



**ROBERT S. LEAHY,** :  
**Sheriff, Clermont County** :  
**4470 State Route 222** :  
**Batavia, OH 45103,** :  
*In his official capacity as Sheriff of* :  
*Clermont County, Ohio,* :  
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**Defendants.** :  
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**I. PRELIMINARY STATEMENT**

1. This case challenges Defendants Deputies Eric Gregory and Meredith Walsh’s unconscionable treatment of a suicidal man during a known mental health crisis. Deputies Gregory and Walsh responded to the home of Jack Huelsman because he was having a psychiatric emergency. His wife, Plaintiff Cheryl Huelsman, told the deputies her husband was suicidal and needed help. The Deputies heard Mr. Huelsman threaten suicide. Nonetheless, the Deputies ordered Mrs. Huelsman to leave her house and wait outside, thus separating her from her husband and preventing her from observing him and keeping him safe. Instead of replacing her with the EMS squad or himself, Deputy Gregory left the house, ordering Mr. Huelsman, who was suicidal and unsupervised, to remain in his home alone where he had access to firearms. Deputy Gregory called for a mobile crisis team, which was estimated to take 20-25 minutes to arrive. He then left Mr. Huelsman alone to sit in his vehicle and use his phone. Deputy Walsh left the scene. As was clearly foreseeable, a suicidal and unsupervised Mr. Huelsman, who was in the throes of a mental health crisis, without his wife to protect him from accessing his firearms, committed suicide. Deputies Gregory and Walsh, by their affirmative actions,

endangered Mr. Huelsman's life by ordering his wife out of the house and requiring he stay in his home unsupervised, with access to firearms. Plaintiff Sarah Wilson, on behalf of the Estate of her father, Jack Huelsman, brings this case seeking fair compensation for the violations of her father's civil rights and his wrongful death. In addition to fair compensation, Ms. Wilson hopes that, as a result of this case, the next time Clermont County sheriff's deputies are dispatched to a psychiatric emergency, they protect the mentally ill person from danger, not create the danger.

## **II. JURISDICTION**

2. This court has subject matter jurisdiction under 28 U.S.C. §§ 1331, 1343(3) and 1343(4). Jurisdiction over the state law claims is conferred by 28 U.S.C. § 1367(a). Venue is proper in this Division.

## **III. PARTIES**

3. Plaintiff Sarah Wilson is the daughter and executor of the estate of Jack Huelsman, who died on September 19, 2015. She is a resident of this judicial district.

4. Plaintiff Cheryl Huelsman is the wife of Jack Huelsman, who died on September 19, 2015. She is a resident of this judicial district.

5. Defendant Eric Gregory was at all times relevant to this action a deputy sheriff employed by Clermont County Ohio. Defendant is a "person" under 42 U.S.C. § 1983 and at all times relevant to this case acted under color of law. He is sued both in his individual and official capacity.

6. Defendant Meredith Walsh was at all times relevant to this action a deputy sheriff employed by Clermont County Ohio. Defendant is a "person" under 42 U.S.C. § 1983 and at all times relevant to this case acted under color of law. She is sued both in her individual and official capacity.

7. Defendant Clermont County is a unit of local government organized under the laws of the State of Ohio. The County is sued through the Clermont County Ohio Board of Commissioners who are named only in their official capacity pursuant to O.R.C. § 305.12. Defendant Clermont County is a “person” under 42 U.S.C. § 1983 and at all times relevant to this case acted under color of law.

8. Defendant Sheriff Leahy is an Ohio law enforcement officer and his predecessor was at all times relevant to this action duly elected Sheriff of Clermont County, Ohio. Defendant is a “person” under 42 U.S.C. § 1983 and at all times relevant to this case acted under color of law. He is sued in his official capacity. He was a county policy maker with respect to customs, practices, policies and procedures at the Clermont Sheriff’s Office.

#### **IV. FACTS**

9. At the time of his death, Jack Huelsman was a 64-year-old citizen of Clermont County and loving husband, father and grandfather.

10. Mr. Huelsman had suffered from terminal cancer for many years. He suffered from mental health conditions as well, including bi-polar disorder and depression.

11. Mr. Huelsman was showing signs of confusion, agitation, paranoia, auditory hallucinations, and suicidal tendencies on the morning of September 19, 2015. His wife was afraid for him and called their daughter, Sarah Wilson.

12. Ms. Wilson spoke to her father. He told her he had no reason to continue living and that his life was over. He also mentioned what would happen to her mother if he shot himself. He said goodbye to his daughter and then hung up on her. Ms. Wilson thought her father was suicidal.

13. Ms. Wilson called her mother and they agreed Mr. Huelsman needed to go to the hospital. Ms. Wilson offered to call 911 for her mother.
14. Ms. Wilson called 911 but because she lives an hour away in another county, her call was transferred several times until she was able to speak to the Clermont County dispatcher.
15. Ms. Wilson reported that her father was exhibiting abnormal behavior and hearing voices. She alerted authorities that her father had access to a weapon and had been having a mental health decline. Ms. Wilson told the dispatcher that she believed her father was suicidal.
16. After making the call, Ms. Wilson called her mother back to tell her the dispatcher requested her mother gather her father's medications and wait for the ambulance. Ms. Wilson then prepared to drive to her parent's home, but she did not arrive in time.
17. Dispatch reported to Defendants Gregory and Walsh that the male inside the location, Jack Huelsman, was violent and has access to weapons.
18. Deputy Gregory responded to the incident about 10 minutes later. Cheryl Huelsman let him inside the home.
19. Upon his arrival, Cheryl Huelsman, who is a registered nurse, told Deputy Gregory that her husband was having a psychiatric emergency. She explained that her husband was paranoid and was accusing her of causing his phone, laptop, and tablet not to work properly. She explained that she had not touched his electronics and that he was paranoid and very agitated due to his mental condition.
20. Mr. Huelsman told the Deputy his electronics were not working properly. He also complained to Deputy Gregory that his wife took his guns. He also said his wife hid his car keys so that he could not drive.

21. Deputy Gregory asked Mrs. Huelsman to step outside and talk with him. Mrs. Huelsman told Deputy Gregory that she did not want to leave Mr. Huelsman inside the house alone because she believed that he was suicidal and needed treatment. She said there was something wrong with him and he needed to go to the hospital.

22. Deputy Gregory heard Mr. Huelsman yell to his wife on the porch that if he killed himself she couldn't afford to stay in the house. Deputy Gregory ordered Mr. Huelsman to remain in the house.

23. Despite knowing that there were guns in the house, Mr. Huelsman was at risk of harming himself, and that Mr. Huelsman was alone in the house, Deputy Gregory ordered Mrs. Huelsman, whom he knew to be a nurse, to stay outside. Deputy Gregory did not replace her with the EMS rescue squad, himself, nor another deputy.

24. An EMS unit had arrived at the Huelsman home, in Williamsburg, Ohio, at approximately 12:18 p.m. but Deputy Gregory prevented the EMS rescue squad from treating Mr. Huelsman and told them to leave. The EMS squad left the scene.

25. Deputy Meredith Walsh responded to the scene at approximately 12:38 P.M. When she arrived, Cheryl Huelsman was outside with Deputy Gregory explaining to both of them that she feared her husband would kill himself if she wasn't allowed to go back in. She told them she was afraid her husband had nothing to live for and was suicidal. Despite Mrs. Huelsman's pleas, the deputies forced her to remain outside with them.

26. Mrs. Huelsman was afraid her husband would access his guns. She walked into the yard and stood behind a tree so she would not be in the line of fire if her husband started shooting. After a while she moved to the barn where she could sit down. She wanted to be inside the

house with her husband to protect him from any harm he may do to himself but the Deputies would not let her.

27. At his Corporal's request, Deputy Gregory contacted the mobile Crisis Intervention Team at 12:47 P.M. and advised CIT to respond to the situation.

28. Cheryl Huelsman was visibly upset and feared for her husband's health and wellbeing, but neither deputy would let her go back inside the home to calm and protect her husband.

29. Officer Walsh left the scene.

30. Deputy Gregory went to his car to use his phone.

31. While waiting in his vehicle for the crisis team, Deputy Gregory heard a loud noise that sounded like a "smack."

32. Deputy Gregory went inside the home and found Jack Huelsman had shot himself. He was bleeding from the mouth with blood on his shirt and a black revolver in his hand. He was unresponsive and not breathing.

33. Jack Huelsman was pronounced dead shortly thereafter. He had tragically died from a predictable and preventable self-inflicted gunshot wound.

34. Since Mrs. Huelsman was outside in the barn at the time of the shooting, she did not hear the shot. Another deputy went out to tell her that her husband had committed suicide. Mrs. Huelsman was devastated. She demanded to know why the deputies left him inside the house alone after she repeatedly warned them that her husband would commit suicide if left alone. No one would answer her questions. No defendant or employee of the Sheriff's Office offered any comfort to Mrs. Huelsman. Instead, one deputy humiliated her for crying hysterically over the shocking and sudden death of her husband at the hands of Defendants.

35. Defendants knew that Jack Huelsman was having a mental health crisis, needed mental health care, had guns in the home, was at imminent risk of suicide, heard him threaten suicide to his wife, removed his wife from the house, and left him alone.

36. When Defendants Gregory and Walsh ordered Mr. Huelsman to stay inside his home, and went outside to guard the house while they waited for the crisis team to arrive, Mr. Huelsman was restrained, in custody, and not free to leave.

37. Defendants Gregory and Walsh affirmatively prevented his wife from protecting her husband and failed to take action to protect him. Their actions exposed Mr. Huelsman to a danger he would not otherwise have been exposed to: being confined to his home in a suicidal state with access to firearms without the protection of his wife. Defendants' actions put him in a worse position than he had been before they made his wife leave and left him unprotected. Their actions caused his death through suicide.

38. As a result of Defendants Gregory and Walsh's affirmative acts of keeping Mr. Huelsman in his home, removing his wife from the home, leaving the home, calling off the EMS rescue squad, and removing all supervision over Mr. Huelsman, while knowing he was a risk to himself, suicidal, and had access to weapons, Defendants increased the risk that Jack Huelsman would commit suicide.

39. Defendants Gregory and Walsh knew, and it was obvious, that Mr. Huelsman was suicidal as a result of his severe mental illness and urgent mental health crisis. It was foreseeable to Defendants Gregory and Walsh that Mr. Huelsman was at risk of suicide.

40. Defendants Gregory and Walsh knew, and it was obvious, that leaving Mr. Huelsman alone inside the home after removing his wife and not providing alternate supervision, created a special danger and increased the risk that he would commit suicide. They each had a duty to

protect Mr. Huelsman once they ordered him to stay in his home, ordered his wife to leave their home, left Mr. Huelsman unsupervised, and called off the EMS rescue crew. They each failed in their duty.

41. Defendants Gregory and Walsh's actions were negligent, knowing, deliberately indifferent, reckless, extreme, and outrageous. Defendants Gregory and Walsh acted with callous indifference to the constitutional rights of Jack Huelsman by removing his wife from the home, keeping him alone in his home, leaving his home, preventing any supervision of him, and calling off the EMS rescue unit. Defendants Gregory and Walsh actions shocks the conscience.

42. Defendants Gregory and Walsh's actions caused Mr. Huelsman's injuries and were deliberately indifferent to his safety while he was in Defendant's custody; created a special relationship with Mr. Huelsman by keeping him alone, unsupervised in his home, and exposing him to danger; Defendants had time to deliberate before choosing a course of action; they had no legitimate governmental purpose for their actions; their actions shock the conscience; and their actions were negligent, knowing, deliberately indifferent, reckless, extreme, and outrageous.

43. Defendant Clermont County Sheriff is the final decision-maker for all Sheriff's policies, practices, and decisions to place a known suicidal subject in danger by placing him in his home unsupervised with access to firearms.

44. The policies, training, and supervision of Clermont County and the Clermont County Sheriff caused Defendants Gregory and Walsh to fail to protect and to place Mr. Huelsman's life in danger. The County and Sheriff's policies, training and supervision were inadequate for the tasks performed by Deputies Gregory and Walsh in responding to a mentally ill person, experiencing a mental health crisis and threatening suicide. The inadequacy of the County and

Sheriff's training and supervision was outrageous, deliberately indifferent to the rights of Mr. Huelsman, and was closely related to or actually caused Mr. Huelsman's suffering and death.

45. Defendants Clermont County and the Clermont County Sheriff ratified the actions of Defendants Gregory and Walsh and are thus liable for their violations of Mr. Huelsman's substantive due process rights prohibiting the state from endangering him. The County, Sheriff Leahy and his predecessor did not conduct a meaningful investigation of Defendants Gregory and Walsh's actions, did not discipline or retrain Defendants Gregory and Walsh, or author new policies to protect suicidal subjects in custody. The County and Sheriff's ratification of the Defendants' actions was the moving force behind the constitutional violation.

46. Defendants Clermont County and the Clermont County Sheriff's rules, regulations, customs, policies, practices, usages, procedures, inadequate training and supervision, and ratification of Gregory and Walsh's actions to place a known suicidal subject in danger by placing him in his home unsupervised with access to firearms, were all inadequate and unreasonable and were the moving force behind the constitutional deprivations suffered by Jack Huelsman.

47. As a direct and proximate result of Defendants Gregory and Walsh's actions, Jack Huelsman suffered emotional, psychological, and physical pain, as well as death.

48. As a direct and proximate result of Defendants Gregory and Walsh's actions, and while present at the scene where the incident unfolded, Cheryl Huelsman endured intense physical pain and suffering, emotional distress, anguish, and despair.

49. As a further direct and proximate result of Jack Huelsman's wrongful death, Cheryl Huelsman and Sarah Wilson, and Mr. Huelsman's next of kin, have suffered permanent damages, including but not limited to, the loss of his support, services, and society, including lost

companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, and education.

50. As a further direct and proximate result of Jack Huelsman's wrongful death, his survivors, next of kin and/or heirs, including Cheryl Huelsman and Sarah Wilson, have suffered permanent damages, including but not limited to, grief, depression, trauma, and severe emotional distress.

**V. FIRST CAUSE OF ACTION – 42 U.S.C. § 1983**

51. Defendants have, under color of law, deprived the plaintiff of rights, privileges, and immunities secured to him by the Fourth and Fourteenth Amendments to the United States Constitution including the right to be free from unreasonable search and seizure and the right to receive due process under the law.

**VI. SECOND CAUSE OF ACTION – WRONGFUL DEATH**

52. Defendants' actions breached their duty to protect and not endanger Jack Huelsman and caused the wrongful death of Jack Huelsman, a mentally ill person in need of emergency mental health treatment, resulting in damages recoverable under R.C. §2125.02, including complex grief and agonizing mental anguish to his wife and daughter and next of kin. The wrongful death claim against these Defendants is brought against each only in their individual capacity.

53. Mr. Huelsman's wife and daughter have suffered loss of his support, services, society, and severe mental anguish from his death. There are also statutorily defined next of kin who may have suffered loss of support, services, society, and mental anguish from his death. The Estate has incurred funeral and medical bills from his death.

**VI. THIRD CAUSE OF ACTION – INTENTIONAL INFLICTION OF SERIOUS EMOTIONAL DISTRESS**

54. Defendants Gregory and Walsh have, by their extreme and outrageous conduct, intentionally or recklessly inflicted serious emotional distress on Jack Huelsman.

**V. FOURTH CAUSE OF ACTION – AMERICANS WITH DISABILITY ACT**

55. Jack Huelsman was disabled. He suffered from severe mental illnesses. His illnesses affected major life activities of daily living.

56. The rendering of police services constitutes a “service, program, or activity” of Clermont County within the meaning of Title II of the ADA, 42 U.S.C. § 12132.

57. Defendants intentionally discriminated against Mr. Huelsman or failed to provide him a reasonable accommodation when they prevented him from being protected from acting on his suicidal ideations, in violation of Title II of the Americans with Disabilities Act.

58. As a result, Mr. Huelsman suffered emotional and physical pain and suffering before his death, and death.

**VI. FIFTH CAUSE OF ACTION – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

59. Defendants Gregory and Walsh negligently and recklessly inflicted severe emotional distress on Cheryl Huelsman, a bystander to her husband’s suicide.

60. As result of Defendants Gregory’s and Walsh’s actions, Mrs. Huelsman was a bystander to the suicide of her husband and suffered grief, depression, trauma, and severe emotional distress.

**VII. JURY DEMAND**

61. Plaintiff requests a jury trial on all claims triable to a jury.

**VIII. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays that this Court:

- A. Award Plaintiff compensatory damages in an amount to be shown at trial;
- B. Award punitive damages against the individual Defendants in an amount to be shown at trial;
- C. Award Plaintiff reasonable attorney's fees, costs and disbursements under 42 U.S.C. § 1988;
- D. Award Plaintiff prejudgment interest;
- E. Grant to the Plaintiff such additional relief as the Court deems just and proper.

Respectfully submitted,

/s/ Jennifer L. Branch

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