

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ELIZABETH DePINA, Individually and :
as Administratrix of the Estate of :
BRIAN C. RODENAS :
Plaintiff :

vs. :

C.A. No.:

WAYNE T. SALISBURY, JR.; :
LYNNE CORRY; RUI DINIZ; :
BARRY WEINER; JOHN DOE nos. 1-5, alias; :
and JANE DOE nos. 1-5, alias :
Defendants :

Jury Trial Demanded

COMPLAINT

Jurisdiction

1. This Court has original subject matter jurisdiction over the claims in this complaint that allege violations of 42 U.S.C. § 1983 pursuant to 28 U.S.C. §§ 1331 and 1343.

2. This Court has supplemental jurisdiction of the claims in this complaint that arise under state law pursuant to 28 U.S.C. § 1367.

3. This Court has the authority to apply the common law and statutory remedies available under the laws of the State of Rhode Island, including R.I. Gen. Laws § 10-7-1 *et seq.*, pursuant to 42 U.S.C. § 1988.

4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because the acts and omissions complained of occurred in the District of Rhode Island.

Parties

5. Plaintiff Elizabeth DePina is a resident of Pawtucket, Rhode Island. She brings this action individually and in her capacity as Administratrix of the Estate of Brian C. Rodenas, pursuant to R.I. Gen. Laws §§ 10-7-1.2 and 10-7-2. Plaintiff Elizabeth DePina was appointed Administratrix of the Estate of Brian C. Rodenas on March 27, 2024 in the Probate Court of the City of Pawtucket, Rhode Island.

6. Defendant Wayne T. Salisbury, Jr. is the Director of the Rhode Island Department of Corrections (RIDOC), and at all relevant times acted within the scope of his employment and under color of state law. As Acting Director, Mr. Salisbury has the authority to establish correctional facilities and enforce correctional standards and policies; appoint department employees; manage, direct, and supervise RIDOC operations; establish, maintain, and administer programs for sentenced and detained prisoners; and establish and oversee the RIDOC classification system. Defendant Wayne T. Salisbury, Jr. is sued in his individual capacity.

7. Defendant Lynne Corry is the Warden at the Maximum Security Facility (MAX) at the Adult Correctional Institutions (ACI), and at all relevant times acted within the scope of her employment and under color of state law. As Warden of MAX, Ms. Corry was responsible for planning, organizing, and directing custodial and correctional services in MAX; ensuring compliance with facility policies; and maintaining humane levels of inmate care. Defendant Lynne Corry is sued in her individual capacity.

8. Defendant Rui Diniz is the Assistant Director of Institutions and Operations at the ACI, and at all relevant times acted within the scope of his employment and under

color of state law. As Assistant Director of Institutions and Operations, Mr. Diniz was responsible for overseeing, among other areas, MAX and the crisis intervention team. Defendant Rui Diniz is sued in his individual capacity.

9. Defendant Barry Weiner is the Assistant Director of Rehabilitative Services at the ACI, at all relevant times acted within the scope of his employment and under color of state law. As Assistant Director of Rehabilitative Services, Mr. Weiner was responsible for overseeing, among other areas, health services, mental health services, and substance abuse counseling. Defendant Barry Weiner is sued in his individual capacity.

10. Defendant John Doe nos. 1-5, alias, are the fictitious names of unknown RIDOC correctional officers, who at all times acted within the scope of their employment. Defendant John Doe nos. 1-5, alias, are sued in their individual capacity.

11. Defendant Jane Doe nos. 1-5, alias, are the fictitious names of unknown RIDOC correctional officers and/or other RIDOC staff with supervisory responsibilities, who at all times acted within the scope of their employment and under color of state law. Defendant Jane Doe nos. 1-5, alias, are sued in their individual capacity.

Factual Allegations

12. On or about July 27, 2017, Brian C. Rodenas was sentenced to 10 years of incarceration relating to firearm charges.

13. At that time and at all relevant times, Mr. Rodenas had a history of severe mental illness that was part of his record at the ACI.

14. Notwithstanding knowledge of Mr. Rodenas' severe mental illness, defendants repeatedly housed Mr. Rodenas in solitary confinement (also known as "segregation," "isolation," or "restrictive housing").

15. On May 2, 2023, Brian C. Rodenas was in solitary confinement in MAX when he hanged himself with a bed sheet.

16. On information and belief, in the days prior to his death, Mr. Rodenas made known to defendants that he presently intended to commit suicide.

17. Despite making his intention to commit suicide known, defendants took no action to abate the substantial risk that Mr. Rodenas would do so.

18. Despite making his intention to commit suicide known, defendants kept Mr. Rodenas in solitary confinement during the days and weeks leading up to his death.

19. Defendants kept Mr. Rodenas in solitary confinement during the days and weeks leading up to his death notwithstanding a suicide that happened at the ACI two weeks earlier, on April 19, 2023, when a pretrial detainee hanged himself with a bed sheet while being held in solitary confinement; and notwithstanding the many prior suicides of incarcerated men and women held in solitary confinement at the ACI.

COUNT I

VIOLATION OF THE EIGHTH AND FOURTEENTH AMENDMENTS TO THE U.S. CONSTITUTION

(DELIBERATE INDIFFERENCE)

All Defendants

20. All previous paragraphs are hereby incorporated by reference.

21. Brian C. Rodenas had a clearly established right to necessary medical care and treatment and not to have his serious medical needs treated with deliberate indifference.

22. Defendants knew and should have known that without necessary medical care and treatment, there was a strong likelihood that Brian C. Rodenas would commit suicide.

23. Rather than provide Mr. Rodenas the medical care and treatment he desperately needed, defendants deliberately disregarded Mr. Rodenas' condition, causing him to suffer and become afflicted with grave and severe personal injuries, extreme pain and suffering and his death on May 2, 2023.

24. As a direct and proximate result of defendants' deliberate indifference, defendants are liable under 42 U.S.C. § 1983 for violations of Mr. Rodenas' rights under the Eighth and Fourteenth Amendments to the U.S. Constitution.

25. As a direct and proximate result of defendants' deliberate indifference, the decedent, Brian C. Rodenas, suffered grave and severe personal injuries, causing him to suffer great pain of body, mind, nerves and nervous system, extreme conscious pain and suffering, was rendered disabled, and suffered a loss of enjoyment of life. Brian C. Rodenas was otherwise permanently injured and ultimately died on May 2, 2023. The Administratrix of the Estate of Brian C. Rodenas claims "survival" damages pursuant to R.I. Gen. Laws § 9-1-6 and § 9-1-7.

26. As a direct and proximate result of defendants' deliberate indifference, and the resulting injuries and death of Brian C. Rodenas, his legal beneficiaries have suffered pecuniary damages recoverable pursuant to R.I. Gen. Laws § 10-7-1, et seq.

27. As a direct and proximate result of defendants' deliberate indifference, Plaintiff Elizabeth DePina has suffered and will in the future suffer the loss of society and companionship due to the death of her son, Brian C. Rodenas, pursuant to R.I. Gen. Laws § 10-7-1.2(c).

28. As a direct and proximate result of defendants' deliberate indifference, the decedent, Brian C. Rodenas, was caused to endure severe pain and suffering prior to his death. The Estate of Brian C. Rodenas seeks recovery therefore pursuant to R.I.G.L. § 10-7-1 et seq., including § 10-7-1.1, 2, 5, 6, 7, and 7.1.

WHEREFORE, Plaintiff Elizabeth DePina, individually and as the Administratrix of the Estate of Brian C. Rodenas, demands judgment against Defendants Wayne T. Salisbury, Jr., Lynne Corry, Rui Diniz, Barry Weiner, John Doe nos. 1-5, alias, and Jane Doe nos. 1-5, alias, for compensatory damages, punitive damages, plus attorney fees, interest, and costs.

COUNT II

VIOLATION OF THE EIGHTH AND FOURTEENTH AMENDMENTS TO THE U.S. CONSTITUTION

(SUPERVISORY LIABILITY - DELIBERATE INDIFFERENCE)

**Defendants Wayne T. Salisbury, Jr., Lynne Corry, Rui Diniz, Barry Weiner,
and Jane Doe nos. 1-5, alias**

29. All previous paragraphs are hereby incorporated by reference.

30. According to the U.S. Department of Justice, between 2001 and 2019, twenty-seven (27) inmates committed suicide in Rhode Island state and federal prisons.¹ The number of suicide attempts is believed to be much higher, and only the defendants have access to this information.

31. At all relevant times, Defendants Wayne T. Salisbury, Jr., Lynne Corry, Rui Diniz, Barry Weiner, and Jane Doe nos. 1-5, alias, were aware of the recurring history of inmate suicides in Rhode Island in general, and particularly at the ACI.

32. Despite these defendants' awareness of the recurring history of inmates and pretrial detainees attempting and committing suicide at the ACI, defendants failed to train correctional officers, including Defendant John Doe nos. 1-5, to respond to an inmate or detainee's threat of imminent suicide.

33. The failure of Defendants Wayne T. Salisbury, Jr., Lynne Corry, Rui Diniz, Barry Weiner, and Jane Doe nos. 1-5, alias, to train as aforesaid amounted to deliberate indifference to the serious risk of inmates and detainees committing suicide at the ACI.

34. Despite these defendants' awareness of the recurring history of inmate or detainee suicide at the ACI, defendants failed to implement a policy instructing correctional officers, including Defendant John Doe nos. 1-5, to respond to an inmate or detainee's threat of imminent suicide.

¹ <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/sljsfp0019st.pdf> (page 19)

35. Defendants Wayne T. Salisbury, Jr. and Lynne Corry's failure to implement a policy as aforesaid amounted to deliberate indifference to the serious risk of inmates and detainees committing suicide at the ACI.

36. At all relevant times, despite these defendants' awareness of the recurring history of inmate or detainee suicide at the ACI, defendants failed to hold correctional officers, including Defendant John Doe nos. 1-5, responsible for failing to respond to an inmate or detainee's threat of imminent suicide.

37. Defendants Wayne T. Salisbury, Jr. and Lynne Corry's failure to hold correctional officers responsible as aforesaid amounted to deliberate indifference to the serious risk of inmates and detainees committing suicide at the ACI.

38. As a direct and proximate result of defendants' deliberate indifference, defendants are liable under 42 U.S.C. § 1983 for violations of Mr. Rodenas' rights under the Eighth and Fourteenth Amendments to the U.S. Constitution.

39. As a direct and proximate result of defendants' deliberate indifference, the decedent, Brian C. Rodenas, suffered grave and severe personal injuries, causing him to suffer great pain of body, mind, nerves and nervous system, extreme conscious pain and suffering, was rendered disabled, and suffered a loss of enjoyment of life. Brian C. Rodenas was otherwise permanently injured and ultimately died on May 2, 2023. The Administratrix of the Estate of Brian C. Rodenas claims "survival" damages pursuant to R.I. Gen. Laws § 9-1-6 and § 9-1-7.

40. As a direct and proximate result of defendants' deliberate indifference, and the resulting injuries and death of Brian C. Rodenas, his legal beneficiaries have suffered pecuniary damages recoverable pursuant to R.I. Gen. Laws § 10-7-1, et seq.

41. As a direct and proximate result of defendants' deliberate indifference, Plaintiff Elizabeth DePina has suffered and will in the future suffer the loss of society and companionship due to the death of her son, Brian C. Rodenas, pursuant to R.I. Gen. Laws § 10-7-1.2(c).

42. As a direct and proximate result of defendants' deliberate indifference, the decedent, Brian C. Rodenas, was caused to endure severe pain and suffering prior to his death. The Estate of Brian C. Rodenas seeks recovery therefore pursuant to R.I.G.L. § 10-7-1 et seq., including § 10-7-1.1, 2, 5, 6, 7, and 7.1.

WHEREFORE, Plaintiff Elizabeth DePina, individually and as the Administratrix of the Estate of Brian C. Rodenas, demands judgment against Defendants Wayne T. Salisbury, Jr., Lynne Corry, Rui Diniz, Barry Weiner, and Jane Doe nos. 1-5, alias for compensatory damages, punitive damages, plus attorney fees, interest, and costs.

COUNT III

NEGLIGENCE

All Defendants

43. All previous paragraphs are hereby incorporated by reference.

44. Defendants knew or should have known that the decedent, Brian C. Rodenas, was an imminent danger to himself.

45. Defendants owed the decedent, Brian C. Rodenas, a duty of reasonable care.

46. Nevertheless, on or about May 2, 2023, and at all relevant times mentioned herein, defendants breached their duty owed to Mr. Rodenas, including but not limited to when, after Mr. Rodenas had made known his intent to kill himself, defendants nevertheless held him in solitary confinement, failed to place him in a suicide resistant cell, failed to provide minimum health care or behavioral health services, failed to visually observe his behavior, failed to remove the bed sheet from his cell, failed to intervene in Mr. Rodenas' crisis, failed to prevent and/or stop his self-injurious behavior, and were otherwise negligent, reckless, and indifferent with respect to their duty owed to Mr. Rodenas.

47. As a direct and proximate result of defendants' negligence, the decedent, Brian C. Rodenas, suffered grave and severe personal injuries, causing him to suffer great pain of body, mind, nerves and nervous system, extreme conscious pain and suffering, was rendered disabled, and suffered a loss of enjoyment of life. Brian C. Rodenas was otherwise permanently injured and ultimately died on May 2, 2023. The Administratrix of the Estate of Brian C. Rodenas claims "survival" damages pursuant to R.I. Gen. Laws § 9-1-6 and § 9-1-7.

48. As a direct and proximate result of defendants' negligence, and the resulting injuries and death of Brian C. Rodenas, his legal beneficiaries have suffered pecuniary damages recoverable pursuant to R.I. Gen. Laws § 10-7-1, et seq.

49. As a direct and proximate result of defendants' negligence, Plaintiff Elizabeth DePina has suffered and will in the future suffer the loss of society and

companionship due to the death of her son, Brian C. Rodenas, pursuant to R.I. Gen. Laws § 10-7-1.2(c).

50. As a direct and proximate result of defendants' negligence, the decedent, Brian C. Rodenas, was caused to endure severe pain and suffering prior to his death. The Estate of Brian C. Rodenas seeks recovery therefore pursuant to R.I.G.L. § 10-7-1 et seq., including § 10-7-1.1, 2, 5, 6, 7, and 7.1.

WHEREFORE, Plaintiff Elizabeth DePina, individually and as the Administratrix of the Estate of Brian C. Rodenas, demands judgment against Defendants Wayne T. Salisbury, Jr., Lynne Corry, Rui Diniz, Barry Weiner, John Doe nos. 1-5, alias, and Jane Doe nos. 1-5, alias, for compensatory damages, punitive damages, plus interest and costs.

COUNT IV

NEGLIGENT SUPERVISION AND TRAINING

**Defendants Wayne T. Salisbury, Jr., Lynne Corry, Rui Diniz, Barry Weiner,
and Jane Doe nos. 1-5, alias**

51. All previous paragraphs are hereby incorporated by reference.

52. Defendants knew or should have known that suicidal detainees, including Brian C. Rodenas, may be an imminent danger to themselves.

53. Defendants owed detainees, including Brian C. Rodenas, a duty of reasonable care.

54. Nevertheless, and at all relevant times, defendants breached their duty owed to detainees such as Brian C. Rodenas, by failing to adequately train and supervise their subordinates relating to suicide prevention, including Defendant John Doe nos. 1-5,

and by failing to hold their subordinates, including Defendant John Doe nos. 1-5, accountable for following Rhode Island Department of Corrections operating procedures, including procedures relating to suicide prevention.

55. As a direct and proximate result of defendants' negligence, the decedent, Brian C. Rodenas, suffered grave and severe personal injuries, causing him to suffer great pain of body, mind, nerves and nervous system, extreme conscious pain and suffering, was rendered disabled, and suffered a loss of enjoyment of life. Brian C. Rodenas was otherwise permanently injured and ultimately died on May 2, 2023. The Administratrix of the Estate of Brian C. Rodenas claims "survival" damages pursuant to R.I. Gen. Laws § 9-1-6 and § 9-1-7.

56. As a direct and proximate result of defendants' negligence, and the resulting injuries and death of Brian C. Rodenas, his legal beneficiaries have suffered pecuniary damages recoverable pursuant to R.I. Gen. Laws § 10-7-1, et seq.

57. As a direct and proximate result of defendants' negligence, Plaintiff Elizabeth DePina has suffered and will in the future suffer the loss of society and companionship due to the death of her son, Brian C. Rodenas, pursuant to R.I. Gen. Laws § 10-7-1.2(c).

58. As a direct and proximate result of defendants' negligence, the decedent, Brian C. Rodenas, was caused to endure severe pain and suffering prior to his death. The Estate of Brian C. Rodenas seeks recovery therefore pursuant to R.I.G.L. § 10-7-1 et seq., including § 10-7-1.1, 2, 5, 6, 7, and 7.1.

WHEREFORE, Plaintiff Elizabeth DePina, individually and as the Administratrix of the Estate of Brian C. Rodenas, demands judgment against Defendants Wayne T. Salisbury, Jr., Lynne Corry, Rui Diniz, Barry Weiner, and Jane Doe nos. 1-5, alias, for compensatory damages, punitive damages, plus interest and costs.

DEMAND FOR JURY TRIAL

Plaintiff Elizabeth DePina, individually and as the Administratrix of the Estate of Brian C. Rodenas, hereby demands a trial by jury.

Plaintiff,

ELIZABETH DePINA, Individually
and as Administratrix of the Estate
of Brian C. Rodenas,

By her Attorneys,

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Dated: June 3, 2024

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