

**LEGISTAR NO.**

**121006**

In the Circuit Court of the Eighth Judicial Circuit  
In and for Alachua County, Florida

Bryan E. Hunt, /  
Plaintiff, /  
vs. /  
North Florida Regional Medical Center, Inc., /  
Alachua County Fire and Rescue, and /  
Gainesville Police Department /  
Defendants. /

Case #: 2013 CA 1545  
DIV K

**CIVIL ACTION AGAINST THE  
DEFENDANT'S FOR FALSE IMPRISONMENT**

Bryan E. Hunt, the Plaintiff (Plaintiff Hunt), seeks to file a civil action against the Defendants: Alachua County Fire & Rescue (Defendant ACFR), Gainesville Police Department (Defendant GPD), and North Florida Regional Medical Center, Inc. (Defendant NFRMC), for unlawfully invoking the Baker Act (2008 F.S. § 394.451) against Plaintiff Hunt. In short, the Defendants ACFR, GPD, and NFRMC assumed Plaintiff Hunt was a psychiatric patient based solely on a 911 call and unlawfully performed an involuntary examination on Plaintiff Hunt, who was simply sleeping in his own bedroom while intoxicated, and did the foregoing in violation of several provisions of the Baker Act.

**PLAINTIFF HUNT'S RIGHT TO SUE**

“Any person who violates or abuses any rights or privileges of patients provided by this part [Baker Act] is liable for damages as determined by law.” 2008 F.S. § 394.459(10). “Claim for tort of false imprisonment can be asserted based on allegations that person was involuntarily held without compliance with commitment provisions of Baker Act.” *Liles v. P.I.A. Medfield, Inc.*, 681 So.2d 711 (Fla. 2d DCA 1995).

## **STATEMENT OF FACTS**

### **Plaintiff Hunt's Profile**

1. Plaintiff Hunt has no history what-so-ever of mental health problems.
2. In 2009 Plaintiff Hunt owned and operated a lawn maintenance business in Alachua County, FL and served around 50 clients on a regular basis, donated 10% of his income to three charities (Joy F.M., Firefighters for Christ, and Astronomy Cast), lived in a house owned by his mother: Angela Hunt (Witness Hunt) that was located at 6111 NW 27<sup>th</sup> Terrace in Gainesville, FL 32653 (home), and paid Witness Hunt rent to live at home.

### **Incident That Invoked 911 Call**

3. All of the facts listed in this subsection occurred on April 2, 2009.
4. Around 7:00 P.M. Plaintiff Hunt returned home after performing over nine hours of services for his lawn business clients and while alone took a bath, drank a few beers while watching a movies, ate dinner, and went to bed in the living room (Plaintiff Hunt's bedroom) around 10:00 P.M. with both doors into his bedroom closed and locked.
5. Around 11:30 P.M. Witness Hunt returned home and made a lot of noise as she brought stuff inside.
6. After being awakened by the foregoing, Plaintiff Hunt went to the kitchen to get a beer to help him fall back asleep faster, said nothing to Witness Hunt, went back into his bedroom, closed and locked the door behind him, and proceeded to his bed when, due to his eyes not adjusting to the light difference, tripped over a floor fan that he forgot he had moved the day before, lost his balance, and ended up on the floor by his desk with the book shelf that was on top of the desk (and was loaded with years of organized paperwork) next to Plaintiff Hunt, as well as a very valuable and sentimental picture that was hanging on the wall.

7. Plaintiff Hunt proceeded to get back up so he could get to his bed, but tripped over some of the debris that had fallen off his bookshelf onto his floor (because his eyes still had not adjusted) and so, frustrated by the situation he was in and due to the discourtesies of Witness Hunt, Plaintiff Hunt vented his frustration by knocking over some of the other furniture in his room and eventually went back to sleep at the foot of his bed.

8. The ruckus detailed in the preceding two facts lasted less than one minute.

### 911 Call

9. All of the facts listed in this subsection also occurred on April 2, 2009.

10. Around 11:38 P.M., and while Plaintiff Hunt was asleep, Witness Hunt called 911 (Defendant ACFR) and falsely told the 911 dispatcher that Plaintiff Hunt was,

- a. "hurting himself";
- b. "hitting himself against the furniture";
- c. "[Is he being violent?] Yes";
- d. "just wild";
- e. "gonna hurt himself really bad";
- f. "not alert to what he is doing";
- g. "hurting his own body and there's probably gonna be blood"; and
- h. "too wild".

11. Witness Hunt also, however, told Defendant ACFR:

- a. "he has been drinking beer and got too drunk";
- b. "he's got the door locked";
- c. "he's in the living room with the door shut";
- d. "I am outside [the house]";
- e. "he's never done this before"; and
- f. "I don't need the law I just need an ambulance".

[Witness Hunt told Defendant ACFR four times that all she wanted was an ambulance.]

12. Based solely on the foregoing 911 call Defendant ACFR determined that Plaintiff Hunt was a psychiatric patient, invoked the Baker Act on Plaintiff Hunt, contacted Defendant GPD for assistance, and dispatched seven police officers [Matthew Sides (Officer Sides), Whitney Stout

(Officer Stout), Christine Tessitore (Officer Tessitore), Joe Washington (Officer Washington), Steven Bristow (Officer Bristow), Steve Carter (Officer Carter), and Kim Rosell (Officer Rosell)] and an ambulance with two crew members [Sheilah Rollins and Fredrick Findley] to perform an involuntary examination on Plaintiff Hunt.

#### **Police and Ambulance Confrontation**

13. All of the facts listed in this subsection occurred on April 2, 2009 unless otherwise stated.

14. Around 11:43 P.M. Officer Sides from Defendant GPD arrived at Plaintiff Hunt's home and around 11:52 P.M. broke into Plaintiff Hunt's bedroom, woke up Plaintiff Hunt, and told Plaintiff Hunt that he (Officer Sides) wanted to talk to Plaintiff Hunt in the adjacent dining room.

15. After Plaintiff Hunt stood up and took about two steps, Officer Washington from Defendant GPD entered the bedroom and grabbed one of Plaintiff Hunt's arms and Officer Bristow from Defendant GPD entered the bedroom and grabbed Plaintiff Hunt's other arm and escorted Plaintiff Hunt into the dining room.

16. As Plaintiff Hunt exited his bedroom he could see two other officers from the Defendant GPD in the adjacent garage, who he believes were Officer Stout and Officer Tessitore.

17. One of the officers from Defendant GPD told Plaintiff Hunt to sit in a chair at his dining room table.

18. Plaintiff Hunt sat in a chair at his dining room table and was surrounded by four police officers from Defendant GPD: Officer Sides and Witness Hunt were behind Plaintiff Hunt to his left, Officer Stout or Officer Tessitore entered the dining room and was behind Plaintiff Hunt to his right, and Officer Bristow and Officer Washington were directly behind Plaintiff Hunt.

19. One of the officers from Defendant GPD directly behind Plaintiff Hunt, who Plaintiff Hunt believes was Officer Bristow, told Witness Hunt that he was going to taze Plaintiff Hunt.

20. Witness Hunt immediately started to cry and Plaintiff Hunt immediately raised both hands over his head and said, "I am not resisting, I surrender."

21. One of the officers from Defendant GPD then told Plaintiff Hunt to get on a stretcher that the ambulance crew members from Defendant ACFR had rolled into the dining room.

22. Plaintiff Hunt got on the stretcher because he did not want to be tazed, was surrounded by five police officers and two paramedics, was intoxicated, was half asleep, was exhausted from working over nine hours of manual labor earlier that day, and believed he was in custody.

23. It took Plaintiff Hunt about 2 minutes to get from where he was sleeping in his bedroom to on top of the stretcher and he showed absolutely no signs of aggressive, violent, or threatening behavior toward anyone during that time.

24. All of the facts listed from here on in this subsection occurred on April 3, 2009.

25. Defendant ACFR recorded the following in their report concerning Plaintiff Hunt:

- a. "no external hemorrhage";
- b. all visual health signs "within normal limits";
- c. "no injuries";
- d. "neck veins flat";
- e. "is not hoarse";
- f. "alert to person, place";
- g. "no signs of respiratory distress";
- h. "no deformities, no discoloration and no signs of trauma";
- i. "no masses or pulsations";
- j. normal pulse, respiratory rate, and blood pressure;
- k. "Respiratory Effort: Normal";
- l. it took less than ten minutes to contact Plaintiff Hunt and for the ambulance to drive off with Plaintiff Hunt inside;
- m. "Transport via ground to North Florida Regional Medical... without incident";
- n. "Response from scene: Non-Emergency"; and
- o. Officer Sides from Defendant GPD rode in the back of the ambulance to Defendant NFRMC.

26. Officer Carter and Officer Rosell from Defendant GPD showed up to Plaintiff Hunt's home after Plaintiff Hunt had left.

27. Plaintiff Hunt fell asleep while he was on the stretcher in the ambulance.

### **Hospital Involuntary Examination**

28. All of the facts listed in this section occurred on April 3, 2009.

29. Around 12:15 A.M. Plaintiff Hunt arrived in the emergency room of Defendant NFRMC via Defendants ACFR and GPD.

30. Around 12:17 A.M. one of the first things the emergency room nurse: Robin Newman (Nurse Newman), from Defendant NFRMC did was to tie Plaintiff Hunt to the stretcher he was sleeping on via four-point leather restraints.

31. Around 12:20 A.M. the emergency room doctor: Tom Bentley (Dr. Bentley), from Defendant NFRMC woke up Plaintiff Hunt and recorded the following in his report:

- a. "In custody. Police present";
- b. "Recent alcohol consumption";
- c. "No suicidal thoughts or self-injury inflicted";
- d. "No injury is present";
- e. "Patient has not had similar symptoms previously";
- f. "No... vomiting";
- g. "No... head injury or dizziness";
- h. "No fainting episodes [or] seizure";
- i. "No history of alcoholism";
- j. "Appearance: Alert. No Acute distress. Appearance is normal";
- k. "Normal heart rate and rhythm";
- l. "Breath sounds normal"; and
- m. "No motor deficit. No sensory deficit. Reflexes normal".

32. Plaintiff Hunt quickly thereafter fell back to sleep.

33. Around 12:30-12:50 A.M. Plaintiff Hunt, while still tied to a stretcher via four-point leather restraints, was awoken by several nurses from the Defendant NFRMC, who cut off all of Plaintiff Hunt's clothes, started an IV, took blood samples, and inserted a catheter tube into Plaintiff Hunt's penis.

34. Plaintiff Hunt showed absolutely no signs of agitated, angry, aggressive, violent, or combative behavior to anyone from Defendant NFRMC until after four-point leather restraints were used on Plaintiff Hunt and the Defendant NFRMC began to conduct the invasive exams described in the preceding fact.

35. Around 12:48 A.M. Dr. Bentley from Defendant NFRMC told Defendants ACFR and GPD that he (Dr. Bentley) would complete the Baker Act on Plaintiff Hunt.

36. Around 12:49 A.M. Witness Hunt arrived at Defendant NFRMC and was generally at Plaintiff Hunt's bedside from thereon.

37. Plaintiff Hunt quickly thereafter fell back asleep.

38. Around 1:00 A.M. Dr. Bentley from Defendant NFRMC filled out a 'Certificate of Professional Initiating Involuntary Examination' (Involuntary Examination) form and stated on the form, "Diagnosis of Mental Illness is: Acute Psychosis... Supporting Evidence...: Patient had been drinking alcohol all day."

39. The foregoing form states that the Baker Act excludes intoxication.

40. Around 1:17 A.M. the Defendant NFRMC determined that Plaintiff Hunt's blood ethanol level was 313.7 mg/dL.

41. The Defendant NFRMC considers any blood ethanol level over 300 mg/dL as critical and 400 mg/dL is comatose; 80 mg/dL is legally drunk.

42. Around 1:26 A.M. the Defendant NFRMC assigned a security guard to constantly watch Plaintiff Hunt while he was sleeping and tied to a stretcher via four-point leather restraints.

43. Around 2:00 A.M. Nurse Newman from the Defendant NFRMC woke up Plaintiff Hunt to inform Plaintiff Hunt that he (Nurse Newman) had given Plaintiff Hunt 2mg of a sedative drug called Ativan.



44. The Food and Drug Administration (FDA) warns not to use Ativan in patients with psychosis.

45. The FDA also warns that Ativan can cause a paradoxical effect, i.e. it can cause excitation, agitation, hostility, aggression, and rage.

46. Plaintiff Hunt, who was sleeping while tied to a stretcher via four-point leather restraints and was being constantly monitored by a security guard, 'lost his cool' after he was woken up and told he had been given a sedative drug called Ativan.

47. The FDA further warns that Ativan should not be given to a patient who is currently intoxicated with ethanol because it (Ativan) reduces the body's ability to metabolize ethanol.

48. Ativan should NEVER be given to a patient who has a critical ethanol level of 313 mg/dL because it (Ativan) can induce coma and potentially cause death.

49. Around 4:17 A.M. an emergency room doctor from Defendant NFRMC stated in Plaintiff Hunt's medical records, "He is very sedated, did not interact significantly. ...I could not get him to communicate in any way."

50. Around 4:57 A.M. Defendant NFRMC moved Plaintiff Hunt from the emergency room to the intensive care unit of Defendant NFRMC and told Witness Hunt that Plaintiff Hunt might not survive.

51. Had Plaintiff Hunt been left alone in his bedroom he would have woken up around 8-9 A.M. and done over eight hours of work for his lawn maintenance clients.

52. Plaintiff Hunt did not come out of his 'at least' near-coma sedation, which was wrongfully induced by Defendant NFRMC as describe above, until very late in the afternoon.

53. Around 7:00 P.M. Plaintiff Hunt was discharged from Defendant NFRMC and all Defendant NFRMC could conclude after numerous invasive examinations was that Plaintiff Hunt was simply intoxicated and had absolutely no physical injuries.

54. Defendants ACFR and NFRMC sent Plaintiff Hunt the following medical bills regarding their involuntary examination of Plaintiff Hunt:

<b>BILLEE</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>	<b>WHO PAID</b>
Defendant ACFR	Ambulance fee [call # 090008112]	\$388	Witness Hunt
Defendant NFRMC	Hospital stay [ac. # 117291675]	\$9,700.96	?
	E.R. Dr. Bentley [ac. # 960904030017]	\$650	?
	E.E.G. Dr. Bogorodsky [ac. # 389537]	\$520	?
	Blood tests Dr. Goldblatt [ac. # 122136]	\$128	?
	I.C. Dr. Nardi [ac. # 214]	\$115	?
	Cat Scan Dr. Simon [ac. # 153279]	\$114	?
<b>TOTAL</b>		<b>\$11,615.96</b>	<b>?</b>

#### **Fraudulent Concealment of Records**

55. Defendants ACFR, GPD, and NFRMC never asked Plaintiff Hunt any questions about what happened inside Plaintiff Hunt's bedroom that compelled Witness Hunt to call 911 and never gave Plaintiff Hunt the opportunity to refute Witness Hunt's story.

56. Around April 14, 2009 Plaintiff Hunt obtained most of his medical records from Defendant NFRMC [invoice # 0055806045] concerning their involuntary examination of Plaintiff Hunt detailed in the preceding section; however, Defendant NFRMC concealed the Involuntary Examination form that Dr. Bentley from Defendant NFRMC filled out and concealed all records of Plaintiff Hunt while he was in the intensive care unit.

57. About a month or so later Plaintiff Hunt finally obtained the Involuntary Examination form that Dr. Bentley from Defendant NFRMC filled out, but could not obtain any records concerning Plaintiff Hunt's vital signs while he was in the intensive care unit.

58. Around May 25, 2009 and again on June 22, 2009 Plaintiff Hunt sent Defendant NFRMC a certified letter seeking, among other things, to stop them from sending the foregoing unpaid bills to a collection agency that would have hurt Plaintiff Hunt's credit and eventually prevented Plaintiff Hunt from getting a mortgage so he could buy his first house.

59. Around June 10, 2009 the Defendant NFRMC sent Plaintiff Hunt a letter stating, "The review of the record indicates that your treatment was appropriate based on your presentation and the history provided to the physicians."

60. Around June 16, 2009, and after about a month of 'the-run-around', Plaintiff Hunt finally obtained from Defendant ACFR most of the records [request #051109-0561] concerning the 911 call detailed in Facts 9-35 above, but did not receive any records as to how Defendant ACFR determined Plaintiff Hunt was a psychiatric patient or who invoked the Baker Act.

61. Around June 25, 2009 Plaintiff Hunt received a letter from Defendant GPD that was dated June 16, 2009, i.e. the same date Plaintiff Hunt received his records from Defendant ACFR in Fact 60, stating that none of the police officers filed any written reports concerning the 911 call detailed in Facts 9-35 above.

62. Around August 12, 2009 the Defendant NFRMC sent Plaintiff Hunt an unsigned letter (and no names of people) stating that the unpaid bills with question marks in the foregoing table in Fact #54 were all paid by an undisclosed charity and that Plaintiff Hunt's account was closed.

#### **Provisions of the Baker Act that Were Violated**

Based on all of the facts listed in 1-62 above, Plaintiff Hunt will prove that the Defendants ACFR, GPD, and NFRMC did not comply with any of the provisions of the Baker Act that are listed in this section, i.e. Facts 63-81. The notes in brackets after each sentence in Facts 63-81 are for quick reference.

### Definitions

63. ““Mental illness”... does not include... intoxication.” 2008 F.S. § 394.455(18).

[Defendants ACFR & GPD see Fact 11(a); Defendant NFRMC see Facts 31(b) & 38-40.]

### Rights Specifically Stated in Baker Act

64. “A person who is receiving treatment for mental illness shall not be deprived of any constitutional right.” 2008 F.S. § 394.459(1). [All Defendants unreasonably seized without due process; see also Fact 55.]

65. “It is further the policy of the state that the least restrictive appropriate available treatment be utilized...” 2008 F.S. § 394.459(2)(b). [Defendants ACFR & GPD see Facts 12-19; Defendant NFRMC see 30 & 42-43.]

66. “Each patient entering treatment shall be asked to give express and informed consent for admission or treatment.” 2008 F.S. § 394.459(3)(a)(1). [All Defendants never asked.]

67. “Before giving express and informed consent, the following information shall be provided and explained in plain language to the patient, ...the reason for admission or treatment; ...the purpose of the treatment to be provided...” 2008 F.S. § 394.459(3)(a)(2). [All Defendants never provided or explained.]

68. “Each patient shall receive services, ...which shall be administered skillfully, safely, and humanely with full respect for the patient’s dignity and personal integrity.” 2008 F.S. § 394.459(4)(a). [Defendant GPD see Fact 19 and Defendant NFRMC see Facts 38-50.]

69. “Facilities shall develop and maintain... A system for investigating, tracking, managing, and responding to complaints by persons receiving services...” 2008 F.S. § 394.459(4)(b). [Defendant NFRMC see Facts 58-59.]

70. “A facility may not use... restraint... for the convenience of staff.” 2008 F.S. § 394.459(4)(c). [Defendant NFRMC see Facts 30 and 42-43.]

71. “The facility staff shall orally and in writing inform each patient of the procedure for reporting abuse...” 2008 F.S. § 394.459(5)(e). [Never informed orally or in writing by any Defendant.]

72. “A patient’s right to the possession of his or her clothing and personal effects shall be respected.” 2008 F.S. § 394.459(6). [Defendant NFRMC see Fact 33.]

73. “Each person held in a facility shall receive a written notice of the right to petition for a writ of habeas corpus.” 2008 F.S. § 394.459(8). [Never received from Defendant NFRMC.]

Other Provisions of Baker Act

74. “At the time a patient is admitted to a facility for involuntary examination or placement... the names, addresses, and telephone numbers of the patient’s guardian or guardian advocate, or representative if the patient has no guardian, and the patient’s attorney shall be entered in the patient’s clinical record.” 2008 F.S. § 394.4597(2)(a). [Defendant NFRMC never sought a guardian, advocate, representative, or attorney; see also Facts 74-75.]

75. “If the patient has no guardian, the patient shall be asked to designate a representative.” 2008 F.S. § 394.459(2)(b). [Defendant NFRMC never asked.]

76. “The patient shall be consulted with regard to the selection of a representative by the receiving or treatment facility and shall have authority to request that any such representative be replaced.” 2008 F.S. § 394.459(2)(c). [Never consulted by Defendant NFRMC. Please note: Plaintiff Hunt’s mother, i.e. Witness Hunt would not have been given Plaintiff Hunt’s permission to represent him in any way because she does not know any of the provisions of the Baker Act; is

100% anti-alcohol; and is an adverse witness, whose story was false and incompetent (i.e. she was not in the room; see Fact 11(b-d)).]

77. “Notice that a patient is being admitted as an involuntary patient shall be given to the Florida local advocacy council no later than the next working day after the patient is admitted.” 2008 F.S. § 394.4599(2)(b). [Defendant NFRMC never gave notice.]

78. “A clinical record shall be maintained for each patient.” 2008 F.S. § 394.4615(1). [Defendant ACFR see Fact 60; Defendant GPD see Fact 61; Defendant NFRMC see Facts 56-57.]

79. “Patients shall have reasonable access to their clinical records.” 2008 F.S. § 394.4615(10). [Same as Fact 77.]

80. “A law enforcement officer... shall execute a written report detailing the circumstances under which the person was taken into custody, and the report shall be made a part of the patient’s clinical record. Any receiving facility accepting the patient based on this report must send a copy of the report to the Agency for Health Care Administration on the next working day.” 2008 F.S. § 394.463(2)(a)(2). [Defendants GPD and NFRMC never executed or sent.]

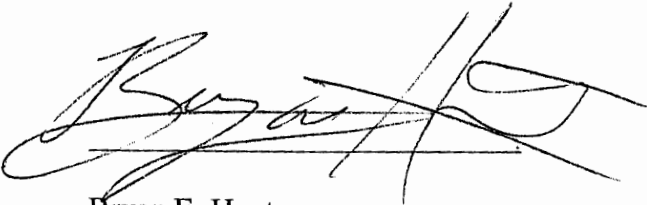
81. “A receiving facility admitting a person for involuntary examination who is not accompanied by the required... law enforcement officer’s report shall notify the Agency for Health Care Administration of such admission by certified mail no later than the next working day.” 2008 F.S. § 394.463(2)(b). [Defendant NFRMC never notified.]

## RELIEF SOUGHT

WHEREFORE, Plaintiff Hunt seeks the following relief:

1. all damages that Plaintiff Hunt is entitled to pursuant to 2008 F.S. § 394.459(10) and under the tort of False Imprisonment [Plaintiff Hunt can provide a detailed Computation of Damages if asked] and all court cost in this case;
2. pending all of the Defendants' Answers and based on the same facts stated herein, Plaintiff Hunt hereby reserves his right to further plead, or counter plead, a cause of action for Negligence (or gross) and Slander and to seek a Declaratory Judgment against any or all of the Defendants so as to prevent any or all of the Defendants from committing similar acts and omissions against Plaintiff Hunt in the future; and
3. in light of Plaintiff Hunt's 'Fraudulent Concealment' pleadings detail in Facts 55-62 above, Plaintiff Hunt hereby reserves his right to amended any of the aforementioned requests for relief after Plaintiff Hunt obtains discovery.

On March 28, 2013 I, Bryan E. Hunt, the Plaintiff swear under penalty of perjury the foregoing is true to the best of my knowledge and was submitted in good faith.



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