

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA

E.S., by and through his parent
and natural guardian, Laurie Rook,
Minor Plaintiff

v.

Southwood Psychiatric Hospital,
Defendant

CIVIL DIVISION

CASE NO _____

COMPLAINT

JURY TRIAL DEMANDED

FILED ON BEHALF OF:

PLAINTIFF

COUNSEL OF RECORD:

Jennifer O. Price, Esquire
PA. ID. No. 306382

Law Office of Jennifer O. Price
3950 William Penn Highway
Ste. 6

Murrysville, PA 15668
(724) 519-7587
(724) 519-7588 (facsimile)

jprice@jenniferpricelaw.com

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA

E.S., by and through his parent and)	
natural guardian, Laurie Rook,)	
Minor Plaintiff)	CIVIL DIVISION
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Southwood Psychiatric Hospital,)	
Defendant)	
)	
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)	

COMPLAINT IN CIVIL ACTION

Plaintiff, E.S., by and through his parent and natural guardian, Laurie Rook, respectfully, by and through their undersigned counsel, Law Office of Jennifer O. Price, hereby asserts the following Complaint in Civil Action against Defendant, Southwood Psychiatric Hospital, and in support thereof states as follows:

PARTIES AND JURISDICTION

1. E.S. (hereinafter referred to as "Plaintiff") is a minor individual, who resides in Kane, Pennsylvania, of Clarion County, Pennsylvania.
2. Defendant, Southwood Psychiatric Hospital (hereinafter referred to "Hospital"), is a private psychiatric facility within the Commonwealth of Pennsylvania, with its business office located at 2575 Boyce Plaza Road, Pittsburgh, PA 15241. The Hospital was responsible for the hiring, supervision, training, and disciplining of employees.

STATEMENT OF RELEVANT FACTS

1. The Hospital is a behavioral health hospital that provides psychiatric services to children and adolescents.
2. One of the Hospital's services is providing a residential treatment facility, where patients, including Plaintiff, live at the facility and receive mental health treatment and educational supports.
3. E.S. is a 17 year old minor.
4. E.S. has been diagnosed with Autism Spectrum Disorder, Attention Deficit Hyperactivity Disorder, and Depressive Disorder.
5. On or about March 7, 2017, E.S. was admitted to the Hospital due to increasing aggression towards his mother and increasing anxiety.
6. It is documented in Plaintiff's records that he is "nonverbal" with communication difficulty.
7. While a patient at the Hospital, Plaintiff shared a room with a roommate.
8. At approximately 12:30p.m. on or about April 18, 2017, Ms. Rook, Plaintiff's mother received a phone call from a staff member at the Hospital about an incident involving Plaintiff.
9. Ms. Rook was informed that Plaintiff had been attacked at approximately 5:30a.m. by his roommate.
10. Plaintiff's roommate was known to have violent tendencies and notably overweight.
11. By the time of the incident, Plaintiff weighed approximately 120lbs.
12. Plaintiff was bitten approximately 12 times on his back and face.
13. Plaintiff had 12 bite marks with bruising about his back and face from the incident.

14. Plaintiff has been traumatized by the incident, including waking up in the middle of the night screaming.

COUNT I
GROSS NEGLIGENCE

15. The allegations set forth in Paragraphs 1 through 14 are hereby incorporated by reference as if more fully set forth herein.

16. Defendant committed gross negligence by placing a patient with significant communication problems in a room with another patient with known violent tendencies.

17. As a result of the above violation, Plaintiff has suffered physical and psychological damage.

WHEREFORE, Plaintiff, hereby demands judgment against Defendant to include, but not be limited to:

- (a) Compensatory and punitive damages;
- (b) Attorney's fees and costs of suit;
- (c) Other relief as deemed appropriate by this Honorable Court.

NOTICE OF PRESERVATION OF EVIDENCE

PLAINTIFF HEREBY DEMANDS AND REQUESTS THAT DEFENDANT TAKE NECESSARY ACTION TO ENSURE THE PRESERVATION OF ALL DOCUMENTS, COMMUNICATIONS, WHETHER ELECTRONIC OR OTHERWISE, ITEMS AND THINGS IN THE POSSESSION OR CONTROL OF ANY PARTY TO THIS ACTION, OR ANY ENTITY OVER WHICH ANY PARTY TO THIS ACTION HAS CONTROL, OR FROM WHOM ANY PARTY TO THIS ACTION HAS ACCESS TO, ANY DOCUMENTS, ITEMS, OR THINGS WHICH MAY IN ANY MANNER BE RELEVANT TO OR RELATE

TO THE SUBJECT MATTER OF THE CAUSES OF ACTION AND/OR THE ALLEGATIONS OF THIS COMPLAINT.


DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury for all causes of action and issues so triable.

Respectfully submitted,

The Law Office of Jennifer O. Price

DATE: 5/30/18

By:  _____
Jennifer O. Price, Esquire
Bar ID: 306382

Attorney for Plaintiff, E.S. by and through his parent and natural guardian, Laurie Rook

Law Office of Jennifer O. Price
3950 William Penn Hwy., Suite 6
Murrysville, PA 15668
(724) 519-7587

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CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Respectfully submitted,

LAW OFFICE OF JENNIFER O. PRICE

By:  _____
Jennifer O. Price, Esquire