

IN THE CIRCUIT COURT OF THE 13TH JUDICIAL DISTRICT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

KIM SUH YOUNG

Case No.:

Plaintiff,

-vs-

TEN BROECK TAMPA, INC., d/b/a
NORTH TAMPA BEHAVIORAL HEALTH.

Defendant.
_____ /

COMPLAINT

COMES NOW, the Plaintiff, KIM SUH YOUNG (hereinafter "Plaintiff"), by and through the undersigned counsel, hereby sues the Defendant, TEN BROECK TAMPA, INC., d/b/a NORTH TAMPA BEHAVIOR HEALTH (hereinafter "Defendant"), and alleges:

PARTIES, JURISDICTION, AND VENUE

1. This is an action for damages that exceeds Fifteen Thousand Dollars (\$15,000.00), exclusive of interest, costs, and attorneys' fees.
2. At all times material to this action, Defendant was an incorporated business entity licensed to do business in Hillsborough County, Florida, operating as a behavior health institution for acute care and stabilization.
3. At all times material to this action, Defendant was a business entity licensed and conducting business within Hillsborough County, Florida.
4. Venue and jurisdiction in Hillsborough County, Florida is appropriate because Defendant operates in Hillsborough County, Florida. Further, the incident at issue occurred and accrued in Hillsborough County, Florida. Plaintiff was employed by Defendant as a registered nurse from approximately April 14, 2017 through February 22, 2018.

5. Plaintiff has retained the undersigned attorneys to represent her interests in this action.
6. Plaintiff has completed all required prerequisites before the filing of this action.

GENERAL ALLEGATIONS

7. At all relevant times, Plaintiff was employed by Defendant as a registered nurse.
8. Defendant employs more than 10 employees.
9. Plaintiff engaged in a protected activity, as defined by the Florida Whistleblower's Act, when she objected to Defendant's unsafe and dangerous working conditions that involved the safety of Defendant's patients and said safety and concerns constituted violations of law, rule and/or regulation as such were violations of laws, rules and regulations under Florida law. Specifically, Plaintiff objected to Defendant's violations of law, which included, but was not limited to Defendant failing to adhere to the legal and professional standards of care for patient needs, falsifying and/or attempting to falsify and/or directing Plaintiff to falsify patient records and disregarding the rights of Baker acted patients who are entitled to receive the services suited to his or her needs as a matter of law.
10. Plaintiff suffered a retaliatory personnel action when Defendant terminated Plaintiff's employment for objecting to Defendant's violation of laws, rules and regulations.
11. Defendant terminated Plaintiff's employment because Plaintiff engaged in a protected activity and objected to Defendant's violation of law.

COUNT I. RETALIATION IN VIOLATION OF FLORIDA STATUTE § 448.101 et seq.

12. The allegations of paragraphs 1 through 11 as set forth above are re-alleged in full and incorporated herein by reference.
13. Plaintiff is a qualified female who was employed by Defendant.

14. During her employment, Plaintiff frequently objected to Defendant's unsafe policies and practices and violations of law, rule and regulations.

15. On or about, February 2, 2018 Plaintiff objected to Defendant's violations of Florida Administrative Code, Section 59A-3.2085(5). In addition, Plaintiff objected to Defendant's violation of Chapter 394 of the Florida Statutes, including but not limited to Section 394.459(4) as well as other rules and regulations, including FAC Rule 64B9-8.005, as well as Florida Statutes, Section 464.003(20).

16. Plaintiff repeatedly advised Defendant that in regards to inadequate staffing, patient safety, employee safety and also specific provisions of what is commonly known as the "Baker Act" that Defendant intentionally did not comply with during Plaintiff's employment. Plaintiff was directed by Defendant to falsify medical documents by over-riding a treating physicians order for one on one observation, removing attending staff need for the satisfaction of said treating physicians order to a newly Baker acted patient.

17. Plaintiff suffered an adverse employment action when Defendant effectively terminated Plaintiff's employment almost immediately after Plaintiff advised Defendant that Plaintiff was filing a complaint with the ACHA, the governing body for health care institutions in the State of Florida.

18. Defendant terminated Plaintiff's employment because she objected to Defendant's unsafe policies and practices, including but not limited to informing Defendant that Plaintiff would be filing an administrative complaint with the State of Florida as referenced above.

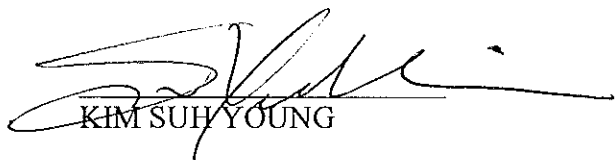
19. Defendant violated Florida Statutes, Section 448.102-103 by terminating Plaintiff for objecting to Defendant's violations of law, rule and regulation as set forth above.

20. Plaintiff was damaged as a result of Defendant's unlawful behavior.

DEMAND FOR JURY TRIAL

WHEREFORE, the Plaintiff, requests an award of damages against the Defendant, including attorney's fees, court costs, and interest, as provided for in Fla. Stat. § 448.104, as well as other such relief this Court deems proper.

RESPECTFULLY submitted this 20 th day of June 2018


KIM SUH YOUNG

/s/ W. John Gadd

W. John Gadd

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