

IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT
IN AND FOR HERNANDO COUNTY, FLORIDA

JANE DOE I and JANE DOE II

Plaintiffs,

Case No. CA 11-999

vs.

JAMES A. YELTON ROSSELLO, MD
and CORRECTIONS CORPORATION
OF AMERICA, a foreign corporation,

Defendants.

FILED
KATHLEEN A. GIBBY
CLERK
11 MAY 25 AM 9:56

COMPLAINT

COME NOW the Plaintiffs, JANE DOE I and JANE DOE II, by their undersigned attorneys, and sue the Defendants, JAMES A. YELTON ROSSELLO, MD and CORRECTIONS CORPORATION OF AMERICA, and allege:

ALLEGATIONS COMMON TO ALL COUNTS

1. This is an action for damages which exceed the sum of Fifteen Thousand (\$15,000.00) Dollars.
2. At all times material to this cause, Plaintiff, JANE DOE I was a 23-year old resident of Hernando County, Florida.
3. At all times material to this cause, Plaintiff, JANE DOE II, was a 20- year old resident of Hernando County, Florida.
3. At all times material hereto, Defendant, JAMES A. YELTON ROSSELLO, MD (hereinafter "Dr. Yelton"), was a resident of and/or maintained offices in,

Gainesville, Alachua County, Florida.

4. At all times material hereto, Defendant, CORRECTIONS CORPORATION OF AMERICA (hereinafter "CCA"), was a Maryland corporation licensed to do business in the State of Florida, and was in the business of operating and managing prison systems nationwide, including in Hernando County, Florida.

5. At all relevant times, Defendant, CCA, operated and managed the Hernando County Correctional Facility (also referred to as the "Hernando County Jail") at 16415 Spring Hill Drive, Brooksville, Hernando County, Florida, which housed only female inmates.

6. At all relevant times, CCA, hired, employed and supervised Dr. Yelton, a licensed psychiatrist, to provide psychiatric services to the female inmates housed in the Hernando County Correctional Facility.

ALLEGATIONS AS TO JANE DOE I

7. From October 21, 2009 until April 9, 2010, Plaintiff, JANE DOE I, was incarcerated in the Hernando County Jail.

8. From approximately November, 2009 through March, 2010, while Jane Doe I was an inmate at the Hernando County Jail, Dr. Yelton, while acting within his role as a licensed psychiatrist and while acting within the course and scope of his employment or agency with Corrections Corporation of America, battered and sexually molested the Plaintiff by coercing her to raise her shirt and show him her bare breasts, by coercing her to drop her pants to show him her private areas, by rubbing and fondling her thighs, legs and feet, by hugging her and kissing her on the mouth, by repeatedly asking her to

describe her sexual habits and preferences, and by threatening her with additional criminal charges and threatening to withhold her medications if she refused to cooperate with his deviant behavior. These actions occurred approximately bi-weekly in a locked room when Dr. Yelton visited the Plaintiff to provide psychiatric services to her.

9. Defendant, Dr. Yelton, was assigned to provide psychiatric services to Plaintiff, JANE DOE I, by his employer, Corrections Corporation of America, and his sexually suggestive behavior and touching of the Plaintiff was partially in service of his employer and was on the premises of his employer, creating vicarious liability of his employer notwithstanding that he committed criminal acts upon the Plaintiff.

10. Although Plaintiff, JANE DOE I, initially believed that Dr. Yelton was performing psychiatric services to her, she did not permit him to touch and fondle her in a sexual manner and his touching and fondling of her body in that sexual manner was unwanted and done without her consent.

ALLEGATIONS AS TO JANE DOE II

11. From January 12, 2010 to October 13, 2010, Plaintiff, JANE DOE II was incarcerated in the Hernando County Jail.

12. From approximately February, 2010 through August, 2010, while Jane Doe II was an inmate at the Hernando County Jail, Dr. Yelton, while acting within his role as a licensed psychiatrist and while acting within the course and scope of his employment or agency with CCA, sexually molested the Plaintiff on numerous occasions by rubbing her legs and thighs while counseling her, by repeatedly asking her to describe her sexual habits and preferences, by forcing her to sit on his lap during his visits while he had an

erection, by coercing her to lower her panties and show him her private areas, by grabbing her crotch, and by penetrating her vagina with his fingers until it bled, and by threatening to withhold her medications if she failed to cooperate with his deviant behavior. One or more of those incidences occurred approximately bi-weekly and then weekly in a locked room while Dr. Yelton visited the Plaintiff to provide psychiatric services to her.

13. During Dr. Yelton's last visit to JANE DOE II, Dr. Yelton told Plaintiff not to tell anyone about his inappropriate and illegal behavior offered to give her money to pay off her fines and buy her a car if she kept silent.

14. Defendant, Dr. Yelton, was assigned to provide psychiatric services to Plaintiff, JANE DOE II, by his employer, Corrections Corporation of America, and his sexual molestation of the Plaintiff was partially in service of his employer and was on the premises of his employer, creating vicarious liability of his employer notwithstanding that he committed criminal acts upon the Plaintiff.

15. Although Plaintiff, JANE DOE II, initially believed that Dr. Yelton was performing psychiatric services to her, she did not permit him to touch and fondle her in a sexual manner and his touching and sexual molestation was unwanted and done without her consent.

COUNT I
(Battery on Jane Doe I by Dr. Yelton)

16. Plaintiffs adopt and incorporate the allegations in Paragraphs 1 through 15 into Count I of this Complaint.

17. At all relevant times, Defendant, JAMES A. YELTON ROSSELLO, MD,

was licensed by the State of Florida to practice psychiatric medicine and did work as a licensed psychiatrist for CCA in Hernando County, Florida.

18. From approximately September, 2009 through April, 2010, Dr. Yelton, while acting as a psychiatrist in the course and scope of his employment or agency with CCA, and under the guise of performing psychiatric services to Jane Doe I, intentionally battered the Plaintiff, for his own sexual gratification while Plaintiff was an inmate at the Hernando County Jail.

19. The aforementioned battery was committed without the consent of the Plaintiff and against her will.

20. As a direct and proximate result of the battery committed upon the Plaintiff, Jane Doe I, by Defendant, JAMES A. YELTON ROSSELLO, MD, Plaintiff suffered a) severe mental pain and anguish; b) emotional distress in the form of fear, nervousness, anxiety, worry and depression; c) embarrassment; d) humiliation; e) loss of the capacity for the enjoyment of life; f) loss of dignity, and g) loss of self-esteem; and h) further medical and psychiatric expenses; all which were experienced in the past and will continue to be experienced in the future.

WHEREFORE, Plaintiff, JANE DOE I, demands judgment for damages, costs and interest against the Defendant, JAMES A. YELTON ROSSELLO, MD, a trial by jury and such other relief to which the Plaintiff may be justly entitled.

COUNT II
(Sexual Battery on Jane Doe II by Dr. Yelton)

21. Plaintiffs adopt and incorporate the allegations in Paragraphs 1 through 15

into Count II of this Complaint.

22. At all relevant times, Defendant, JAMES A. YELTON ROSSELLO, MD, was licensed by the State of Florida to practice psychiatric medicine and did work as a licensed psychiatrist for CCA in Hernando County, Florida.

23. From approximately February, 2010 to September, 2010, Dr. Yelton, while acting as a psychiatrist in the course and scope of his employment or agency with CCA, and under the guise of performing psychiatric services to Jane Doe II, intentionally sexually battered the Plaintiff, for his own sexual gratification while Plaintiff was an inmate at the Hernando County Jail.

24. The aforementioned sexual battery was committed without the consent of the Plaintiff and against her will.

25. As a direct and proximate result of the sexual battery committed upon the Plaintiff, Jane Doe II, by Defendant, JAMES A. YELTON ROSSELLO, MD, Plaintiff suffered a) severe mental pain and anguish; b) emotional distress in the form of fear, nervousness, anxiety, worry and depression; c) embarrassment; d) humiliation; e) loss of the capacity for the enjoyment of life; f) loss of dignity, and g) loss of self-esteem; and h) further medical and psychiatric expenses; all which were experienced in the past and will continue to be experienced in the future.

WHEREFORE, Plaintiff, JANE DOE II, demands judgment for damages, costs and interest against the Defendant, JAMES A. YELTON ROSSELLO, MD, a trial by jury and such other relief to which the Plaintiff may be justly entitled.

COUNT III
Negligent Hiring, Training and Supervision
by CCA as to Jane Doe I

26. Plaintiffs adopt and incorporate the allegations in paragraphs 1 through 15 into Count III of this Complaint.

27. At all times material to this cause, Defendant, CORRECTIONS CORPORATION OF AMERICA ("CCA"), hired or contracted with JAMES A. YELTON ROSSELLO, MD to provide psychiatric services to the female inmates of Hernando County Jail, including to the Plaintiffs.

28. At all relevant times, CCA held itself out to be a provider of qualified licensed medical personnel to the inmates of correctional facilities, including Hernando County Jail, in which Plaintiffs were incarcerated.

29. At all relevant times, Defendant knew or should have known that psychiatrists who counseled the female inmates would foreseeably be trusted by the inmate patients as an authority on proper mental health, and could and would exert some control over the inmate patients.

30. As the provider of licensed medical and psychiatric personnel to the Hernando County Jail, CCA owed a duty to the to the inmates of the facility, including the Plaintiff, JANE DOE I, to exercise reasonable care in the selection, hiring, training and supervision of its licensed psychiatrists so as to prevent them from harming the female inmates.

31. Said duty to the Plaintiff included conducting an adequate background investigation and screening to determine the suitability, qualifications and character of its

medical personnel prior to hiring them.

32. Said duty to Plaintiff also included the duty not to hire persons whom CCA knew, or in the exercise of reasonable care should have known, were unfit, improperly trained and/or predisposed to sexually prey upon female patients such as Plaintiff.

33. Said duty to the Plaintiff also included having and implementing practices and procedures that would prohibit or preclude its male psychiatrists from having the opportunity to spend time alone and unsupervised in a locked room with the a female inmate patient.

34. Defendant, CCA, breached its duty of reasonable care to the Plaintiff, JANE DOE I, by selecting, hiring, authorizing, and holding out Dr. Yelton as a qualified licensed psychiatrist without first performing an adequate background investigation of his background and qualifications as a psychiatrist.

35. From approximately November, 2009 to April, 2010, while JANE DOE I was an inmate at Hernando County Jail, Defendant, CCA, breached its duty to the Plaintiff by failing to adequately supervise, train or monitor Dr. Yelton, whom Defendant knew, or with proper supervision should have known, was engaging in inappropriate physical and sexual behavior with its patients, including the Plaintiff.

36. Specifically, CCA breached its duty to Plaintiff 1) by allowing Dr. Yelton, a male psychiatrist, to lock the Plaintiff in a room with him alone and unsupervised, to batter and sexually molest the Plaintiff under the pretense of providing psychiatric services to the Plaintiff, and 2) by failing to monitor or adequately monitor Dr. Yelton's visits to the Plaintiff, which would have disclosed Dr. Yelton's inappropriate sexual

behavior.

37. Had CCA performed an adequate investigation and/or screening of Dr. Yelton prior to hiring him and/or properly trained or supervised Dr. Yelton, Defendant would have discovered that that Dr. Yelton was predisposed to prey upon the vulnerabilities of female inmates in a sexual manner and was, in fact, sexually molesting the Plaintiff, JANE DOE I.

38. As a result of CCA's negligent hiring, training and supervision of Dr. Yelton, Dr. Yelton battered and sexually molested the Plaintiff, JANE DOE I, from approximately November, 2009 to April, 2010 while Plaintiff was a incarcerated at Hernando County Jail.

39. As a further direct and proximate result of CCA's negligent hiring, training and supervision of JAMES A. YELTON ROSSELLO, MD, Plaintiff, JANE DOE I, suffered a) severe mental pain and anguish; b) emotional distress in the form of fear, nervousness, anxiety, worry and depression; c) embarrassment; d) humiliation; e) loss of the capacity for the enjoyment of life; f) loss of dignity, and g) loss of self-esteem; and h) further medical and psychiatric expenses; all which were experienced in the past and will continue to be experienced in the future.

WHEREFORE, Plaintiff, JANE DOE I, demands judgment for damages, costs and interest against the Defendant, CORRECTIONS CORPORATION OF AMERICA, a trial by jury and such other relief to which the Plaintiff may be justly entitled.

COUNT IV
**(Negligent Hiring, Training and Supervision
by CCA as to Jane Doe II)**

40. Plaintiffs adopt and incorporate the allegations in paragraphs 1 through 15 into Count IV of this Complaint.

41. At all times material to this cause, Defendant, CORRECTIONS CORPORATION OF AMERICA ("CCA"), hired or contracted with JAMES A. YELTON ROSSELLO, MD to provide psychiatric services to the female inmates of Hernando County Jail, including to the Plaintiffs.

42. At all relevant times, CCA held itself out to be a provider of qualified licensed medical personnel to the inmates of correctional facilities, including Hernando County Jail, in which Plaintiffs were incarcerated.

43. At all relevant times, Defendant knew or should have known that psychiatrists who counseled the female inmates would foreseeably be trusted by the inmate patients as an authority on proper mental health, and could and would exert some control over the inmate patients.

44. As the provider of licensed medical and psychiatric personnel to the Hernando County Jail, CCA owed a duty to the to the inmates of the facility, including the Plaintiff, JANE DOE II, to exercise reasonable care in the selection, hiring, training and supervision of its licensed psychiatrists so as to prevent them from harming the female inmates.

45. Said duty to the Plaintiff included conducting an adequate background investigation and screening to determine the suitability, qualifications and character of its

medical personnel prior to hiring them.

46. Said duty to Plaintiff also included the duty not to hire persons whom CCA knew, or in the exercise of reasonable care should have known, were unfit, improperly trained and/or predisposed to sexually prey upon female patients such as Plaintiff.

47. Said duty to the Plaintiff also included having and implementing practices and procedures that would prohibit or preclude its male psychiatrists from having the opportunity to spend time alone and unsupervised in a locked room with the a female inmate patient.

48. Defendant, CCA, breached its duty of reasonable care to the Plaintiff, JANE DOE I, by selecting, hiring, authorizing, and holding out Dr. Yelton as a qualified licensed psychiatrist without first performing an adequate background investigation of his background and qualifications as a psychiatrist.

49. From approximately February, 2010 through August, 2010, while JANE DOE II was an inmate at Hernando County Jail, Defendant, CCA, breached its duty to the Plaintiff by failing to adequately supervise, train or monitor Dr. Yelton, whom Defendant knew, or with proper supervision should have known, was engaging in inappropriate physical and sexual behavior with its patients, including the Plaintiff, JANE DOE II.

50. Specifically, CCA breached its duty to Plaintiff 1) by allowing Dr. Yelton, a male psychiatrist, to lock the Plaintiff in a room with him alone and unsupervised, to sexually batter and abuse the Plaintiff under the pretense of providing psychiatric services to the Plaintiff, and 2) by failing to monitor or adequately monitor Dr. Yelton's visits to the Plaintiff, which would have disclosed Dr. Yelton's inappropriate sexual behavior.

51. Had CCA performed an adequate investigation and/or screening of Dr. Yelton prior to hiring him and/or properly trained or supervised Dr. Yelton, Defendant would have discovered that that Dr. Yelton was predisposed to prey upon the vulnerabilities of female inmates in a sexual manner and was, in fact, sexually molesting the Plaintiff, JANE DOE II.

52. As a result of CCA's negligent hiring, training and supervision of Dr. Yelton, Dr. Yelton battered and sexually molested the Plaintiff, JANE DOE II, from approximately February, 2010 through August, 2010 while Plaintiff was a incarcerated at Hernando County Jail.

53. As a further direct and proximate result of CCA's negligent hiring, training and supervision of JAMES A. YELTON ROSSELLO, MD, Plaintiff, JANE DOE II, suffered a) severe mental pain and anguish; b) emotional distress in the form of fear, nervousness, anxiety, worry and depression; c) embarrassment; d) humiliation; e) loss of the capacity for the enjoyment of life; f) loss of dignity, and g) loss of self-esteem; and h) further medical and psychiatric expenses; all which were experienced in the past and will continue to be experienced in the future.

WHEREFORE, Plaintiff, JANE DOE II, demands judgment for damages, costs and interest against the Defendant, CORRECTIONS CORPORATION OF AMERICA, a trial by jury and such other relief to which the Plaintiff may be justly entitled.

COUNT V
(Vicarious Liability of CCA as to all Plaintiffs)

54. Plaintiffs adopt and incorporate the allegations in Paragraphs 1 through 53

into Count V of this Complaint.

55. From approximately November, 2009 through August, 2010, JAMES A. YELTON ROSSELLO, MD, while acting as a psychiatrist in the course and scope of his employment or agency with CORRECTIONS CORPORATION OF AMERICA, and under the guise of performing psychiatric services to the Plaintiffs, intentionally battered and/or sexually battered the Plaintiffs, JANE DOE I and JANE DOE II, for his own sexual gratification while Plaintiffs were inmates of the Hernando County Jail.

56. At all relevant times, CCA directed Dr. Yelton to provide psychiatric services to female inmates at Hernando County Jail and to the Plaintiffs.

57. At all relevant times, Dr. Yelton provided psychiatric services to the Plaintiffs as an agent and employee of CCA and pursuant to the direction of CCA.

58. The psychiatric services provided by Dr. Yelton to the Plaintiffs were partially in service to his employer, CCA and were provided in the Hernando County Jail which was operated and managed by CCA.

59. At the time the psychiatric services were provided to the Plaintiffs by Dr. Yelton, Dr. Yelton had apparent authority as an agent of CCA.

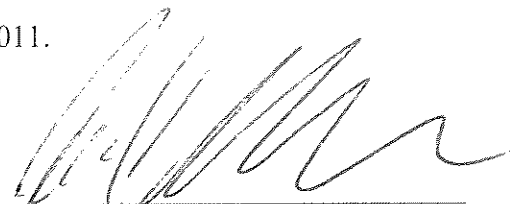
60. Notwithstanding that Dr. Yelton committed battery and/or inappropriate sexual conduct upon the Plaintiffs, Defendant, CCA, is vicariously liable for Dr. Yelton's acts because those acts were committed in partial service to his employer, CCA, and were performed at a location prescribed by his employer, CCA.

61. As a direct and proximate result of CCA's vicarious conduct through its employee, Dr. Yelton, Plaintiffs were battered and sexually molested by Dr. Yelton and

suffered a) severe mental pain and anguish; b) emotional distress in the form of fear, nervousness, anxiety, worry and depression; c) embarrassment; d) humiliation; e) loss of the capacity for the enjoyment of life; f) loss of dignity, and g) loss of self-esteem; and h) further medical and psychiatric expenses; all which were experienced in the past and will continue to be experienced in the future.

WHEREFORE, Plaintiffs, JANE DOE I and JANE DOE II, demand judgment for damages, costs and interest against the Defendant, CORRECTIONS CORPORATION OF AMERICA, a trial by jury and such other relief to which the Plaintiffs may be justly entitled.

Dated this 25th day of May, 2011.



Joseph H. Saunders, Esquire
SAUNDERS & WALKER, P.A.
3491 Gandy Boulevard North
Pinellas Park, FL 34665
(727) 579-4500, FAX (727) 577-9696
SPN 228977 FBN 341746
Attorney for Plaintiff

Samuel Rogatinsky, Esq.
The Rogatinsky Firm, P.A.
3113 Stirling Road First Floor
Fort Lauderdale, Florida 33312
(954) 925 1630, FAX (954) 925-1640
Attorney for Plaintiff