

Jason Eixon
Bannock County Clerk
624 E. Center St.
Pocatello, ID 83201
VIA HAND DELIVERY

NOTICE OF TORT CLAIM

Kim and Shauna Quick, both individually and as heirs and representatives of the estate of Lance Allen Quick, submit the following Notice of Tort Claim in accordance with Idaho Code Title 6, Chapter 9.

CONDUCT & CIRCUMSTANCES OF INJURY

A more detailed account of the facts leading to the death of Lance Quick is attached hereto in the form of a draft Complaint. In sum, Bannock County detained an inmate (Lance Quick) with known medical and mental conditions in a holding cell and – despite the urgings of Lance’s family and friend, despite records in the Jail’s own possession, and despite watching Lance’s condition deteriorate – did not provide Lance with any medical treatment.

After nearly a week in which Lance was known to be suffering from withdrawal of prescription medications, known to be not eating, drinking, or sleeping, known to be hallucinating, and known to be growing weak and unresponsive, Lance died from dehydration. By then, he was gaunt, having lost more than 15 pounds.

Those at fault for Lance’s death include the following: Sheriff Lorin Nielsen, county Jailers identified below, and other personnel identified below who ignored Lance’s deteriorating condition. Pursuant to Idaho law, if Bannock County accepts liability for the (in)actions of its employees, state law claims will be limited to the County.

The detailed account of conduct and circumstances attached hereto may be summarized as follows:

On December 8, 2018, Lance Allen Quick began to experience a manic and/or psychotic episode. Due to his erratic behavior, Lance was arrested on suspicion of misdemeanor DUI. According to Sheriff Nielsen, Lance was not able to communicate meaningfully from the beginning of his incarceration, and Jailers were aware from the beginning that Lance was mentally ill and/or experiencing a mental episode.

The facts that Lance was bipolar, that he was experiencing a manic episode, that he took medications and needed to receive those medications, and that he needed to be hospitalized for medical treatment were repeatedly explained to Sheriff Nielsen and to Jailers by Lance’s father

Kim Quick (who was the County Coroner), by Lance's friend who was a nurse, and by Lance himself while he was still able. The Jail also had records from a recent medical-related incident that documented his mental disorder as well as listing medications that had been prescribed for him by a Jail physician.

It was obvious shortly after arrival that Lance's mental and medical health was deteriorating. Lance showed this through behaviors such as: not eating or drinking, talking to himself ("responding to internal stimuli"), engaging in bizarre behavior such as "washing" himself with food, taking his clothes off, talking and gesturing to himself, etc. From Day 1, Jail staff repeatedly told Lance's friend and parents that he could not speak to them because he was "incapacitated."

By Monday, December 10, 2018, Lance was too incoherent even for a video arraignment, and had been placed in a monitored cell equipped with a camera. By this point, Lance's family and friend had advised Jailers that Lance was bipolar, needed his medication, and was having a medical episode that required hospitalization, and had offered information about Lance's medications and the identity of his regular physicians. At no point in their communications did any Bannock County personnel advise Lance's family on his status or otherwise tell them that Lance was suffering physical, mental and emotional harm.

On Tuesday, December 11, 2018, Jail personnel sought and obtained a Temporary Custody Order that Lance be held in a mental health facility and that he "shall not be detained in a nonmedical unit used for the detention of individuals charged with or convicted of penal offenses." An employee with Idaho Health & Welfare faxed a list of possible hospitals to the Jail.

On December 12, 2018, Jailer Topliff called the behavior health unit at Portneuf Medical Center asking if Lance could be admitted there. He was told that there was not a bed available for admission, but that Lance could be brought into the hospital itself for medical treatment, such as lab work, etc., which would be needed anyway if he were later admitted to a behavioral health unit. Acting in accord with Sheriff Nielsen's direction, Topliff refused to have Lance taken to the hospital for medical treatment because the hospital would require Lance to be accompanied by a law enforcement officer.

It was Sheriff Nielsen's view, which he had expressed publicly and within the jail, that jailers should not have to transport medically ill inmates to receive medical treatment. Nielsen believed that the jail should be allowed to hire private medical ambulances to transport inmates for treatment. Because the hospital stated that it would require law enforcement presence if Lance were brought there for medical treatment, the jail refused to transport him, and – literally – just left him in the cell to die.

Lance was never taken to a hospital or other medical facility as mandated by the Temporary Custody Order. Instead he stayed in a cement cell approximately 6'x10' wide with

no toilet, no sink, and nothing but four cement walls, a drain in the middle of the room, a floor mat and a blanket. The room was often filthy both due to Lance's inability to care for himself and the infrequency with which it was cleaned. Jail staff stated in logs that they continued to offer food and water but that Lance "could not understand the concept at this point."

Lance's mental health continued to deteriorate until he responded nearly exclusively to internal stimulus in a complete psychotic break from reality. At the same time, because he hadn't had food or water for so long, he began to grow more weak and slow. By the morning of December 14, 2018, Jail personnel had started including in their logs whether Lance was still breathing. On that morning, Jail staff found Lance lying on his back, not breathing. They attempted CPR and had Lance transported to the Hospital, but he was already dead.

Because of the obvious conflict presented by Lance's father being the Bannock County Coroner, an autopsy was performed by an official from another county. The autopsy revealed that Lance died from "hypernatremic dehydration and ketoacidosis secondary to prolonged period without food or water." In other words, Lance died from completely preventable dehydration and starvation.

Sheriff Nielsen and nearly a dozen Bannock County jailers all ignored an inmate's known, severe, and deteriorating medical condition for nearly a week. Instead, they just watched him slowly die. Their actions were, under any definition, grossly negligent, reckless, and willful and wanton.

DESCRIPTION OF DAMAGES

There is no remedy that will bring back the Quicks' son. This needless death can only be compensated in the manner provided by Idaho law, which includes the following.

As a result of the actions of the defendants in this matter, Lance Quick was deprived of essential medications as well as necessary food and hydration. He was forced to endure a slow death as he spent days trapped, naked, alone, in a state of confusion, frustration and pain, betrayed by those charged with constitutional and statutory duties to protect him. By Idaho law, Lance's estate is entitled to seek general compensatory damages for his physical, mental, and emotional distress prior to his death. Such damages cannot be easily quantified, but a jury would certainly find them to be no less than \$4 million.

Under Idaho law, Kim and Shauna Quick have suffered compensable damages from the loss of society of their son. They had a close relationship, and will never be able to spend time with Lance, to seek his advice, to have him help them in their later years, to enjoy the society and companionship of a beloved son. Compensable harm also includes mental anguish, emotional distress, loss of financial support, and destruction of the parent-child relationship. The amount of such damages cannot be easily quantified, but a jury would certainly find them to be no less than \$2 million each.

In addition, under Idaho law, the claimants have additional economic damages including unpaid rent and unpaid loans on which Lance was obligated to pay the Quicks and now cannot repay; funeral expenses, and hospital bill for which the estate is liable under law. The specific amounts thereof are set forth below.

If the County does not accept responsibility and the Quicks are forced to litigate these claims, they will seek punitive damages against Sheriff Nielsen and all of the individual jailers who essentially killed their son.

If the Quicks are forced to litigate these claims, they will seek attorney fees and costs to the extent allowed by Idaho law.

TIME AND PLACE

The injuries described herein occurred between December 8, 2018 when Lance Allen Quick was placed into the Bannock County Jail and December 14, 2018 when he died.

ALL INVOLVED PERSONS

Persons involved in this matter which are known at this point include:

Potential Defendants:

1. Sheriff Lorin Nielsen
2. Jailer E. Ivins
3. Jailer A. K. Huff
4. Jailer E. Woodard
5. Jailer T. Ranere
6. Jailer (Col.) A.E. Luce
7. Jailer J. Ferrin
8. Jailer S. Sosa
9. Jailer J. L. Clark
10. Jailer Chance Topliff
11. Jailer M. Billings
12. Jailer J. L. Jackson
13. Jailer Matthew Tyrell
14. Jailer L Hapke
15. Jailer E. Schei
16. Jailer R. E. Vandyke
17. Jailer M. Shelton
18. Nurse Allison Jorgenson
19. Nurse Melanie Sparrow
20. Nurse Zhanna Crystal
21. Nurse Tina Morrison

Potential Witnesses:

22. Lieutenant C. Higbee
23. Sergeant Buck
24. Sergeant B. McClure
25. Officer S. Bloxham
26. Officer Lugo
27. Jailer H. Klauser
28. Jailer Schaffner
29. Jailer J. England
30. Jailer Olsen
31. Jailer J. Hughes
32. Jailer Jons
33. Rayna Valentine
34. Lane M. Woody
35. Marty Cooke, LCPC
36. Verena M. Roberts, PhD
37. Coroner Mike Gardner
38. Garth D. Warren, M.D.
39. Laura Larson
40. Jessica Macdonald
41. Carolina Ramos
42. Savana Howerton

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| 43. Brandi Christensen | 51. Bradley Nelson |
| 44. Detective Mike Marvin | 52. Jordan Van Every |
| 45. Bruce Mattingly | 53. Samantha Perkins |
| 46. Coroner Craig Reinhart | 54. Joy Polson |
| 47. Coroner Eli Tyson | 55. Laura Neary |
| 48. EMT Glenn Tomlinson | 56. Jodi Oram |
| 49. EMT Blake Vernon | 57. Jamie |
| 50. EMT Justin Clemons | 58. Kim & Shauna Quick |
| 59. Hunter | |

DAMAGES

The damages for which the defendants are liable include, but are not limited to:

1. Non-economic harm compensable to the Estate of Lance Quick and to Kim and Shauna Quick as described above.
2. Economic losses compensable under Idaho law, including:
 - a. Funeral Expenses.....\$11,654.35
 - b. Debts to Kim & Shauna.....\$87,053.02
 - c. Portneuf Medical Center 12/14/18.....\$12,834.10

CLAIMANT'S RESIDENCE

The claimants' residence both at the time of filing this claim and for previous six months:

Kim & Shauna Quick
1760 Satterfield Dr.
Pocatello, ID 83201

DATED this _____ day of June, 2019

Kim Quick

Shauna Quick

CHRISTENSEN & JENSEN, P.C.

Karra J. Porter

YOUNKER HYDE MACFARLANE, PLLC

John M. Macfarlane

ENCLOSURES: Screenshots of Jail Video, Complaint