



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

CAROLYN QUINN,

Plaintiff,

v.

MEADOWWOOD BEHAVIORAL  
HEALTH SYSTEM and ACADIA  
HEALTHCARE COMPANY, INC.,

Defendants.

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C.A. NO.:

TRIAL BY JURY OF  
SIX (6) DEMANDED

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**COMPLAINT**

AND NOW, Plaintiff, Carolyn Quinn, by and through her undersigned counsel, Shelsby & Leoni, P.A., here by demands judgment against Defendants, MeadowWood Behavioral Health System and Acadia Company, Inc., for the reasons set forth below. In support thereof, Plaintiff avers as follows:

1. Plaintiff, Carolyn Quinn (hereinafter referred to as “Ms. Quinn”), is an adult individual and reside of the State of Delaware, currently residing at 12 Consuelo Drive, Smyrna, DE 19977.
2. At all times relevant, Plaintiff, Carolyn Quinn, was a resident of the State of Delaware.
3. Between August 18, 2015 and September 9, 2015, Defendant, MeadowWood Behavioral Health System (hereinafter referred to as

“MeadowWood”), was an entity organized and existing under the laws of the State of Delaware, with its principal place of business located at 575 South Dupont Highway, New Castle, DE 19720.

4. Between August 18, 2015 and September 9, 2015, Defendant, Acadia Healthcare Company, Inc. (hereinafter referred to as “Acadia”), was a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 6100 Tower Circle, Suite 1000, Franklin, TN 37067, which operated a network of behavioral healthcare facilities throughout the United States.

5. Between August 18, 2015 and September 9, 2015, Defendant, Acadia, owned, operated and did business as MeadowWood Behavioral Health System (“MeadowWood”), a behavioral and mental healthcare facility located at 575 S. DuPont Highway, New Castle, DE 19720 (hereinafter the “Facility”) which provides inpatient and outpatient treatment for drug and alcohol addiction and other mental and emotional disorders.

6. Defendant, Acadia, individually and d/b/a MeadowWood and/or the facility, held itself, MeadowWood and the Facility out to the public to be a competent provider of psychiatric services and drug and alcohol treatment services

and is a healthcare provider within the meaning of the Health Care Malpractice Insurance Act, Chapter 68 of Title 18 of the Delaware Code.

7. Defendant, Acadia, is liable for the negligent, willful, wanton and reckless acts and commissions of itself, MeadowWood, and of their employees, servants, and actual and/or apparent agents.

8. Between August 18, 2015 and September 9, 2015, Defendant, MeadowWood, owned and operated the Facility located at 575 South DuPont Highway, New Castle, DE 19720.

9. Defendant, MeadowWood, individually and d/b/a the Facility, held MeadowWood and the Facility out to the public to be a competent provider of psychiatric services and drug and alcohol treatment services and is a healthcare provider within the meaning of the Health Care Malpractice Insurance Act, Chapter 68 of Title 18 of the Delaware Code.

10. Defendant, MeadowWood, is liable for the negligent, willful, wanton and reckless acts and commissions of itself and of the Facility, and of their employees, servants, and actual and/or apparent agents.

11. Between August 18, 2015 and September 9, 2015, Defendants Acadia and MeadowWood (collectively referred to as “Defendants”), individually, jointly, collectively and/or separately owned, operated and did business as the Facility,

MeadowWood Behavioral Health System, a behavioral and mental healthcare facility located at 575 S. DuPont Highway, New Castle, DE 19720 which provides inpatient and outpatient treatment for drug and alcohol addiction and other mental and emotional disorders.

12. The Defendants provided ongoing and continuous care from between August 18, 2015 and September 9, 2015, to Plaintiff, Carolyn Quinn, by and through their actual and/or apparent agents, servants and/or employees, each of whom was acting within the scope of his/her employment and/or agency with Defendants.

13. On or about August 18, 2015, Plaintiff, Carolyn Quinn, was originally admitted to the Geriatric Ward of the Facility.

14. On or about August 18, 2015, Ms. Quinn was sixty-eight (68) years old.

15. Upon initial admission, the Plaintiff, Carolyn Quinn, was admitted with a diagnosis of psychosis, rule out dementia, behavioral disturbances, anxiety, and multiple other diagnoses.

16. Upon information and belief, just prior to undergoing an Admission Psychiatric Evaluation, Plaintiff became agitated and was transferred to “D-East” wing of the Facility for greater care of aggressive and assaultive behavior.

17. Upon information and belief, “D-East” is the ward of the Facility where violent residents are housed, monitored and/or treated.

18. On August 19, 2015, during the subsequent Admission Psychiatric Evaluation, Plaintiff was found to be calm, cooperative and friendly.

19. On or about August 21, 2015, Plaintiff’s attending physician at the Facility, Dr. Smith, drafted a “Multidisciplinary Treatment Plan” in which he estimated Plaintiff’s length of stay would be 5-7 days.

20. The August 21, 2015 “Multidisciplinary Treatment Plan” set the next review date and target date as August 28, 2015 and Plaintiff’s goal as “Medication compliance on a daily basis” and “None or fewer episodes [*sic*] suicidal and homicidal ideation.”

21. The August 28, 2015 “Treatment Plan Review” noted that Plaintiff had been compliant with treatment plan and medications, had decreased her agitated and aggressive behavior, and behaved in socially acceptable manner on unit and in groups.

22. The August 28, 2015 “Treatment Plan Review” stated that Plaintiff was compliant with her treatment plan and accepted interventions.

23. The August 28, 2015 “Treatment Plan Review” set the next review date and target date as September 4, 2015.

24. The September 4, 2015 “Treatment Plan Review” noted that Plaintiff is compliant with treatment plan, accepting labs, diet, interventions, and medications as ordered. It also noted that she improved communication with RN, MD and R/T.

25. The September 4, 2015 “Treatment Plan Review” set the next review date and target date as September 11, 2015.

26. On September 9, 2015, Plaintiff, Carolyn Quinn, was 68 years old and a senior citizen.

27. On September 9, 2015, at approximately 7:20 a.m., Plaintiff was violently attacked by another resident, Hunter Williams, outside of her room.

28. Prior to the September 9, 2015, attack, Defendants, their employees, servants and/or agents, knew or should have known that resident, Hunter Williams, was a former resident with a history of committing unprovoked attacks on women.

29. On September 9, 2014, exactly one year prior to the attack on Plaintiff, Hunter Williams violently attacked a woman in the area of Grandview Avenue in Bellefonte, New Castle County, Delaware.

30. Upon information and belief, Defendants, its employees, agents and/or servants knew or should have known of Hunter Williams’ violent and dangerous propensities and/or tendencies towards others.

31. Upon information and belief, no members of Defendants' staff were present at the time and place of the attack as they were in the middle of a shift change.

32. As a result of the aforementioned shift change, the wing housing Ms. Quinn, D-East, was left unattended and unsupervised.

33. As a result of the aforementioned shift change, Ms. Quinn and other residents of D-East wing were left unprotected.

34. Upon information and belief, no security personnel, employees, servants, agents, nurses, etc., were present at the time and place of the attack, which could have prevented, stopped or minimized the attack on Plaintiff.

35. Upon information and belief, while a resident the Facility, but before the brutal attack of September 9, 2015, Hunter Williams began wandering into other residents' rooms and showing violent tendencies and actions towards other residents.

36. Upon information and belief, no measures were taken to separate Hunter Williams from other nonviolent residents, including Plaintiff, Carolyn Quinn, prior to the occurrence.

37. As a result of the brutal attack, Plaintiff, Carolyn Quinn, was taken to Christiana Hospital where she was treated for a broken nose, a concussion, a severe facial laceration requiring 17 sutures, and two front teeth which had been knocked out.

38. Between August 18, 2015 and September 9, 2015, Carolyn Quinn was a resident at MeadowWood.

39. Between August 18, 2015 and September 9, 2015, Carolyn Quinn was in the care of Defendants.

40. Despite not being a safety risk to herself or others, Defendants, by and through their agents, employees, servants, etc., improperly held Ms. Quinn in the violent wing of The Facility, D-East, thereby unnecessarily exposing her to unreasonable risk, danger and harm.

41. Defendants engaged in a continuous course of negligent treatment at least from August 18, 2015 to September 9, 2015.

42. Defendants are jointly and severally liable to Plaintiff.

43. At all times pertinent hereto, Plaintiff and her assailant, Hunter Williams, were residents of Defendants' Facility pursuant to the terms of the applicable admission agreement and, as such, were under the exclusive care and control of the Defendants, their agents, officers, servants and/or employees.

44. Defendant, Acadia, individually and d/b/a MeadowWood, individually and by and through their actual and apparent agents, servants and employees acting within the scope of employment and agency, were negligent, grossly negligent, willful, wanton and reckless in the treatment of Plaintiff in that Defendants failed

to exercise that degree of skill, care and learning ordinarily exercised or possessed by the average health care provider practicing in the State of Delaware, taking into account the existing state of knowledge and practice in the profession in the State of Delaware.

45. Defendant, Acadia, individually and d/b/a MeadowWood, as a corporation and organization, and directly and by and through its actual and/or apparent agents, servants and/or employees, acting within the scope of employment and agency, was negligent, willful, wanton and/or reckless in the following particulars, among others:

- A. Failed to prevent the attack on Plaintiff;
- B. Condoned the failure of employees to immediately report to supervisory personnel acts of abuse and/or neglect of the Plaintiff and/or other residents;
- C. Failed to properly and timely assess Plaintiff, Carolyn Quinn, and/or Hunter Williams;
- D. Failed to properly and timely monitor Plaintiff, Carolyn Quinn, and/or Hunter Williams;
- E. Failed to properly and timely evaluate Plaintiff, Carolyn Quinn, and/or Hunter Williams;

- F. Failed to properly and timely treat , Carolyn Quinn;
- G. Failed to provide, comply with and/or carry out a proper care plan for Plaintiff, Carolyn Quinn;
- H. Failed to properly communicate with other care providers regarding Plaintiff, Carolyn Quinn;
- I. Failed to obtain timely and necessary consultations for Plaintiff, Carolyn Quinn;
- J. Failed to properly and timely transfer Plaintiff, Carolyn Quinn, out of D-East wing;
- K. Failed to properly and timely transfer Plaintiff, Carolyn Quinn, to the geriatric ward for treatment;
- L. Failed to prescribe, recommend and/or implement appropriate and timely treatments and therapies for Plaintiff, Carolyn Quinn;
- M. Failed to take adequate and appropriate measures to prevent physical assaults by residents, including, but not limited to, Hunter Williams;
- N. Failed to engage and select only competent staff;

- O. Failed to properly train staff and employees treating Plaintiff, Carolyn Quinn;
- P. Failed to properly investigate the background of prospective employees and/or residents;
- Q. Failed to adequately and appropriately supervise the staff and healthcare providers treating Plaintiff, Carolyn Quinn;
- R. Failed to have appropriate policies, procedures and protocols in effect which, if followed, would have prevented the injury to Plaintiff;
- S. Failed to provide adequate security measures at the Facility;
- T. Failed to properly separate violent residents from nonviolent residents;
- U. Failure to comply with all state and federal regulations, including OBRA regulations, for psychiatric and/or addiction treatment facilities;
- V. Failed to allocate financial resources and enter into contracts and agreements with third parties providing for the availability and delivery of services to residents of the facility;

- W. Failed to properly maintain, hire and procure safe, skilled and adequate facilities, staff and/or equipment;
- X. Breached fiduciary duties to Plaintiff, Carolyn Quinn;
- Y. Negligently maintained and operated the facility including failing to implement changes to policies in response to known deficiencies of care and operations, inadequate training and supervision of staff, improper and inadequate staffing and otherwise failed as a corporation to provide a safe environment and care for patients and/or residents; and,
- Z. Performance of other negligent acts and/or omissions in the care of Plaintiff, Carolyn Quinn, and failure to otherwise properly manage Ms. Quinn's condition.

46. Defendant, MeadowWood, individually and by and through its actual and apparent agents, servants and employees acting within the scope of employment and agency, were negligent, grossly negligent, willful, wanton and reckless in the treatment of Plaintiff in that Defendants failed to exercise that degree of skill, care and learning ordinarily exercised or possessed by the average health care provider practicing in the State of Delaware, taking into account the existing state of knowledge and practice in the profession in the State of Delaware.

47. Defendant, MeadowWood, as a business and organization, and directly and by and through its actual and/or apparent agents, servants and/or employees, acting within the scope of employment and agency, was negligent, willful, wanton and/or reckless in the following particulars, among others:

- A. Failed to prevent the attack on Plaintiff;
- B. Condoned the failure of employees to immediately report to supervisory personnel acts of abuse and/or neglect of the Plaintiff and/or other residents;
- C. Failed to properly and timely assess Plaintiff, Carolyn Quinn, and/or Hunter Williams;
- D. Failed to properly and timely monitor Plaintiff, Carolyn Quinn, and/or Hunter Williams;
- E. Failed to properly and timely evaluate Plaintiff, Carolyn Quinn, and/or Hunter Williams;
- F. Failed to properly and timely treat, Carolyn Quinn;
- G. Failed to provide, comply with and/or carry out a proper care plan for Plaintiff, Carolyn Quinn;
- H. Failed to properly communicate with other care providers regarding Plaintiff, Carolyn Quinn;

- I. Failed to obtain timely and necessary consultations for Plaintiff, Carolyn Quinn;
- J. Failed to properly and timely transfer Plaintiff, Carolyn Quinn, out of D-East wing;
- K. Failed to properly and timely transfer Plaintiff, Carolyn Quinn, to the geriatric ward for treatment;
- L. Failed to prescribe, recommend and/or implement appropriate and timely treatments and therapies for Plaintiff, Carolyn Quinn;
- M. Failed to take adequate and appropriate measures to prevent physical assaults by residents, including, but not limited to, Hunter Williams;
- N. Failed to engage and select only competent staff;
- O. Failed to properly train staff and employees treating Plaintiff, Carolyn Quinn;
- P. Failed to properly investigate the background of prospective employees and/or residents;
- Q. Failed to adequately and appropriately supervise the staff and healthcare providers treating Plaintiff, Carolyn Quinn;

- R. Failed to have appropriate policies, procedures and protocols in effect which, if followed, would have prevented the injury to Plaintiff;
- S. Failed to provide adequate security measures at the Facility;
- T. Failed to properly separate violent residents from nonviolent residents;
- U. Failure to comply with all state and federal regulations, including OBRA regulations, for psychiatric and/or addiction treatment facilities;
- V. Failed to allocate financial resources and enter into contracts and agreements with third parties providing for the availability and delivery of services to residents of the facility;
- W. Failed to properly maintain, hire and procure safe, skilled and adequate facilities, staff and/or equipment;
- X. Breached fiduciary duties to Plaintiff, Carolyn Quinn;
- Y. Negligently maintained and operated the facility including failing to implement changes to policies in response to known deficiencies of care and operations, inadequate training and supervision of staff, improper and inadequate staffing and

otherwise failed as a corporation to provide a safe environment and care for patients and/or residents; and,

Z. Performance of other negligent acts and/or omissions in the care of Plaintiff, Carolyn Quinn, and failure to otherwise properly manage Ms. Quinn's condition.

48. As a direct and proximate cause of the aforesaid acts and negligence, gross negligence, willfulness, wantonness, and recklessness of Defendants, individually, jointly, severally and by and through their actual and/or apparent agents, servants and/or employees, acting within the scope of employment and agency caused injuries as damages to Plaintiff, Carolyn Quinn, including but not limited to, increased risk of harm, need for surgical and other procedures, pain, suffering, permanent injuries, disfigurement, emotional pain and suffering, medical bills and other associated damages.

**WHEREFORE**, Plaintiff, Carolyn Quinn, demands judgment against Defendants, Acadia Healthcare Company, Inc., and MeadowWood Behavioral Health System, jointly and severally, for such general damages, special damages, punitive damages, pre-judgment interest, post-judgment interest pursuant to Title 6 Delaware Code, costs, and any other relief the Court deems appropriate.

**SHELBY & LEONI**

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DATE: August 7, 2017