thirty-four (34) by reference.
43. The Sheriff caused the unlawful detention of Plaintiff whereby she was deprived of her personal liberty. Specifically, the Etowah County Sherriff's Department directed Sherriff's Deputies to detain Plaintiff in the Jail for approximately twenty-four (24) hours, with full knowledge that there was no probable cause, reasonable suspicion of unlawful activity, arguable probable cause, or any other lawful reason justifying the detention, as fully described herein.
44. The Defendants' initial detention of Plaintiff was not conducted for the purposes of investigating criminal activity, as there was no reasonable, articulable suspicion of any illegal activity, or arguable probable cause. With full knowledge that no crime was committed, the Defendants instructed Sherriff's Deputies to continue to detain Plaintiff. This continued detention deprived Plaintiff of her personal liberty and was not conducted in good faith, but with disregard to Plaintiff's constitutional rights.
45. These Defendants also directed that Plaintiff be detained at the Etowah County jail for twenty-four (24) hours until her bond could be posted, as opposed to allowing her to be released on his own recognizance.
46. The Defendants have engaged in a racket for which they have charged

hundreds of individuals who are pregnant or believe to be pregnant with chemical endangerment.

47. The inmates have all been given the same \$10,000 bond and many have been given additional bond requirements of completing rehab treatment.

WHEREFORE, PREMISES CONSIDERED, Plaintiff seeks such compensatory and punitive damages as a jury may reward, attorneys' fees, and any such other, different, and further relief which this Court finds he is entitled.

COUNT THREE

(NEGLIGENCE UNDER ALABAMA LAW)

Against Jonathan Horton, Etowah County Department of Human Resources, and Brandi Fuller

48. The Plaintiff incorporates and re-alleges paragraphs nine (9) through thirty-four (34) by reference.
49. The Defendants were under a duty to ensure reasonable care in investigating, prosecuting, and detaining Freeman for alleged chemical endangerment of a child.
50. Upon information and belief, the Defendants relied on the word of a minor child to conclude that Freeman was pregnant.
51. Despite knowing that they were relying on a minor child, the Defendants breached their duty to use reasonable care in the investigation of Freeman for chemical endangerment of a child.
52. As a direct and proximate result of the Defendant's negligence, the Plaintiff has been injured as set out in paragraphs thirteen (13) to seventeen (17).

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants for compensatory and punitive damages in an amount to be determined by the trier of fact plus interest, costs, expenses, and attorney's fees.

COUNT FOUR
(WANTONNESS UNDER ALABAMA LAW)
**Against Jonathan Horton, Etowah County Department of Human
Resources, and Brandi Fuller**

53. The Plaintiff incorporates and re-alleges paragraphs nine (9) through thirty-four (34) by reference.
54. The Defendants were under a duty to ensure reasonable care in investigating, prosecuting, and detaining Freeman for alleged chemical endangerment of a child.
55. Fuller has been involved in hundreds of investigations as related to a chemical endangerment charge and subsequent arrest. Essentially, Fuller goes unchecked in any complaints she makes regarding a chemical endangerment charge.
56. Upon information and belief, the Defendants relied on the word of a minor child to conclude that Freeman was pregnant.
57. Despite knowing that they were relying on a minor child, the Defendants breached their duty to use reasonable care and acted with complete disregard in the investigation of Freeman for chemical endangerment of a child.
58. As a direct and proximate result of the Defendant's wantonness, the Plaintiff has been injured as set out in paragraphs thirteen (13) to seventeen (17).

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants for compensatory and punitive damages in an amount to be determined by the trier of fact plus interest, costs, expenses, and attorney's fees.

COUNT FIVE
(DEFAMATION)

Against the Jonathan Horton, Etowah County Department of Human Resources, and Brandi Fuller

59. The Plaintiff incorporates and re-alleges paragraphs nine (9) through thirty-four (34) by reference.
60. The Defendants did intentionally, knowingly, and willingly make false and defamatory statements concerning the Plaintiff.
61. The Defendants published defamatory statements to a wide range of persons in the public through publication on the Etowah County website.
62. The statements made by Defendants that Plaintiff was arrested for chemical endangerment of a child, were false and untrue and defamed Plaintiff.
63. By publication of the statements to a wide range of persons in the public, Plaintiff has sustained extensive damages including, but not limited to, inter alia, damage to reputation, obloquy, public humiliation, shame, embarrassment, contempt, ridicule, aversion, degradation, disgrace.
64. The false statements of sufficient specificity were made negligently, wantonly, with malice and/or recklessly by the Defendants.
65. As a proximate result of the Defendants' acts of defamation, Plaintiff suffered actual and continuing financial damage and embarrassment, humiliation, and mental anguish.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants for compensatory and punitive damages in an amount to be determined by the trier of fact plus interest, costs, expenses, and attorney's fees.

COUNT SIX
(Violation of Constitutional Rights - Deliberate Indifference to Medical Care 1983 - Sheriff Horton)

64. The Plaintiff incorporates and re-alleges paragraphs nine (9) through thirty-four (34) by reference.
65. The Defendant acted with deliberate indifference toward the serious medical needs of Stacey Fuller while an inmate at the Etowah County Correctional Facility.
66. The Defendant knew or should have known that failing to provide medical care for Freeman would result in serious injury yet with deliberate indifference they knew that this would pose a substantial risk to her physical well being.
67. The Defendant is responsible through a theory of Monell liability due to their repeated deliberate indifference to medical care of female inmates at the Etowah County Jail.
68. Specifically, female inmates are not given proper feminine hygiene products when requested.
69. Furthermore, the Defendant is responsible for the unconstitutional customs and policies that lead to the deliberate indifference in this particular case.

70. The suffering and injury to the Plaintiff was a direct and foreseeable result of these customs and policies.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants for compensatory and punitive damages in an amount to be determined by the trier of fact plus interest, costs, expenses, and attorney’s fees.

DATED: November 7, 2022

Respectfully submitted,

/s/ Martin Weinberg
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205-785-5575

/s/ Brenden L. Smith
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Attorney for Plaintiff
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t. 205.443.7850
bsmith@rubiofirm.com

PLAINTIFF WILL SERVE THE DEFENDANTS BY PROCESS SERVER AT THE FOLLOWING ADDRESSES:

Brandi Fuller
827 Forrest Ave.
Gadsden, Alabama, 35901

Jonathan Horton
827 Forrest Ave.
Gadsden, Alabama, 35901

**Etowah County Department Of
Human Resources**
201 Hoke Street
Gadsden, Alabama, 35903

/s/ Brenden L. Smith
Attorney for Plaintiff

SUMMONS
- CIVIL -

Court Case Number
31-CV-2022-900443.00

IN THE CIRCUIT COURT OF ETOWAH COUNTY, ALABAMA
STACEY MICHELLE FREEMAN V. BRANDI FULLER ET AL

NOTICE TO: ETOWAH COUNTY DEPARTMENT OF HUMAN RESOURCES, 201 HOKE STREET, GADSDEN, AL 35903

(Name and Address of Defendant)

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S),
BRENDEN LAWRENCE SMITH

(Name(s) of Attorney(s))

WHOSE ADDRESS(ES) IS/ARE: 490 WILDWOOD NO. CIR. SUITE 150, BIRMINGHAM, AL 35242

(Address(es) of Plaintiff(s) or Attorney(s))

THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

**TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL
PROCEDURE TO SERVE PROCESS:**

You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.

Service by certified mail of this Summons is initiated upon the written request of _____
pursuant to the Alabama Rules of the Civil Procedure.

(Name(s))

11/07/2022

(Date)

/s/ CASSANDRA JOHNSON

(Signature of Clerk)

By: _____

(Name)

Certified Mail is hereby requested.

(Plaintiff's/Attorney's Signature)

RETURN ON SERVICE

Return receipt of certified mail received in this office on _____
(Date)

I certify that I personally delivered a copy of this Summons and Complaint or other document to _____

in _____

County,

(Name of Person Served)

(Name of County)

Alabama on _____

(Date)

(Address of Server)

(Type of Process Server)

(Server's Signature)

(Server's Printed Name)

(Phone Number of Server)

31-CV-2022-900443.00

STACEY MICHELLE FREEMAN V. BRANDI FULLER ET AL

C001 - STACEY MICHELLE FREEMAN

v.

D003 - ETOWAH COUNTY DEPARTMENT OF HUMAN
RESOURCES

(Plaintiff)

(Defendant)



SERVICE RETURN COPY