



AlaFile E-Notice

01-CV-2025-901106.00

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NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

VIOLET HARRELL ET AL V. UNIVERSITY OF ALABAMA HEALTH SERVICES FOUNDATION
01-CV-2025-901106.00

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**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
 BIRMINGHAM DIVISION**

VIOLET P. HARRELL and JIMMIE L. HARRELL,)
)
)
Plaintiffs,)
)
v.)
)
UNIVERSITY OF ALABAMA HEALTH SERVICES FOUNDATION, P.C., STEPHANIE REILLY, M.D., PAUL BENSON, M.D., et al.,)
)
)
Defendants.)

Case No. CV-2025-901106

FIRST AMENDED COMPLAINT

COME NOW, Plaintiffs Violet P. Harrell and Jimmie L. Harrell, by and through undersigned counsel, who file this First Amended Complaint against Defendants for violations of Alabama Law, conversion, conspiracy, fraud, breach of fiduciary duty, and the torts of wantonness and outrage. In support of their claims, The Harrells state the following:

Statement of Parties

1. Plaintiff **VIOLET P. HARRELL** ("Plaintiff Ms. Harrell") is over the age of nineteen (19) years and resides in Brevard County, Florida. Plaintiff Ms. Harrell is the mother of Matthew Harrell ("Decedent Harrell").

2. Plaintiff **JIMMIE L. HARRELL** ("Plaintiff Mr. Harrell") is over the age of nineteen (19) years and resides in Brevard County, Florida. Plaintiff Mr. Harrell is the father of Decedent Harrell.

3. Defendant **UNIVERSITY OF ALABAMA HEALTH SERVICES FOUNDATION, P.C.** ("UA Foundation") is a 501(c)(3) public charity based in Jefferson County,

Alabama.

4. Defendant **STEPHANIE REILLY, M.D.** (“Defendant Reilly”) is over the age of nineteen (19) years and resides in Jefferson County, Alabama. Defendant Reilly was, at all relevant times herein, employed by UAB Defendants.

5. Defendant **PAUL BENSON, M.D.** (“Defendant Benson”) is over the age of nineteen (19) years and resides in Jefferson County, Alabama. Defendant Benson was, at all relevant times herein, employed by UAB Defendants.

6. **FICTITIOUS DEFENDANTS 1–20** whether singular or plural, are those persons, corporations, or entities employed by UA Foundation or by the Board of Trustees of the University of Alabama (“Board”) or their agents at all relevant times, who knew or should have known that Defendants were receiving organs and tissues from individuals who had died in prison custody without the consent of the deceased, their agents, or their next of kin and who are otherwise unknown to Plaintiffs at this time, but whose true and correct names will be substituted by amendment when ascertained.

7. **FICTITIOUS DEFENDANTS 21–40** whether singular or plural, are those persons, corporations, or entities whose wantonness or other wrongful conduct caused or contributed to cause the events made the basis of this Complaint and who are otherwise unknown to Plaintiffs at this time, but whose true and correct names will be substituted by amendment when ascertained.

8. The term “Plaintiffs” refers to Plaintiff Mrs. Harrell and Plaintiff Mr. Harrell. The term “Harrell Family” is made to refer to all members of the immediate family of Decedent Matthew Harrell, including Plaintiffs, his siblings, and his minor son.

9. The term “Defendants” is made to refer to all real and fictitious Defendants described in the style of this Complaint. All individual Defendants are sued in their individual

capacity and within the line and scope of their employment.

10. The term “UAB Defendants” refers collectively to University of Alabama Health Services Foundation, P.C.; Stephanie Reilly, M.D.; Paul Benson, M.D.; and Fictitious Defendants 1–20.

11. Venue is proper in Jefferson County because it is the county in which a substantial part of the events or omissions giving rise to the claim occurred.

Statement of Facts

12. The decedent, Matthew Harrell (“Decedent Harrell”), was the youngest son of Plaintiffs Jimmie and Violet Harrell. He is survived by his parents, spouse, minor child, and two siblings.

13. While still alive, Decedent Harrell, expressed his religious belief in an afterlife, and his wishes regarding funeral and burial to his family.

14. Decedent Harrell was clear with his family that he, “wanted to go to heaven with everything that’s in me.” He did not want to be cremated, and he did not want his organs to be donated or removed.

15. At the time of his death, at 47 years-old, on March 21, 2023, Matthew Harrell (“Decedent Harrell”) was incarcerated by the Federal Bureau of Prisons (“BOP”) and was housed at BOP’s Federal Correctional Institution Talladega (“FCI Talladega”) located in Talladega County, Alabama.

16. Decedent Harrell’s mother, Plaintiff Mrs. Harrell, was listed as Decedent Harrell’s next of kin in FCI Talladega records.

17. Plaintiff Mrs. Harrell received a call at or around 9 PM on March 21, 2023, from the chaplain at FCI Talladega, informing her that Decedent Harrell had died at or around 5:30 PM.

18. The chaplain stated that Decedent Harrell had collapsed on the basketball court and assured Plaintiff Mrs. Harrell that he had not been attacked but provided no further details.

19. The Harrell Family WAS interested in having an independent autopsy performed because Decedent Harrell was young and in good health.

20. On March 23, 2023, Plaintiff Mrs. Harrell called the warden's office. An administrative assistant answered and transferred her to Ms. Jackson, who identified herself as the chief of the office. Ms. Jackson informed Plaintiff Mrs. Harrell that Ms. Ashley Davis, Bureau of Prisons Supervisory Contract Specialist, would be her point of contact regarding Decedent Harrell's death.

21. Ms. Ashley Davis provided Plaintiff with no additional details about Decedent Harrell's death, stating only that he had collapsed on the basketball court and that the matter was still under review.

22. When Plaintiff Mrs. Harrell asked if she could see Decedent Harrell's body, Ms. Davis said that was not possible. Ms. Davis also informed Plaintiff Mrs. Harrell that an autopsy would be performed and that they needed to know where to send the body afterward. Plaintiff was told that someone would contact her when Decedent Harrell's body was ready for shipment from the autopsy.

23. The Harrell Family would have preferred to retain an independent pathologist of their choosing to perform the autopsy because they were suspicious of the circumstances surrounding Decedent's death, and also because their insurer requested an autopsy report to confirm that the Decedent's cause of death was covered under the policy.

24. At no point did Ms. Davis or anyone else give any information or ask Plaintiff Mrs. Harrell or anyone in the Harrell Family to sign any releases, authorizations or other forms related to Decedent Harrell's death or remains.

25. At no point did Ms. Davis or anyone else seek permission from the Harrell Family for the autopsy, nor did they get permission for or even mention organ/tissue donation or retention.

26. Ms. Davis recommended the Harrell Family use a local funeral home and put Plaintiff Mrs. Harrell in contact with Erika Terry of Terry's Metropolitan Mortuary. Ms. Davis further stated that Plaintiff Mrs. Harrell did not need to do anything, as Decedent Harrell would be dressed in a suit and prepared for burial. Ms. Davis emphasized that the Harrell Family would not even need to touch or dress him once the body was turned over, because they would handle everything.

27. Ms. Harrell's brother died the day before Decedent Harrell, making the timing of funeral arrangements particularly significant for the family.

28. In the weeks following, the Harrell Family sought answers about Decedent Harrell's death. They asked Ms. Terry of Terry's Metropolitan Mortuary if she could help them get a copy of Decedent Harrell's autopsy report. Ms. Terry told the Harrell Family that they were lucky because they should receive the autopsy report quickly because the autopsy was conducted at the University of Alabama at Birmingham ("UAB").

29. Ms. Terry led the family to believe that UAB could be trusted to handle the Decedent's body with care and even implied that having the autopsy performed by UAB was better and faster than having it done by the coroner.

30. On or around March 24, 2024, at 12:13 PM, the UAB Defendants' University of Alabama at Birmingham Marnix E. Heersink School of Medicine Department of Pathology

(“Department of Pathology”) received Decedent Harrell’s body.

31. No effort was made by the UAB Defendants to seek next of kin’s approval for the autopsy or organ/tissue retention nor was next of kin notified that organs/tissue was being retained. Defendants had the responsibility of confirming that they had proper authorization to perform an autopsy, and they failed to do so.

32. On information and belief, UAB Defendants are and have been for many years engaged in a pattern and practice of wrongfully removing and retaining organs/tissues during the course of unauthorized autopsies and purporting to have the right to retain these organs/tissues because a warden gave them permission.

33. Decedent Harrell’s body arrived at Terry’s Metropolitan Mortuary the following Monday, March 27, 2023.

34. At no point did anyone inform the Harrell Family that organs or tissues had been removed and retained, and that Decedent Harrell’s body was not whole when it was given over to his family.

35. The Harrell Family wanted Decedent Harrell’s body moved to Greener Pastures Funeral Home in Atlanta, Georgia, where they wished to have his remains laid to rest.

36. The owner of Greener Pastures Funeral Home advised the family not to look at Decedent Harrell’s body and told the Harrell Family that whoever prepared his body for viewing “could have done a better job.” The owner offered to “clean up” the body before the Harrell Family saw it at the wake.

37. The Harrell Family did not see his body until the wake on Friday, March 31, 2023. The funeral took place the following day, April 1, 2023.

38. During the wake, the Harrell Family also learned that the Decedent’s body had been

shipped to them in a used and damaged casket with a giant dent in the side.

39. Weeks passed, and the Harrell Family still had not received the autopsy report.

40. The Harrell Family needed to provide a copy of the autopsy report to their insurer to cover Decedent Harrell's burial expenses.

41. Ms. Terry suggested that Plaintiff contact Shaddix Murphy, the coroner of Talladega County.

42. Plaintiff contacted Coroner Murphy, who stated that he was not responsible for the autopsy report and that it would come from UAB. He provided Plaintiff with the contact information for Defendant Dr. Paul Benson, the UAB Director of the Department of Pathology.

43. Plaintiff left multiple voicemails for Dr. Benson but did not receive a call back. The death certificate was later mailed to Plaintiff by FCI Talladega.

44. The autopsy report was never provided by UAB, rather it was provided by Shaddix Murphy, the coroner of Talladega County.

45. The Autopsy Report, which was finally provided to the Harrell family months after Decedent Harrell's death, contains the following details:

- a. The body was received at 12:13 PM on March 24, 2023.
- b. "The coroner declined to order an autopsy."
- c. The autopsy was performed on March 24, 2023.
- d. Dr. Reilly verified the autopsy on June 14, 2023, at 2:17 PM.

46. Stephanie Reilly is listed as the Requesting Physician, the reviewer of the "Patient Identification and Consent for Autopsy", and the examiner of both gross and microscopic findings.

47. The Autopsy Report states: "Permission for an unlimited autopsy is granted under the authority of Warden Melissa Kimberly [sic], Talladega Federal Prison."

48. The type of autopsy is listed as “Complete.”

49. Nowhere in the Autopsy Report does it note that any organs were removed from Decedent Harrell’s body.

50. Through deception and by conspiracy, acting in a concerted manner, Defendants violated Alabama law when they (1) conducted an autopsy that was not ordered by the coroner; (2) wrongfully permitted a Warden to consent to organ removal and retention during an autopsy; and (3) participated in and permitted the conversion of property (namely, the remains of Decedent Harrell) belonging to the Plaintiffs—all of which are against Alabama law.

51. The Defendants then took Decedent Harrell’s organs without permission or without notice to or consent from his next of kin.

52. Defendants misled Plaintiffs concerning the purpose of the autopsy and whether Defendants’ behavior was lawful.

53. Defendants, each and together, engaged in unlawful and outrageous practices that deprived Decedent Harrell and the Harrell family of their right to receive the entire body of their loved one for burial.

54. On information and belief, employees of the UA Foundation were involved in the unauthorized autopsy and retention of organs/tissues during said autopsy, and other acts that harmed the Plaintiffs.

55. UA Foundation, Defendants Reilly, Defendant Benson, Fictitious Defendants, and/or their employees, agents, and/or servants acted willfully, maliciously, fraudulently, in bad faith, beyond his or her authority, or under a mistaken interpretation of the law, by ordering, requesting, performing and/or allowing autopsies to be performed on incarcerated people without obtaining authority from the rightful next of kin or a person with legal authority to order and/or authorize

autopsies.

56. UA Foundation, Defendants Reilly, Defendant Benson, Fictitious Defendants, and/or their employees, agents, and/or servants are acting willfully, maliciously, fraudulently, in bad faith, beyond his or her authority, or under a mistaken interpretation of the law, by wrongfully removing and retaining organs/tissues.

57. As a result of the events made the basis of this Complaint, Plaintiffs have the following injuries:

- a. suffered physical injuries manifesting from Defendants' outrageous and intentional conduct;
- b. suffered emotional and physical pain and will continue to do so in the future;
- c. suffered mental anguish and will continue to do so in the future;
- d. suffered permanent injuries and damages;
- e. endured loss of income;
- f. incurred medical expenses and will do so in the future; and
- g. have been otherwise injured and damaged.

COUNT ONE

**Violations of the Alabama Uniform Anatomical Gift Act and the Alabama Code
(Against all Defendants)**

58. Plaintiffs reallege all prior paragraphs of the Complaint as if set out here in full.

59. The retention of anatomical parts by Defendants, acting as a medical examiner, is limited for the express purposes of attempting to identify an unknown person or for determining cause or manner of death.

60. For retention of organs when the identity of the person is known, as in this case, even for the limited purpose of determining cause or manner of death, notification to the next of kin

is mandatory.

61. No notification was given to the Harrell Family, no authorization was given by Decedent's next of kin, nor was authorization granted by any other person listed in the statute who might be mistaken as having given permission to retain organs.

62. As a proximate result of Defendants' actions, Plaintiffs were injured and damaged as stated above.

WHEREFORE, premises considered, Plaintiffs demand judgment against Defendants separately and severally, in such amount of compensatory and punitive damages as a court deems proper, attorney's fees, costs, and such other, more general and equitable relief as is deemed proper by the Court.

COUNT TWO
Unlawful Conversion of Anatomical Parts
(Against all Defendants)

63. Plaintiffs reallege all prior paragraphs of the Complaint as if set out here in full.

64. Defendants converted property of Plaintiffs via an intentional wrongful taking, an illegal assertion of ownership, an illegal use or misuse of another's property, or a wrongful detention or interference with another's property.

65. Decedent's next of kin had an interest in determining the disposition of Decedent Harrell's entire body after his death, in accordance with their traditions, religious and moral beliefs, and other preferences. Decedent Harrell's next of kin was deprived of this right when:

- a. Defendants purported to obtain authorization for an autopsy despite informing Plaintiffs that foul play was not suspected.
- b. Defendants unlawfully and intentionally took possession of organs/tissues without permission, or even notification that it was retained.

66. In callously mistreating the Deceased's mortal remains, Defendants trampled on Plaintiffs' sacred rights of sepulcher.

67. Defendants violated state law by failing to obtain permission to perform the autopsy and also by retaining a deceased person's entire organ for research or for any other purpose not in conjunction with a determination of identification or cause or manner of death and without notification to, and approval by, the appropriate next of kin.

68. Defendants violated state law by failing to provide notice to next of kin when they retained organs.

69. Defendants unlawfully denied the deceased and Plaintiffs the right to determine whether Decedent Harrell's organs would be given as an anatomical gift.

70. Defendants unlawfully and intentionally usurped the authority of Decedent Harrell and/or his agent(s), by depriving Plaintiffs of the opportunity to make a determination about the disposition of the organs of their deceased next of kin.

71. As a proximate result of Defendants' actions, Plaintiffs were injured and damaged as stated above.

WHEREFORE, premises considered, Plaintiffs demand judgment against Defendants separately and severally, in such amount of compensatory and punitive damages as a court deems proper, attorney's fees, costs, and such other, more general and equitable relief as is deemed proper by the Court.

COUNT THREE
Conspiracy
(Against All Defendants)

72. Plaintiffs reallege all prior paragraphs of the Complaint as if set out here in full.

73. Defendants did agree to take concerted action among themselves and with other

unknown or unnamed parties to achieve the wrongful performance of an autopsy and retention of organs/tissue from the deceased family member of Plaintiffs.

74. Through their outrageous and clearly unlawful conduct, Defendants intended to and did cause damage to Plaintiffs.

75. On information and belief, Defendants acted to conceal or otherwise obscure the illegal conduct.

76. Defendants committed the tort of conspiracy when they coordinated to wrongfully take, detain, interfere with, or illegally assume ownership or use of Plaintiffs' interest in the remains of their loved one.

77. As a proximate result of Defendants' actions, Plaintiffs were injured and damaged as stated above.

WHEREFORE, premises considered, Plaintiffs demand judgment against Defendants separately and severally, in such amount of compensatory and punitive damages as a court deems proper, attorney's fees, costs, and such other, more general and equitable relief as is deemed proper by the Court.

COUNT FOUR
Fraud
(Against All Defendants)

78. Plaintiffs reallege all prior paragraphs of the Complaint as if set out here in full.

79. Fraud consists of (1) a false representation, (2) concerning a material existing fact, (3) reliance by plaintiff upon that false representation, and (4) damage to plaintiff as a proximate result. *Webb v. Renfrow*, 453 So. 2d 724, 727 (Ala. 1984) (citing Code of 1975, § 6-5-101; *International Resorts, Inc. v. Lambert*, 350 So. 2d 391 (Ala. 1977)).

80. Fraud may also be committed by the suppression of a material fact which the party is

under an obligation to communicate, either because of an obligation to communicate arising from a confidential relationship or from the particular circumstances.” *Webb*, 453 So. 2d at 727 (citing Code of 1975, § 6-5-102; *Jim Short Ford Sales, Inc. v. Washington*, 384 So. 2d 83 (Ala. 1980); *see also Ex parte Farmers Exch. Bank*, 783 So. 2d 24, 27 (Ala. 2000)

81. In this case, Defendants were in a unique position of power, authority and knowledge with regard to Decedent Harrell and improperly exploited their position to deceive the Harrell Family.

82. Defendants had an obligation to communicate material information to Plaintiffs and failed to do so.

83. Instead, Defendants engaged in a pattern of fraudulent conduct through both affirmative misrepresentations and material omissions designed to conceal their unlawful acts.

84. Defendants misrepresented the legality of their taking charge of Decedent Harrell’s body and performing an autopsy. In doing so, they prevented family from exercising their right to take charge of the body and have an independent autopsy performed.

85. Defendants misrepresented the reason for the autopsy. They purported to share the same interest as the Harrell Family in determining the Decedent’s cause of death.

86. Defendants misrepresented that Decedent Harrell’s body would be returned in a state prepared for burial. According to the Funeral Home retained by the Harrell Family, Defendants had not prepared Decedent Harrell’s body for burial.

87. The Harrell Family reasonably relied on these false representations made by Defendants.

88. Additionally, Defendants omitted, in all their conversations with the Harrell Family

and from the Autopsy Report, any mention that they had removed and taken Decedent Harrell's organs.

89. At no point did the Defendants disclose that they had retained Decedent Harrell's organs for their own benefit and profit, or that this was the purpose of the autopsy they performed.

90. Because Defendants did not disclose this material information in any conversation with the Harrell Family or in the Autopsy Report, the Harrell Family did not have reasonable notice of these fraudulent misrepresentations and omissions.

91. The Defendants intended to wrongfully deceive the Harrell Family, or they recklessly made statements without regard for their truth or falsity.

92. The UAB defendants have also purported to rely on Warden Kimberley's authorization per 28 CFR § 549.80(a).¹

93. That regulation allows a warden of a federal facility to "order an autopsy and related scientific or medical tests to be performed on the body of a deceased inmate of the facility in the event of homicide, suicide, fatal illness or accident, or unexplained death." (Emphasis added.)

94. The UAB defendants engaged in fraud when they used Warden Kimberley's authorization form – which only authorized use of the body for testing related to the autopsy – for purposes and testing unrelated to the autopsy.

95. The UAB defendants engaged in fraud when they attempted to cover up their misconduct by telling a range of persons that the warden's authorization allows for "use for research and teaching purposes."²

96. The UAB defendants engaged in fraud during a September 20, 2018 meeting and at other times when they indicated that the autopsies were performed "out of respect for the deceased

¹ See UAB Defendants' Petition for Writ of Mandamus in *Harrell*.

² Singleton Petition for Writ of Mandamus at pg. 80.

and the families.”³

97. The UAB defendants engaged in fraud during a September 20, 2018 meeting and at other times when they indicated that the “the next of kin (usually family members) ha[ve] the option to opt out of the retention and teaching uses of a deceased person’s organs following autopsy” even though Plaintiffs were given no opportunity for an opt-out.⁴⁵

98. The UAB defendants engaged in fraud during a September 20, 2018 meeting and at other times when they indicated that “UAB’s consent form takes an ‘opt-out’ style” even though Plaintiffs were given no opportunity for an opt-out.⁶

99. The UAB defendants engaged in fraud during a September 20, 2018 meeting and at other times when they represented to third parties that next of kin are “presumed to have given consent” if they do not opt-out even though they are not given an opportunity to opt-out.⁷

100. The UAB defendants engaged in fraud during a September 20, 2018 meeting and at other times when they misrepresented the holding of *Moore v. Regents* as saying that “secondary uses of once-discarded organs are considered legitimate and require no consent.”

101. The UAB defendants engaged in fraud during a September 20, 2018 meeting and at other times when they falsely represented that deceased inmates are “are treated with almost the same amount of respect and care” as deceased non-inmates.⁸

102. The UAB defendants engaged in fraud during a September 20, 2018 meeting and at other times when they falsely represented that there was no “lack of ethicality in the retention and teaching uses of once-removed organs.”⁹

³ Singleton Petition for Writ of Mandamus at pg. 113.

⁴ Singleton Petition for Writ of Mandamus at pg. 114.

⁵ Singleton Petition for Writ of Mandamus at pg. 113.

⁶ Singleton Petition for Writ of Mandamus at pg. 114.

⁷ Singleton Petition for Writ of Mandamus at pg. 114.

⁸ Singleton Petition for Writ of Mandamus at pg. 115.

⁹ Singleton Petition for Writ of Mandamus at pg. 115.

103. The UAB defendants engaged in fraud when they falsely represented that they track consent organ-by-organ, when in fact there are a range of organs with no records of who they came from or whether any consent was provided.

104. As a proximate result of Defendants' actions, misrepresentations, and omissions Plaintiffs were injured and damaged as stated above.

WHEREFORE, premises considered, Plaintiffs demand judgment against Defendants separately and severally, in such amount of compensatory and punitive damages as a court deems proper, attorney's fees, costs, and such other, more general and equitable relief as is deemed proper by the Court.

COUNT FIVE
Wantonness
(Against All Defendants)

105. Plaintiffs reallege all prior paragraphs of the Complaint as if set out here in full.

106. Defendants returned the Deceased's body to Plaintiffs without organs and in a severely damaged state.

107. Defendants committed an act of wantonness when they wrongfully performed an autopsy and removed organs/tissue from a deceased person without notifying or obtaining the necessary consent from Decedent's family.

108. Defendants consciously disregarded the law and the rights of Plaintiffs by depriving them of a right that belonged to them alone. Specifically, Defendants were fully aware that they needed consent from Decedent's family before performing autopsy, removing and retaining organs/tissue, yet they proceeded to do so anyway in blatant disregard for Plaintiffs' rights.

109. Their willful failure to obtain consent demonstrates a reckless indifference that rises to the level of wantonness under the law.

110. Therefore, Defendants' unauthorized autopsy and organ removal constitutes

wantonness and willfulness for which they can be held liable.

111. Defendants owed a duty of care to properly handle the Deceased's body. By returning the body without organs and in an advanced state of decomposition, Defendants breached this duty and were wanton in their handling of the corpse.

112. As a direct result of Defendants' actions, Plaintiffs were injured and damaged as stated above.

WHEREFORE, premises considered, Plaintiffs demand judgment against Defendants separately and severally, in such amount of compensatory and punitive damages as a court deems proper, attorney's fees, costs, and such other, more general and equitable relief as is deemed proper by the Court.

COUNT SIX
Tort of Outrage
(Against All Defendants)

113. Plaintiffs reallege all prior paragraphs of the Complaint as if set out here in full.

114. Defendants' conduct in performing and unauthorized autopsy unlawfully converting and retaining the organs/tissue of the Deceased and returning the body to Plaintiffs in a severely damaged state was intentional or reckless; was extreme and outrageous; and caused emotional distress so severe that no reasonable person could be expected to endure it.

115. Defendants' outrageous and inexcusable mishandling of the Deceased's body amounts to a reprehensible violation of human dignity and common decency. Their depraved indifference in returning the body bereft of vital organs and in a severely damaged state shows utter contempt for the Deceased's memory and for the profound emotional distress inflicted upon the Plaintiffs.

116. No civilized society can tolerate such a barbaric desecration of the dead. That Defendants had the audacity to ransack the body and convert its parts for their own selfish gain

only compounds the egregiousness of their conduct. Their brazen theft and exploitation of the helpless deceased shocks the conscience.

117. The conduct of Defendants in this matter is so outrageous and reckless that it goes beyond all possible bounds of decency and is regarded as atrocious and utterly intolerable in a civilized society, such that Defendants knew or should have known that said conduct would result in severe emotional distress, sickness and/or disease.

118. As a direct result of Defendants' actions, Plaintiffs were injured and damaged as stated above.

WHEREFORE, premises considered, Plaintiffs demand judgment against Defendants separately and severally, in such amount of compensatory and punitive damages as a court deems proper, attorney's fees, costs, and such other, more general and equitable relief as is deemed proper by the Court.

COUNT SEVEN
Fictitious Defendants

119. Plaintiffs reallege all prior paragraphs of the Complaint as if set out here in full. 84. Fictitious Defendants are those individuals and/or entities specifically enumerated in the caption above whose wantonness and/or other wrongful conduct caused or contributed to cause the events made the basis of this Complaint.

120. As a proximate result of Defendants' actions, Plaintiffs were injured and damaged as stated above.

WHEREFORE, premises considered, Plaintiffs demand compensatory and punitive damages against all Defendants, jointly and severally, named and fictitious, in an amount to be determined by a jury, plus costs.

COUNT EIGHT
Breach of Fiduciary Duty
(Against All Defendants)

121. Plaintiffs reallege all prior paragraphs of the Complaint as if set out here in full.

122. The elements of a breach-of-fiduciary-duty claim are the existence of a fiduciary duty, a breach of that duty, and damage suffered as a result of that breach. *Regions Bank v. Lowrey*, 101 So. 3d 210, 219 (Ala. 2012).

123. The person having “charge of a dead body for burial is in the exercise of a sacred trust for all who may, from family ties or friendship, have an interest in the remains.” *Southern Life & Health Ins. Co. v. Morgan*, 105 So. 161, 167, 21 Ala. App. 5, 11 (1925) (determining that plaintiff had rights in the body of his son which the law will protect).

124. In this case, the Defendants took charge of Decedent Harrell’s body and represented to the family that they would prepare it and return it in a state fit for burial.

125. Ms. Ashley Davis, Bureau of Prisons Supervisory Contract Specialist, specifically advised the Harrell Family that Decedent Harrell’s body would be returned prepared for burial and reassured the Harrell Family that they would not need to do anything.

126. In violation of that sacred trust and Decedent Harrell’s express wishes, the Defendants mutilated and removed his organs from his body.

127. The Defendants made it impossible for the Harrell Family to bury Matthew as he had wished, “with everything that’s in me.”

128. Not only did the Defendants steal Decedent Harrell’s organs, but they did not prepare his body for burial. Defendants returned Decedent Harrell’s body to his family in a used and dented casket, and in such a poor condition that the Funeral Home retained by the Harrell Family advised them not to look and offered to clean him up for the viewing.

129. Defendants had a fiduciary duty to Decedent Harrell’s family and friends when they took charge of his remains.

130. Defendants breached that duty when they mutilated Decedent Harrell's body, stole his organs, and returned in his body to the Harrell Family bereft of organs and not prepared for burial.

131. As a direct result of Defendants' actions, Plaintiffs were injured and damaged as stated above.

WHEREFORE, premises considered, Plaintiffs demand compensatory and punitive damages against all Defendants, jointly and severally, named and fictitious, in an amount to be determined by a jury, plus costs.

PRAYER FOR RELIEF

WHEREFORE, premises considered, Plaintiffs respectfully requests that this Court enter an Order:

1. Entering a judgment against Defendants;
2. Awarding damages, compensatory, punitive and disgorgement of any profits from unlawful organ or tissue retention, to Plaintiffs against Defendants in an amount deemed appropriate by a jury and authorized by law;
3. Awarding to Plaintiffs reasonable attorney fees, costs and expenses; and
4. Providing such other and further relief to Plaintiffs as the Court deems just and proper.

PLAINTIFFS DEMAND TRIAL BY STRUCK JURY.

Respectfully submitted this 15TH day of October, 2025.

/s/ Lauren Faraino
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the AlaFile system which will send notification of such filing to all counsel of record on this the 15th day of October, 2025:

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