

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

BARBARA JEANE GAINES,
ON BEHALF OF HER MINOR CHILD,
TDG,

- Plaintiff,

CIVIL ACTION NO.: 1:16CV0825

CHIEF JUDGE DRELL

Versus

MAGISTRATE JUDGE PEREZ-
MONTES

CROSSROADS REGIONAL HOSPITAL LLC
OF LOUISIANA D/B/A LONG LEAF HOSPITAL,
AND KEITH NEWMAN

- Defendants

**FIRST AMENDED COMPLAINT FOR ASSAULT, BATTERY,
AND MEDICAL MALPRACTICE**

STATEMENT OF CLAIM

BARBARA JEANE GAINES, claimant herein, on behalf of her minor child, TDG, appears by her undersigned attorney, and files this lawsuit against Defendants CROSSROADS REGIONAL HOSPITAL LLC OF LOUISIANA, the owner and licensed operator of the LONGLEAF HOSPITAL in Rapides Parish, Louisiana, and KEITH NEWMAN, a Mental Health Technician employed at the LONGLEAF HOSPITAL.

In support, plaintiff shows:

1.

Plaintiff and her son reside in Natchez, Mississippi, for purposes of diversity jurisdiction under 28 U.S.C. § 1332 [address: 10 Rand Road, Natchez, Mississippi 39120].

2.

Defendant KEITH NEWMAN is a resident of Rapides Parish, Louisiana [Address: 2939 Cypress Street, Alexandria, LA 71302].

3.

Defendant CROSSROADS REGIONAL HOSPITAL, LLC OF LOUISIANA, is a Delaware Corporation with its principal office located at 830 Crescent Centre Drive, Suite 610, Franklin, Tennessee 37067-7323, for purposes of diversity jurisdiction under 28 U.S.C. § 1332. It is the owner and operator of LONGLEAF HOSPITAL, a psychiatric healthcare facility located at 44 Versailles Boulevard, Alexandria, LA 71303, per license (2203781934) issued by the Louisiana Department of Health & Hospitals.

4.

This claim exceeds the jurisdiction limit of the District Court of the Western District of Louisiana (\$75,000.00) and the appropriate venue for this

suit is the Alexandria Division as Defendant KEITH NEWMAN has his residence in Rapides Parish and the assault, battery, and medical errors which are the basis of this claim occurred at the LONGLEAF HOSPITAL in Alexandria, Louisiana.

5.

Defendant KEITH NEWMAN, and two other men not yet fully identified, were employed as Mental Health Technicians at the LONGLEAF HOSPITAL in Alexandria, Louisiana, on August 23, 2015.

6.

On August 23, 2015, the plaintiff's minor son, TDG, was a mental health patient at LONGLEAF HOSPITAL. He had been admitted to LONGLEAF HOSPITAL on August 21, 2015, with a diagnosis of Intermittent Explosive Disorder, Defiant Disorder, and ADHD. This was his third admission to LONGLEAF HOSPITAL, and his Integrated Assessment/Psychosocial note revealed he was at risk of hurting himself and others with a history of fighting at the hospital.

7.

The LONGLEAF HOSPITAL is a "total institution" because it is a place of residence where juvenile and adult mentally disabled individuals are

cut off from the wider society twenty-four (24) hours a day, seven (7) days a week. The juvenile patients admitted to the facility are at the mercy of the staff and employees of LONGLEAF HOSPITAL.

8.

On the evening of August 23, 2015, TDG was involved in an oral argument with another juvenile male patient in the common area of the juvenile male ward at LONGLEAF HOSPITAL. Defendant KEITH NEWMAN and two other yet unidentified adult male Mental Health Technicians employed at LONGLEAF HOSPITAL, removed an uninjured TDG from the common area and took him to his residential.

9.

After being removed to his residential room, defendant KEITH NEWMAN and a Mental Health Technician known as "JOSH" struck TDG about his head and torso with their fists. A third Mental Health Technician stood at the doorway to the residential room and took no action to intervene orally or physically in the beating of TDG. TDG sustained a laceration to his nose and subsequently developed two black eyes as the result of this assault and battery by LONGLEAF HOSPITAL employees, as well as pain from the blows to his body and face. Plaintiff's son, TDG, was so emotionally

distraught by the assault and battery by the Mental Health Technicians that shortly thereafter a LONGLEAF HOSPITAL nurse injected him with a sedative.

10.

During the residential hospitalization of the plaintiff's minor son, TDG, in August 2015, the defendants owed a duty to the Plaintiff and her minor son, who she had left in their care, to render proper and adequate mental health care and treatment within an acceptable standard of medical care within the medical community. Defendants breached this standard of care by physically abusing the Plaintiff's minor son and causing the minor, TDG, physical injury and pain and suffering, extreme emotional distress, and setting back his behavioral and mental health counseling and treatment.

11.

When the plaintiff sought to extract her son, after he confirmed his assault and battery to her and to LONGLEAF HOSPITAL representatives, she was expelled by them when she took pictures of her son's injuries. After LONGLEAF HOSPITAL, would not release her son, plaintiff reported the assault and battery to local law enforcement. LONGLEAF HOSPITAL representatives obstructed and prevented several law enforcement officers

from entering the facility to investigate the assault and battery of plaintiff's son, and finally discharged him when a detective threatened to shut down the LONGLEAF HOSPITAL.

Defendants CROSSROADS REGIONAL HOSPITAL, LLC OF LOUISIANA, as owner and licensed operator of LONGLEAF HOSPITAL, negligently hired, trained, and supervised the Mental Health Technicians of the LONGLEAF HOSPITAL, specifically the those who participated in and or witnessed the assault and battery of the minor, TDG, on August 23, 2015.

This negligence is further established by the assault and battery of other juvenile patients by LONGLEAF HOSPITAL employees, and the wanton disregard for safety of other juvenile patients when parents advised LONGLEAF HOSPITAL employees of dangers or risks of harm to their children, those employees would not allow their children's release, and LONGLEAF HOSPITAL employees allowed the risk of harm the parents expressed concern about to materialize.

The harm and losses endured by the Plaintiff's son and other juvenile patients were the direct, proximate result of the negligence, intentional abuse, and medical errors committed by defendants and their employees at LONGLEAF HOSPITAL.

Plaintiff's minor son and the other juvenile patients assaulted and battered or otherwise injured at LONGLEAF HOSPITAL did nothing to cause their own injuries. Neither Plaintiff nor her minor son, nor the other parents and their children, could anticipate the physically abusive treatment that TDG received or the wanton disregard for their safety manifested by LONGLEAF HOSPITAL employees, and they were not contributorily negligent and did not assume the risk of the harm that was realized.

COUNT I (Intentional Tort - Assault & Battery)

The Plaintiff incorporates by reference in this count the claims made in paragraphs 1-11 above.

That KEITH NEWMAN and the rest of the LONGLEAF HOSPITAL staff and administration did not do what a reasonable, ordinary Mental Health Technician or a Mental Healthcare facility would do in treating the Plaintiff's minor son, TDG. The assault and battery against the person of TDG in the LONGLEAF HOSPITAL "household" was a direct violation of the trust assumed by LONGLEAF HOSPITAL and its owners and operators in accepting the minor as a patient. The abusive treatment deviated from the appropriate standard of care during the hospitalization of the Plaintiff's minor son. The mental status of Plaintiff's minor son has been adversely

impacted.

WHEREFORE: The Plaintiff claims damages against CROSSROADS REGIONAL HOSPITAL LLC OF LOUISIANA, and KEITH NEWMAN individually in an amount to be determined at trial, plus costs, and for any further relief that this Honorable Court determines necessary and appropriate.

COUNT II (Negligence – Medical Malpractice)

The Plaintiff incorporates by reference in this count the claims made in paragraphs 1-11 above.

That at the time of the hospitalization and treatment of the Plaintiff's minor son, TDG on August 23, 2015, KEITH NEWMAN, and two other not yet identified Mental Health Technicians, as well as the LONGLEAF HOSPITAL staff who did not adequately screen in hiring, train, and supervise Mental Health Technicians, all were acting within the scope of their employment by the LONGLEAF HOSPITAL and agency with Defendant CROSSROADS REGIONAL HOSPITAL LLC OF LOUISIANA.

The LONGLEAF HOSPITAL staff and employees have consistently refused to release to their parents juvenile patients, obstructed law enforcement investigations, concealed intentional misconduct by employees,

or wantonly disregarded founded concerns of parents for the wellbeing of their children.

WHEREFORE, Plaintiff prays for judgment against CROSSROADS REGIONAL HOSPITAL LLC OF LOUISIANA and KEITH NEWMAN, plus costs, and any additional relief this court believes is appropriate.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, the Plaintiff demands trial by jury in this action of all issues so triable.

Dated: _____, 2017, Lafayette, Louisiana

Respectfully submitted,
BRETT L GRAYSON, LLC

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CERTIFICATE OF SERVICE

I hereby certify on _____, _____, 2017, a copy of the foregoing First Amended Complaint was filed electronically with the Clerk of Court using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

s/ *Brett L. Grayson*

BRETT L. GRAYSON, LA Bar # 06268

Counsel for Plaintiff