



June 5, 2020

VIA OVERNIGHT MAIL
& EMAIL mike.boyce@cobbcounty.org
Cobb County Board of Commissioners
C/O Mike Boyce, Commission Chairman
100 Cherokee Street
Marietta, Georgia 30090

VIA OVERNIGHT MAIL
Cobb County Attorney
H. William Rowling, Jr., Esq.
100 Cherokee Street, Suite 350
Marietta, GA 30090

VIA OVERNIGHT MAIL
& EMAIL neil.warren@cobbcounty.org
Cobb County Sheriff's Office
C/O Sheriff Neil Warren
185 Roswell Street, NE
Marietta, GA 30060

VIA OVERNIGHT MAIL
& EMAIL Risk.Management@doas.ga.gov
State of Georgia
Department of Administrative Services
Risk Management Division
200 Piedmont Avenue, S.E.
Suite 1804 West Tower
Atlanta, GA 30334

Re: ANTE LITEM NOTICE AND PRESENTATION OF CLAIM
AGAINST COBB COUNTY SHERIFF'S OFFICE

Our Clients: Estate of Kevil Wingo, Tiffany Wingo, Kieara Wingo, Erika Wingo, and Kevil Wingo, Jr.
Matter Number: WING-19-10-01543
Dates of Injury: September 28-29, 2019

Dear Sirs/Madams:

Please be advised that our law firm represents Mr. Kevil Wingo's Family, including his sister Tiffany Wingo, daughter Kieara Wingo, daughter Erika Wingo, son Kevil Wingo, Jr., and the Estate of Kevil Wingo (hereinafter collectively referred to as the "Estate") against the Cobb County Sheriff's Office, Cobb County Sheriff Neil Warren, and Cobb County Sheriff's Officers including, but not limited to Major B Harris, Sergeant Gordon, Deputy Wilkerson, Deputy White, Deputy Marshall, Deputy Sewodor, Deputy Mack, Deputy Davis, Deputy Mejia, and Deputy S Hicks. Our claims relate to the injuries and death of Kevil Wingo (D.O.B. 12/18/1982 and SOID #000833191) while an inmate at the Cobb County Adult Detention Center (hereinafter referred to as "CCADC") at 1825 County Services Parkway, SW, Marietta, GA, 30008, from September 23, 2019 through September 29, 2019. You are hereby put on notice:

3100 Cumberland Blvd., Suite 1470 | Atlanta, Georgia 30339
(770) 693-8202 | inquiries@gardnertrialattorneys.com | gardnertrialattorneys.com



June 5, 2020

Page 2 of 3

- A) Mr. Wingo died at CCADC on September 29, 2019. The cause of Mr. Wingo's death was "Complications of Perforated Gastric Ulcer with Peritonitis". This condition could have been easily treated had Mr. Wingo been taken to an emergency room after his repeated requests at CCADC.

Mr. Wingo was first detained at CCADC on September 23, 2020 and began experiencing severe stomach pains, nausea, severe sweats and instability on September 28, 2019. Mr. Wingo voiced his complaints to Cobb County Sheriff's Officers, and he was eventually taken to the jail infirmary where his complaints and repeated requests to go the emergency room were ignored.

In the morning hours of September 29, 2019, Mr. Wingo was barely able to walk and again cried for help to the jail's medical staff and officers. The nursing staff refused to evaluate and/or examine Mr. Wingo and wanted him removed from the infirmary so that they did not have to hear his cries for help or see his pain. Cobb County Sheriff's Officers, knowing that Mr. Wingo was in severe distress and unable to walk removed Mr. Wingo from the infirmary in violation of Cobb County Sheriff's Office Policies and Procedures and placed Mr. Wingo in an isolation cell reserved for suicidal inmates.

Cobb County Sheriff Officers observing Mr. Wingo unable to walk used a wheelchair to dump Mr. Wingo's almost lifeless body into an isolation cell located outside the infirmary. The officers then stripped Mr. Wingo of his clothes leaving him naked; threw a green suicide smock on his back; placed two cups of Styrofoam water cups in his cell; and left Mr. Wingo to die. Mr. Wingo did not show any signs of life again about 10 minutes after the officers left his cell. Mr. Wingo's lifeless body was not discovered until almost an hour after the officers dumped him to die.

Based on Mr. Wingo's isolated cell housing and medical status, Cobb County Sheriff's Officers were to monitor Mr. Wingo's isolated cell on a staggered timed interval in accordance with Cobb County Sheriff's Office Policies and Procedures. The officers failed to monitor Mr. Wingo and therefore did not attempt any life saving measures on Mr. Wingo until about an hour after he appeared lifeless. Cobb County Sheriff's Office also did not use proper medical equipment to save Mr. Wingo's life either because (1) the officers were either not trained on how to use the equipment properly, (2) failed to use the equipment properly, or (3) the equipment was not maintained properly and did not work.

Cobb County Sheriff's Office failed to provide Mr. Wingo appropriate medical care and did nothing to save Mr. Wingo's life after having several opportunities to do so. The officers never should have taken Mr. Wingo out of the infirmary and put him in an isolated cell thereby withholding necessary medical care Mr. Wingo needed.

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An Estate, Survivorship and Wrongful Death Claim will be brought arising out of the death of Kevil Wingo. The basis for the claim will be violation of State laws including negligence, cruelty to inmates, violation of Cobb County Sheriff's Office Ministerial Duties and Policies and Procedures, and Federal Claims pursuant to 42 U.S.C. §§ 1983 and 1988 for violations of Mr. Wingo's Eighth and Fourteenth Amendment rights to be free from cruel and unusual punishment and be accorded due process under the United States Constitution. Cobb County Sheriff's Office and its officers further violated Mr. Wingo's United States Constitutional 14th Amendment right to Due Process and to provide medical care to a detained but not convicted United States citizen.

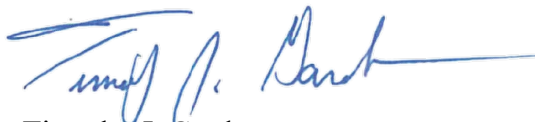
- B) The nature of the losses our clients have and/or continue to suffer include, but are not limited to, wrongful death, conscious pain and suffering, survivorship claims, personal physical injury, pain and suffering, mental anguish including the apprehension of imminent death, lost wages, medical related expenses, funeral expenses, punitive damages, cost of litigation, attorneys' fees plus additional estate and wrongful death claims.
- C) The amount of the loss claimed is fifty million dollars (\$50,000,000.00).

Please accept this as the Estate's notice of claim and legal ante litem notice pursuant to O.C.G.A. § 36-11.1, et seq and O.C.G.A. § 50-21-26 et. Seq. with regard to all claims against Cobb County, the Cobb County Sheriff's Department, State of Georgia, and Cobb County Sheriff Neil Warren and his deputies. Please review this notice and contact me so that we may determine if this matter can be amicably resolved or if we need to file suit.

Thank you for your time and attention to this matter.

Very truly,

GARDNER TRIAL ATTORNEYS



Timothy J. Gardner

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Service type:	FedEx Standard Overnight		MARIETTA, GA, 30060
Special Handling:	Deliver Weekday; Adult Signature Required	Delivery date:	Jun 8, 2020 09:27

Shipping Information:

Tracking number:	770639753586	Ship Date:	Jun 5, 2020
		Weight:	0.5 LB/0.23 KG

Recipient:
Sheriff Neil Warren, Cobb County Sheriff's Office
185 Roswell Street, NE
MARIETTA, GA, US, 30060

Shipper:
Timothy Gardner, Gardner Trial Attorneys, LLC
3100 Cumberland Blvd.
Suite 1470
Atlanta, GA, US, 30339

Reference WING-19-10-01543



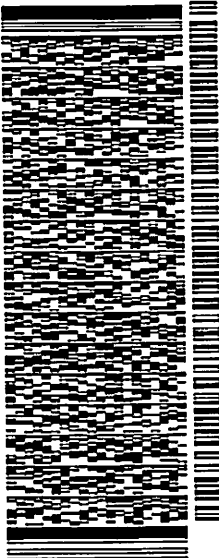
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3100 CUMBERLAND BLVD.
SUITE 1470
ATLANTA, GA 30339
UNITED STATES US

SHIP DATE: 05 JUN 20
ACTWTG: 1.00 LB
CAD: 112169817/NET/4220
BILL SENDER

TO SHERIFF NEIL WARREN
COBB COUNTY SHERIFF'S OFFICE
185 ROSWELL STREET, NE

MARIETTA GA 30060
PO. DEPT.
(770) 499-4611 REF: WANG-19-1001543



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Service type:	FedEx Standard Overnight		ATLANTA, GA, 30334
Special Handling:	Deliver Weekday; Adult Signature Required	Delivery date:	Jun 8, 2020 08:22

Shipping Information:

Tracking number:	770640182134	Ship Date:	Jun 5, 2020
		Weight:	0.5 LB/0.23 KG

Recipient:
Risk Management Division, Department of Administrative Servic
200 Piedmont Avenue, S.E.
Suite 1804 West Tower
ATLANTA, GA, US, 30334

Shipper:
Timothy Gardner, Gardner Trial Attorneys, LLC
3100 Cumberland Blvd.
Suite 1470
Atlanta, GA, US, 30339

Reference WING-19-10-01543



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TIMOTHY GARDNER
GARDNER TRIAL ATTORNEYS, LLC
3100 CLIMBERLAND BLVD.
SUITE 1470
ATLANTA, GA 30339
UNITED STATES US

SHIP DATE: 05 JUN 20
ACTWGT: 1.00 LB
CAD: 112169817ZINET4220

BILL SENDER

TO RISK MANAGEMENT DIVISION

DEPARTMENT OF ADMINISTRATIVE SERVICE

200 PIEDMONT AVENUE, S.E.

SUITE 1804 WEST TOWER

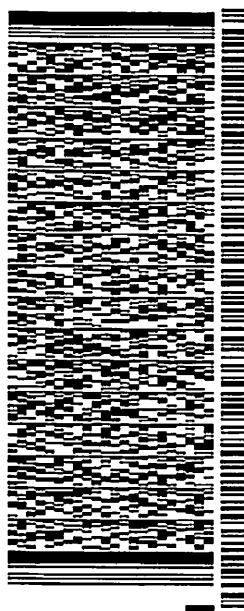
ATLANTA GA 30334

(404) 656-5514

REF: WING-19-1001543

INV:

DEPT:



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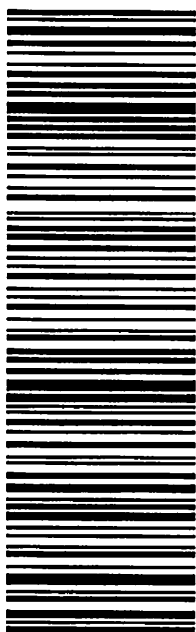
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Signed for by:	J.TRAN	Delivery Location:	100 CHEROKEE ST 350 300
Service type:	FedEx Standard Overnight		MARIETTA, GA, 30090
Special Handling:	Deliver Weekday; Adult Signature Required	Delivery date:	Jun 8, 2020 10:10

Shipping Information:

Tracking number:	770640070311	Ship Date:	Jun 5, 2020
		Weight:	0.5 LB/0.23 KG

Recipient:
Mike Boyce, Commission Chairman, Cobb County Board of
Commissioners
100 Cherokee Street
MARIETTA, GA, US, 30090

Shipper:
Timothy Gardner, Gardner Trial Attorneys, LLC
3100 Cumberland Blvd.
Suite 1470
Atlanta, GA, US, 30339

Reference WING-19-10-01543



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TIMOTHY GARDNER
GARDNER TRIAL ATTORNEY'S, LLC
3700 CLIMBERLAND BL VD.
SUITE 1470
ATLANTA, GA 30339
UNITED STATES US

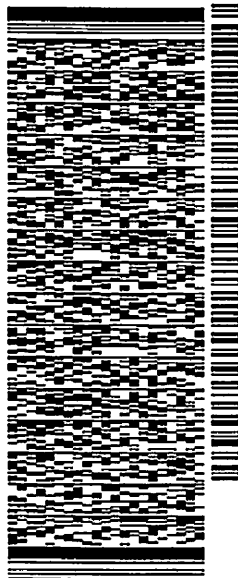
SHIP DATE: 05 JUN 20
ACTWGT: 1.00 LB
CAD: 112169817/MET4220

BILL SENDER

TO **MIKE BOYCE, COMMISSION CHAIRMAN**
COBB COUNTY BOARD OF COMMISSIONERS
100 CHEROKEE STREET

MARIETTA GA 30090

(770) 528-3300 REF: WING-19-10-01543
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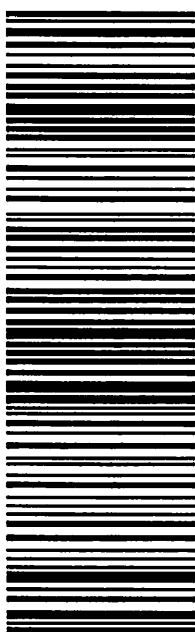
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Service type:	FedEx Standard Overnight		MARIETTA, GA, 30090
Special Handling:	Deliver Weekday; Adult Signature Required	Delivery date:	Jun 8, 2020 10:10

Shipping Information:

Tracking number:	770640154053	Ship Date:	Jun 5, 2020
		Weight:	0.5 LB/0.23 KG

Recipient:
H. William Rowling, Jr., Esq., Cobb County Attorneys Office
100 Cherokee Street
Suite 350
MARIETTA, GA, US, 30090

Shipper:
Timothy Gardner, Gardner Trial Attorneys, LLC
3100 Cumberland Blvd.
Suite 1470
Atlanta, GA, US, 30339

Reference WING-19-10-01543



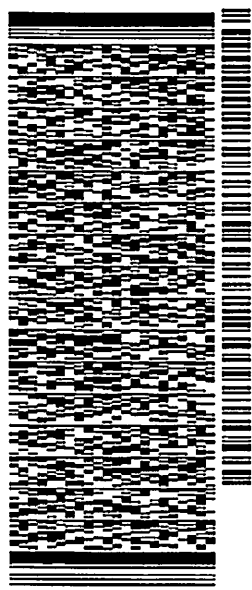
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ATLANTA, GA 30339
UNITED STATES US

SHIP DATE: 05 JUN 20
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CAD: 112169817/M/ET/4220
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TO H. WILLIAM ROWLING, JR., ESQ.
COBB COUNTY ATTORNEYS OFFICE
100 CHEROKEE STREET
SUITE 350

MARIETTA GA 30090
(770) 528-4000 REF: WING-19-10-01543
P.O. DEPT.

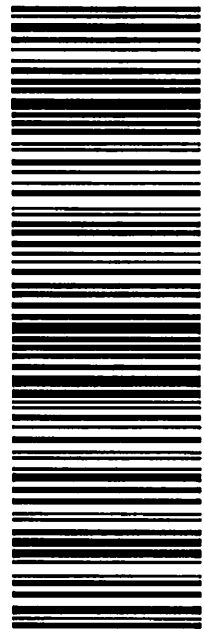


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