

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

LEONARD MEEKS and MARTELL )  
 BUCHANAN, as Co-Special )  
 Administrators of the Estate of Joyce Meeks, )  
 Deceased, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 DEPARTMENT OF CORRECTIONAL )  
 SERVICES, STATE OF NEBRASKA, )  
 ROBERT P. HOUSTON, Director of the )  
 Department of Correctional Services, State of )  
 Nebraska, JEREMY DOBBE, and JOHN DOE, )  
 )  
 Defendants. )

Case No. CI \_\_\_\_\_

COMPLAINT  
(State Tort Claim)

COME NOW Plaintiffs and allege:

1. Parties:
  - A. Plaintiffs, Leonard Meeks and Martell Buchanan, are residents of Lincoln, Lancaster County, Nebraska. Plaintiffs are the duly appointed Co-Special Administrators of the Estate of Joyce Meeks, deceased. Joyce Meeks died on June 25, 2013, in Lincoln, Lancaster County, Nebraska.

- B. Defendant, State of Nebraska, is a State in the United State of America. The State of Nebraska, as part of its governmental and civil operations has organized a department commonly known as the “Department of Correctional Services, State of Nebraska” (hereinafter “DCS”). The State of Nebraska acts by and through DCS. DCS operates a jail facility, Community Corrections Center-Lincoln (“CCC-L”), that houses DCS inmates. At all times relevant, DCS and CCC-L acted through its employees and agents.
- C. Defendant, Robert P. Houston (hereinafter “Houston”), at all times relevant hereto, was the Director of DCS.
- D. Defendant Jeremy Dobbe (hereinafter “Dobbe”) is a resident of Lincoln, Lancaster County, Nebraska.
- E. Defendant John Doe is/are unknown employee(s) of DCS or CCC-L who were involved in DCS’s Inmate Van Driver Program including, but not limited to those, involved: in the policy making, decision making and supervision of the Inmate Van Driver Program; as it relates to the Inmate Van Driver Program, made policy, procedures, rules and/or regulations; decision making; selecting the inmates eligible to drive in the, supervising the inmates permitted to drive the CCC-L van; who permitted Dobbe to be a driver; and who entrusted the van involved in the incident alleged below to Dobbe.

2. At all relevant times the following Nebraska Statutes and Ordinances of the City of Lincoln, Nebraska, were in full force and effect:

- A. *Neb. Rev. Stat. § 30-809 - 810;*
- B. *Neb. Rev. Stat. § 60-6,131;*
- C. *Neb. Rev. Stat. § 60-6,136;*
- D. *Neb. Rev. Stat. § 60-6,185;*
- E. *Neb. Rev. Stat. § 60-6,186;*
- F. *Neb. Rev. Stat. § 60-6,196;*
- G. *Neb. Rev. Stat. § 60-6,212- 214;*
- H. *Neb. Rev. Stat. §§ 81-8,209 et seq.*
- I. Lincoln Municipal Code 10.14.100;
- J. Lincoln Municipal Code 10.14.250;
- K. Lincoln Municipal Code 10.14.290; and
- L. Lincoln Municipal Code 10.14.300.

3. As required by the State Tort Claims Act, *Neb. Rev. Stat. §§ 81-8,209 et seq.*, Plaintiffs filed a written Tort Claim with the Division of Risk Management on or about July 18, 2013. It has been more than six (6) months since the filing of said Claim. This Complaint constitutes the withdrawal of the aforementioned Tort Claim.

4. Plaintiffs have fulfilled all conditions precedent to bring suit against defendants, and each of them, under the State Tort Claims Act.

5. On and before June 25, 2013, DCS was responsible for housing prisoners in various correctional institutions of varying security levels that housed prisoners.

6. On and before June 25, 2013, DCS had in full force and effect “Administrative Regulations” that served as policies and procedures for the operation of the state-wide correctional system. Houston, in his official capacity as the Director of DCS approved

Administrative Regulations for DCS for both new Regulations and for reviews of said Regulations.

7. On and before June 25, 2013, the correctional institutions that comprised the state-wide correctional system operated by DCS were permitted to enact “Operational Memorandum” that were approved by DCS and Houston, in his official capacity as the Director of DCS. The wardens of these correctional institutions also approved any such Memorandums.

8. On and before June 25, 2013, Operational Memorandum that had been approved by DCS served as policies and procedures for individual correctional institutions in the state-wide correctional system.

9. On March 1, 1980, DCS Administrative Regulation Number 109.01, titled “Inmate Work and Program Assignments” became effective. In addition, said Regulation:

- A. Had a stated purpose to “provide a guideline for the daily activity of an inmate involved in a work or program assignment.”
- B. Permitted eligible inmates to participate in an inmate work program either through a correctional institution or an outside organization or institution.
- C. Was last reviewed and approved by Houston, in his official capacity as the Director of DCS, on May 19, 2010; and
- D. Was in effect on June 25, 2013 and at all times relevant hereto.

10. On and before June 25, 2013, DCS operated a correctional institution commonly known as CCC-L located at 2720 West Van Dorn, Lincoln, Lancaster County, Nebraska.

11. On or before June 25, 2013, CCC-L enacted Operational Memorandum Number 109.01.01, Subject: “Inmate Work Assignments and Program Involvement.” In addition, said Memorandum:

- A. Stated it was to “provide guidelines which direct the establishment and maintenance of efficient inmate work detail assignments and program involvement.”;
- B. Section E: Work Assignments, Number 1: CCCL In-House Detail Positions, Sub-Part (g) lists “Van Drivers” as a Work Assignment;
- C. Had been approved by the then-acting Warden of CCC-L and Houston, in his official capacity as the Director of DCS; and
- D. Was in full force and effect at CCC-L on June 25, 2013 and at all times relevant hereto.

12. On or before June 25, 2013, CCC-L enacted Operational Memorandum Number 201.07.08, Subject: “Inmate Driving Privileges.” In addition, said Memorandum:

- A. Stated it was to “establish the procedure for granting driving privileges to Community Corrections Center-Lincoln (CCCL) inmates.”
- B. Established procedures for an inmate’s eligibility to be granted driving privileges and a procedure for granting and monitoring an inmate’s driving privileges;
- C. Had been approved by the then-acting Warden of CCC-L and Houston, in his official capacity as the Director of DCS; and
- D. Was in full force and effect at CCC-L on June 25, 2013 and at all times relevant hereto.

13. On or about January 20, 2006, Dobbe was sentenced for possession of methamphetamine and placed in the custody of DCS. Dobbe was released on or about July 17, 2007.

14. On or about July 19, 2011, Dobbe was sentenced for possession of methamphetamine with intent to deliver, making terroristic threats, and criminal mischief and placed in the custody of DCS.

15. On and before June 25, 2013, Dobbe was in custody of DCS and was housed at CCC-L.

16. Prior to June 25, 2013, Dobbe was approved as an eligible inmate by DCS, CCC-L, and/or John Doe for the Inmate Work and Program Assignments under the aforementioned Administrative Regulation Number 109.01.

17. Prior to June 25, 2013, Dobbe was granted driving privileges under the aforementioned Operational Memorandum CCC-L, Number 201.07.08.

18. On and before June 25, 2013, Dobbe was assigned to the in-house work detail position of "Van Driver" at CCC-L under the Operational Memorandum CCC-L, Number 109.01.01.

19. On June 25, 2013 and at all times relevant hereto, Dobbe was working in his work detail position as a "van driver" for the inmate work and program assignment program at the CCC-L correctional institute.

20. On June 25, 2013, pursuant to his work detail position as a Van Driver, Dobbe operated a Ford van that was owned by the State of Nebraska, DCS and/or CCC-L.

21. On June 25, 2013, Dobbe operated the Ford van in an eastbound direction on Van Dorn Street at or near its intersection with S. 18th Street. Joyce Meeks, deceased, operated a motor vehicle in a westbound direction on Van Dorn Street at or near its intersection with S. 18th Street.

22. On June 25, 2013, the Ford van operated by Dobbe came into contact with the motor vehicle operated by Joyce Meeks, deceased.

23. On June 25, 2013, Joyce Meeks sustained personal injuries that resulted in her death on June 25, 2013.

24. That at the time of her death Joyce Meeks left the following next-of-kin:

- A. Leonard Meeks (surviving spouse);
- B. Martell Buchanan (son);
- C. Lakitsha Buchanan (daughter); and
- D. Stanley Buchanan (son).

#### **FIRST CAUSE OF ACTION**

25. Plaintiffs incorporate Paragraphs 1 through 25 as if fully set forth herein.

26. This cause of action is brought pursuant to *Neb. Rev. Stat. §§ 30-809 - 810*.

27. The cause of the collision was the negligence of Dobbe. Dobbe was negligent in one or more of the following respects:

- A. Operating the vehicle while under the influence of drugs and/or an intoxicating substance;
- B. Operating the vehicle while under the influence of alcohol;
- C. Operating the vehicle while impaired;
- D. Failing to operate the vehicle in the proper lane by traveling across the roadway's centerline;
- E. Failing to keep and maintain a proper lookout;
- F. Failing to keep the vehicle under reasonable control;

- G. Operating the motor vehicle at a speed that was greater than reasonable and proper for conditions then and there existing;
- H. Operating the vehicle in a careless and reckless manner;
- I. Operating the vehicle in a willfully reckless manner;
- J. Violating *Neb. Rev. Stat. § 60-6,131*;
- K. Violating *Neb. Rev. Stat. § 60-6,136*;
- L. Violating *Neb. Rev. Stat. § 60-6,185*;
- M. Violating *Neb. Rev. Stat. § 60-6,186*;
- N. Violating *Neb. Rev. Stat. § 60-6,212*;
- O. Violating *Neb. Rev. Stat. § 60-6,213*;
- P. Violating *Neb. Rev. Stat. § 60-6,214*
- Q. Violating Lincoln Municipal Code, Title 10, Chapter 10.14.100;
- R. Violating Lincoln Municipal Code, Title 10, Chapter 10.14.250;
- S. Violating Lincoln Municipal Code, Title 10, Chapter 10.14.290; and
- T. Violating Lincoln Municipal Code, Title 10, Chapter 10.14.300.

28. Defendant Jeremy Dobbe's negligence is imputed to the State of Nebraska, DCS and John Doe, and each of them, through the doctrine of *vicarious liability*.

29. As a proximate result of said collision, Joyce Meeks sustained personal injuries that resulted in her death on June 25, 2013.

30. As a proximate result of said collision, Joyce Meeks' next-of-kin were damaged as follows:

- A. Said next-of-kin lost the financial support of Joyce Meeks;
- B. Said next-of-kin lost the services of Joyce Meeks;



- C. Said next-of-kin lost the comfort of Joyce Meeks;
- D. Said next-of-kin lost the companionship of Joyce Meeks; and
- E. Said next-of-kin sustained a pecuniary loss due to the death of Joyce Meeks.

WHEREFORE, plaintiffs pray for judgment against defendants, and each of them, on their First Cause of Action, for general damages for the loss of financial support, services, comfort, companionship of Joyce Meeks and their pecuniary loss, and for costs.

### **SECOND CAUSE OF ACTION**

31. Plaintiffs incorporate Paragraphs 1 through 30 as if fully set out herein.

32. As a proximate result of the aforementioned collision and negligence, Joyce Meeks' next-of-kin were damaged as follows:

- A. Incurred funeral expenses; and
- B. Incurred memorial service expenses.

WHEREFORE, plaintiffs pray for judgment against defendants, and each of them, on their Second Cause of Action, for funeral and memorial service expenses and costs.

### **THIRD CAUSE OF ACTION**

33. Plaintiffs incorporate Paragraphs 1 through 30 as if fully set forth herein.

34. Dobbe because of his chemical abuse history, sentence, and other factors should not have been eligible for inmate driving privileges under Operational Memorandum CCC-L, Number 201.07.08.

35. The proximate cause of the aforementioned collision was the negligence of the State of Nebraska, DCS, CCC-L, Robert P. Houston, in his official capacity as the Director of

DCS, and John Doe, and each of them. Said defendants were negligent in one or more of the following respects:

- A. Granting Dobbe inmate driving privileges when, based on his previous chemical abuse history, convictions, sentence, and other factors, he should not have been given driving privileges;
- B. Granting Dobbe inmate driving privileges in violation of Department of Correctional Services, State of Nebraska, Operational Memorandum Community Corrections Center-Lincoln, Number 201.07.08;
- C. Failing to properly supervise and monitor Dobbe after granting him driving privileges;
- D. Declaring Dobbe eligible to participate in Department of Correctional Services, State of Nebraska, Administrative Regulation Number 109.01 when he should not have been declared eligible for this program; and
- E. Permitting Dobbe to operate a vehicle owned by the State of Nebraska when they knew or in the exercise of reasonable case should have known that he posed a danger and threat to the motoring public.

36. As a direct and proximate result of said defendants negligence, Joyce Meeks suffered injuries that resulted in her death on or around June 25, 2013, and her next-of-kin were damaged as previously set forth.

WHEREFORE, plaintiffs pray for judgment against the State of Nebraska, DCS, CCC-L, Robert P. Houston, in his official capacity as the Director of DCS, and John Doe, and each of them, on their Third Cause of Action, for general damages for the loss of financial support, services, comfort, companionship of Joyce Meeks and their pecuniary loss, and for costs.

**FOURTH CAUSE OF ACTION**

37. Plaintiffs incorporate Paragraphs 1 through 30, 32, 34 through 36 as if fully set forth herein.

38. As a proximate result of the aforementioned collision and negligence of State of Nebraska, DCS, CCC-L, Robert P. Houston, in his official capacity as the Director of DCS, and John Doe, and each of them, Joyce Meeks' next-of-kin were damaged as follows:

- A. Incurred funeral expenses; and
- B. Incurred memorial service expenses.

WHEREFORE, plaintiffs pray that judgment against the State of Nebraska, DCS, CCC-L, Robert P. Houston, in his official capacity as the Director of DCS, and John Doe, and each of them, on their Fourth Cause of Action for funeral and memorial service expenses and costs.

LEONARD MEEKS and MARTELL  
BUCHANAN, Co-Special Administrators  
of the Estate of Joyce Meeks, deceased,

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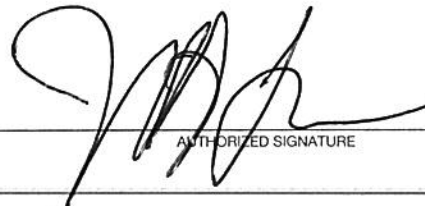
2/21/2014

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Eighty-Two and 00/100\*\*\*\*\* DOLLARS

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Justice & Law Enforcement Center  
575 S. 10th St., 3rd Floor  
Lincoln, NE 68508



AUTHORIZED SIGNATURE

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