

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )  
 )  
John Doe and Jane Doe, Individually, and as )  
Parents and Next Friends of their Minor )  
Child, K.J., )  
 )  
Plaintiffs, )  
vs. )  
 )  
Three Rivers Behavioral Health, LLC, )  
Universal Health Services, Inc., UHS of )  
Delaware, Inc., Anthony McGlawn, and )  
Sincere Jones, )  
 )  
Defendants. )

IN THE COURT OF COMMON PLEAS  
FIFTH JUDICIAL CIRCUIT

**SUMMONS**  
(Jury Trial Demanded)

**YOU ARE HEREBY SUMMONED** and required to Answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Complaint on the subscriber at his Office at 1539 Healthcare Drive, Rock Hill, South Carolina, 29732, within thirty (30) days from the service hereof, exclusive of the date of such service; and if you fail to Answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

s/S. Randall Hood  
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August 24, 2020

Rock Hill, South Carolina

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IN THE COURT OF COMMON PLEAS  
 FIFTH JUDICIAL CIRCUIT

**COMPLAINT**  
 (Jury Trial Demanded)

NOW COMES John and Jane Doe, Individually, and as Parents and Next Friends of K.J., their Minor Child, by and through their undersigned counsel, and for their Complaint against the above-named Defendants, allege as follows:

**PARTIES**

**Plaintiffs**

1. John and Jane Doe (hereinafter “Does,” “Father,” “Mother,” or “Plaintiffs”) are K.J.’s parents.
2. K.J. (hereinafter, “Minor Child”) is a minor who was under seventeen years of age at the time of the occurrences in this case.
3. The Does bring this case in their individual capacities for their personal claims, and on behalf of K.J. as her parents and next friends.
4. Father, Mother, and K.J. are residents of Richland County, South Carolina.
5. Father, Mother, and K.J.’s names are not contained in the Complaint to protect their privacy as they all incurred injuries and damages of a sensitive nature due to Defendants’ reckless, grossly negligent, and negligent acts and failures.

6. Because this Complaint does not contain identifying information, Plaintiffs must be contacted through their undersigned counsel.

7. Good cause exists for Plaintiffs to use pseudonyms – the potential harmful impacts public disclosure of their identity could have and the nature of the harm inflicted on K.J. by Defendants.

8. Plaintiffs’ counsel will share Plaintiffs’ identities with Defendants’ attorneys. As such, Defendants suffer no prejudice from Plaintiffs’ personal information not being contained herein.

**Defendants**

9. Three Rivers Behavioral Health, LLC (hereinafter “TRBH”) operates the medical facility currently known as “Three Rivers,” which is located in West Columbia, South Carolina.

10. TRBH is a domestic for-profit corporation organized and existing under South Carolina law.

11. Defendant Universal Health Services, Inc. (hereinafter “UHS”) is a corporation organized and existing under the laws of the State of Delaware with a principal place of business located at 367 South Gulph Road, King of Prussia, Pennsylvania 19406.

12. UHS is a multi-billion-dollar international corporation that manages hospital and mental health facilities, including inpatient mental health facilities such as TRBH.

13. On its website, UHS boasts of over 350 facilities worldwide with over 87,000 employees.

14. Upon information and belief, Three Rivers is owned, operated, controlled by, and/or managed by UHS and that at all relevant and material times, UHS was an entity exercising control, and having the right to control TRBH and/or UHS of Delaware, Inc.’s business.

15. UHS has been repeatedly investigated by authorities across the United States for fraud and other issues including, among other things, multiple instances of sexual assaults occurring at their facilities.

16. Defendant UHS of Delaware, Inc. (hereinafter “UHS of Delaware”) is a corporation organized and existing under the laws of the State of Delaware with a principal place of business located at 367 South Gulph Road, King of Prussia, Pennsylvania 19406.

17. On the UHS website, UHS of Delaware is identified as the “Management Subsidiary.” Upon information and belief, TRBH is owned, operated, controlled by, and/or managed by UHS of Delaware and that at all relevant and material times, UHS of Delaware was an entity exercising control, and having the right to control TRBH and/or Universal Health Services, Inc.’s business.

18. Anthony McGlawn is a licensed practical nurse and is employed at TRBH (or was at the times of the events in this Complaint) and is a citizen and resident of Richland County, South Carolina.

19. Sincere Jones was employed by TRBH at all times described herein and is a citizen and resident of an unknown county in South Carolina.

**GENERAL ALLEGATIONS APPLICABLE TO DEFENDANTS**

20. TRBH, UHS, and UHS of Delaware have the right or power to direct and control the way its employees and/or agents provide care and operate the business of delivering non-medical care for a fee through its behavioral health facilities.

21. TRBH, UHS, and UHS of Delaware have the right or power to direct and control the way its employees and/or agents hire, retain, supervise, and train staff under its employment or agency.

22. Upon information and belief, TRBH, UHS, and UHS of Delaware utilize outside third party entities, such as The Joint Commission (“TJC”), to help provide policies, procedures, and guidance on the ways they provide care to the public.

23. TRBH, UHS, and UHS of Delaware have non-delegable duties to provide physicians, nurses, and staff with adequate knowledge and training to be able to provide necessary and reasonable non-medical care to patients at its behavioral health facility in West Columbia, South Carolina.

24. TRBH, UHS, and UHS of Delaware have attending physicians, nurses, and non-medical staff who are its agents, servants, and employees, and all acts or omissions complained of herein, performed by said agents, servants, and employees occurred during the course and scope of such agency and/or employment and are therefore imputed to Defendants TRBH, UHS, and UHS of Delaware.

25. Before the events underlying this case took place in April and May 2020, employees and/or agents of TRBH, UHS, and UHS of Delaware had actual knowledge inappropriate contact occurred between staff and residents.

26. Before the events underlying this case took place in April and May 2020, TRBH, UHS, and UHS of Delaware had actual knowledge that its vulnerable population of residents were subject to abuse, neglect, and assault if reasonable precautions were not exercised in hiring, supervision, training, and employment.

27. Despite this knowledge, and despite knowing that staff was able to ascertain confidential information predisposing certain residents to abuse, they employed and continued to employ predators on their premises.

28. Two separate male employees subjected the minor K.J. to inappropriate contact designed to lead to sexual behavior while she was a resident at TRBH in April and May 2020.

29. These males, who were employees at TRBH, were known by staff to have crossed boundaries with residents previously and their predilection to violate the confidences of residents was also known.

30. At all times relevant hereto, the employees at TRBH, UHS, and/or UHS of Delaware (with respect to the facts alleged herein) acted within the scope of their employment and/or agency with TRBH, UHS, and/or UHS of Delaware while interacting with Minor Child and/or witnessing interaction between Minor Child and the males identified herein, infra, who were employed at TRBH.

31. The negligent, grossly negligent, reckless, willful or wanton acts, omissions, and liability of Defendants includes that of their agents, principals, employees, and/or servants, both directly and vicariously, pursuant to principals of non-delegable duty, corporate liability, apparent authority, agency, ostensible agency, and/or *respondeat superior*.

32. The above-named Defendants are jointly and severally liable for all damages alleged herein since their negligent, grossly negligent, reckless, and wanton acts and omissions, singularly or in combination, are the contributing proximate cause(s) of Plaintiffs' and Minor Child's damages and injuries.

### **JURISDICTION AND VENUE**

33. TRBH is a domestic corporation licensed in South Carolina.

34. UHS and UHS of Delaware are foreign corporations doing business in South Carolina and availing themselves of the laws and protections of South Carolina.

35. There is no diversity of jurisdiction between all parties and, thus, jurisdiction properly lies in the South Carolina Court of Common Pleas.

36. The incident(s) giving rise to this litigation occurred in West Columbia, South Carolina.

37. S.C. Code Ann. 15-7-30 (G) states in relevant part: A civil action tried pursuant to this section against a foreign corporation, except a foreign corporation described in subsection (F); a foreign limited partnership, except a foreign limited partnership described in subsection (F); a foreign limited liability company, except a foreign limited liability company described in subsection (F); or a foreign limited liability partnership, except a foreign limited liability partnership described in subsection (F); must be brought and tried in the county in which the:

- a) (1) most substantial part of the alleged act or omission giving rise to the cause of action occurred;
- b) (2) plaintiff resides at the time the cause of action arose, or if the plaintiff is a domestic corporation, domestic limited partnership, domestic limited liability company, domestic limited liability partnership, foreign corporation, foreign limited partnership, foreign limited liability company, or foreign limited liability partnership, at its principal place of business at the time the cause of action arose; . . . .

38. Plaintiffs and Minor Child are citizens and residents of Richland County, South Carolina.

39. Defendant Anthony McGlawn is a citizen and resident of Richland County, South Carolina.

40. Venue is proper in Richland County, South Carolina.

**GENERAL FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS**

41. In June 2018, when K.J was 15, she confided in her parents that she was molested earlier in her life.



42. Around this same time, after K.J.'s parents became aware of their child exhibiting troubling behavior, they set a number of guidelines and/or rules for her to follow.

43. For instance, she was no longer allowed to have a personal cell phone, nor was she allowed to engage in any social media activity.

44. In March 2020, John and Jane Doe became aware that K.J. had purchased used phones without advising them.

45. K.J. began to act out in other ways, so her parents sought to get her into TRBH.

46. In the first week of April 2020, K.J. ran away and was returned home by police.

47. Later that month, on April 20, 2020, K.J. was admitted to TRBH.

48. TRBH held itself out to the public as aiming to help adolescent patients create new beginnings through compassionate, positive, care in their secure therapeutic facility.

49. TRBH's webpage stated that their "Adolescent Behavioral Recovery program treats teens who are facing acute emotional, behavioral or psychiatric issues with the high degree of structure our patients need to succeed. Adolescent inpatient treatment at Three Rivers is dedicated to serving those who struggle with mental health issues, emotional and mood disorders, co-occurring substance abuse issues and behavior problems in a confidential environment."

50. TRBH's mission statement says, "we strive to be a customer-focused organization staffed by highly trained professionals who are dedicated to patients, families and the communities we serve. To uphold our mission, we deliver quality behavioral healthcare that ensures security and preserves dignity while enhancing the wellbeing of those who entrust us with their care."

51. Once K.J. was admitted to TRBH, she began to experience problems within the facility.

52. As it turns out, these problems were merely foreshadowing events to come which were direct violations of TRBH's statements made to the general public and its mission statement.

53. In the first week of May 2020, K.J. complained to Jane Doe that a male nurse was always making an effort to be around her and at one point, even rubbed his finger down the front of her neck.

54. Upon information and belief, the name of this male nurse was Anthony McGlawn (hereinafter "McGlawn").

55. Jane Doe complained to the resident advocate at TRBH, who then proceeded to make K.J. feel like she was in trouble, or trying to cause trouble, for mentioning this unwanted and uninvited conduct from a TRBH staff member to her mother.

56. Upon information and belief, similar complaints were made about McGlawn prior to his contact with K.J.

57. It took several weeks before TRBH got D.S.S. involved.

58. Jane Doe requested, and TRBH eventually capitulated, in moving K.J. to a different wing.

59. Defendants house and provide institutional care and services to people who have been subjected to sexual trauma.

60. Unwanted advances by people in authority is traumatizing to TRBH residents who have suffered from sexual abuse or trauma.

61. Defendants undertook the duty of providing living and non-medical behavioral services to Minor Child knowing she suffered sexual trauma and exhibited psychological and behavioral issues related to such trauma.

62. They knew she was more emotionally fragile as a result of her past experiences and they also knew that if she was exposed to unwanted advances (or potential fear of additional abuse), it would exacerbate her already pre-existing conditions.

63. Yet even though this was known, K.J. was essentially chastised for reporting McGlawn's untoward behavior, conduct which in itself inflicted additional emotional damage on K.J.

64. In approximately the second week of June 2020, Jane Doe received a call from Three Rivers advising her it came to someone's attention, that another male staff member and K.J. were in a "relationship."

65. This information was based, in part, on letters written between K.J. and the male staff member.

66. Upon information and belief, approximately 10 letters were written between K.J. and this staff member – a man who was approximately 36 years old.

67. Upon information and belief, this 36-year-old TRBH male staff member's name was Sincere Jones (hereinafter "Jones").

68. K.J. told her mother (Jane Doe) about these letters.

69. K.J. told her mother (Jane Doe) that she and Jones did have a relationship and wrote letters back and forth.

70. K.J. told her mother his name, but she also tried to protect him because that is what Jones advised her to do if their relationship became known.

71. Jones also advised K.J. to throw away the letters and tell everyone their relationship was consensual.

72. The same advocate as before called Jane Doe and advised her that TRBH's protocol was to notify the police, corporate, and Tricare of the incident.

73. Jones is thought to have fled the area since police could not locate him.

74. Defendants have not provided these letters to K.J.'s parents, even though they were requested on multiple occasions.

75. A few days after Jones was reported, it appears that his girlfriend, who was also on staff at TRBH, found out that K.J. reported him and she came to K.J. and started questioning her and poking her in the arm asking questions.

76. The staff has continued to bully K.J. and to make completely inappropriate comments along the lines of: "don't talk to her, she is jailbait and she will get you into trouble."

77. D.S.S. contacted Jane Doe on June 25, 2020, to notify the family they were investigating the two male employees regarding their interaction with K.J.

78. It is believed confidential information about K.J.'s sexual abuse, vulnerabilities, and other sensitive information was accessed by multiple TRBH staff members, including the two male TRBH employees.

79. Plaintiffs bring this action for Defendants' failure to adequately supervise K.J., as well as Defendants' employees' inappropriate contact with K.J.

80. Defendants' failure to adequately supervise K.J. and the two male employees resulted in the employees having inappropriate contact with K.J.

81. At all relevant times hereto, Defendants authorized and/or entrusted the two male employees to have contact with residents suffering from emotional issues (which made them particularly vulnerable), including K.J., and to be alone with them in private rooms while in these vulnerable positions.

82. As a result of the two male staff members interactions with K.J., it is thought they were grooming her for their own perverted sexual urges.

83. Grooming is the process by which a potential offender draws a victim into a sexual relationship and maintains that relationship in secrecy.

84. The shrouding of the relationship is an essential feature of grooming.

85. There are multiple stages that occur during this grooming process.

86. The grooming sex offender works to separate the victim from peers, typically by engendering in the child/teen a sense that they are special and giving a kind of love to the child/teen that the child/teen needs.

87. The offender targets a victim by sizing up the child's vulnerability – emotional neediness, isolation, and lower self-confidence.

88. Children with less parental oversight, Like K.J., since she was housed at an institutional facility, are more desirable prey.

89. Different law enforcement officers and academics have proposed models of the “stages” of grooming.

90. Since there are a variety of these models, it's best to think of the grooming by sex offenders as a gradual, calculated process that ensnares children/teens into a world in which they ultimately become a willing part of the sex abuse.

91. TRBH is supposed to be a facility that facilitates support and care for residents with behavioral issues.

92. They undertake this “mission” with the knowledge that if they employ persons who exploit their residents, it will cause them grave harm on top of the trauma they have already experienced.

93. It is also known in the behavioral health industry, that the particular characteristics of this type of institution invites pedophiles and sexual abusers to their ranks.

94. Behavioral health facilities like those ran by Defendants are imposed with great responsibility in their hiring and supervision of employees since they are providing care and services to a vulnerable population.

95. McGlawn and Jones were aided in their commission of inappropriate contact and grooming by virtue of their positions with TRBH and their access to K.J.'s behavioral charts.

96. Prior to the inappropriate contact and grooming as alleged above, upon information and belief, Defendants knew, had reason to know, or were otherwise on notice of the unlawful conduct of Jones and McGlawn.

97. Upon information and belief, the grooming behavior and/or contact by McGlawn and Jones was sexual in nature as they were men in their thirties interacting with a minor child (age 16) in an institutional setting where her parents were not present.

98. They were talking advantage of their position (and access to her chart detailing her vulnerabilities) and were preying upon her to ensure their own perverted sexual gratification at some point in time.

99. Defendants failed to take reasonable steps and/or failed to implement reasonable safeguards, to avoid acts of unlawful conduct by the two male employees, including, but not limited to, preventing or avoiding placement of these two employees in environments in which they had contact with vulnerable female patients.

100. Furthermore, at no point during the periods of time alleged, did Defendants have in place a system or procedures to supervise and/or monitor employees, representatives, or agents to ensure they did not exploit vulnerable patients at TRBH.

101. Having been in Defendants' care under circumstances such as to deprive K.J. of her normal opportunities for protection, Defendants owed her a duty to control the acts of their agents, servants, and/or employees.

102. Upon information and belief, Defendants have, for years, failed to reprimand, punish, report, or otherwise sanction employees they knew or had reason to know were having inappropriate contact with residents or grooming them for sexual gratification.

103. These types of actions by the two male employees (as institutional agents supposedly providing care while exploiting a 16-year-old emotionally vulnerable resident) supports the position that they are sexual predators on the prowl.

104. Defendants' knowing acquiescence and silence with respect to the known, or reasonably knowable, activities of potential sexual predators, including, but not limited to, the male employees described above, constituted a course of conduct through which acts of sexual perversion and the violation of females was condoned, approved, and effectively authorized.

105. Through their failure to timely reprimand and sanction the acts referenced herein, and for all of the other reasons set forth in this Complaint including, without limitation, their failure to take the steps necessary to prevent the occurrence of such reprehensible acts, Defendants ratified said actions and, accordingly, are vicariously liable for the actions of Jones and McGlawn.

106. But for Defendants' actions, Father, Mother, and Minor Child would not have sustained injuries and damages.

107. Despite actual knowledge of multiple instances in which unqualified employees, poorly trained employees, improperly supervised employees, and potential sexual predators were employed and/or assigned to positions within Three Rivers and despite the foreseeable risk that said unqualified employees, poorly trained employees, improperly supervised employees, and

potential sexual predators would engage in repeated acts of inappropriate contact and grooming, Defendants did not have in place (or failed to enforce) adequate, reasonable, and necessary rules, regulations, policies, and procedures which could effectively identify and prevent inappropriate contact, grooming, and sexual abuse from occurring.

108. At all times relevant hereto, Defendants did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures for the removal of potential sexual predators in their employ and/or service.

109. At all times relevant hereto, Defendants did not have in place adequate, reasonable, and necessary rules, regulations, policies, and procedures which provided for reporting potential sexual predators in their employ or service to law enforcement.

110. As set forth in this Complaint, Defendants failed to fulfill their legal duty to protect Minor Child and other female patients from the inappropriate contact, grooming, and other vile acts of its employees, including the male employees (McGlawn and Jones) described above.

111. As set forth in this Complaint, Defendants failed to take reasonable steps to ensure employees at Three Rivers were psychologically fit to provide living and non-medical behavioral health services to female patients.

112. There are no affidavits required in this case since the negligence of any Defendant (or employee of a Defendant) was non-medical in nature.

113. Under the facts as described herein, there are no damages “caps” in this action since this is a negligence case with a behavioral facility alleging conduct that was non-medical in nature.

114. Exploitation of a minor by employees of a psychiatric facility is non-medical in nature.



115. Failing to supervise the interaction between employees of a psychiatric facility and its residents is not medical in nature.

116. Allowing employees to access sensitive information about residents to exploit them for sexual purposes is not medical in nature.

117. The negligence allegations in this Complaint are not medical in nature, and if by some twisted logic were found to be medical in nature, the allegations of negligence fall within the common-sense exception to a medical negligence action.

**FOR A FIRST CAUSE OF ACTION AS TO ALL DEFENDANTS**  
(General Negligence/Non-Medical)

118. Father and Mother hereby incorporate by reference and reallege every allegation of Paragraphs 1 through 117 of this Complaint as if fully set forth herein verbatim.

119. At all times relevant to the allegations contained herein, Defendants owed duties to Minor Child, and in general to all residents receiving care in their facilities and/or by their employees and/or agents.

120. Defendants and their employees and/or agents, undertook the duty to properly investigate, hire, train, retain, and supervise all staff in accordance with the prevailing duty of care in the national community.

121. Defendants and their physicians, agents, and/or employees, undertook the duty to render care to K.J. in accordance with the applicable duty of care in the national community.

122. Notwithstanding said undertakings, and before and while K.J. was under the care of Defendants and their employees and/or agents, said Defendants, and/or employees and/or agents departed from prevailing and acceptable standards of care and/or duty to the Minor Child and were thereby negligent, grossly negligent, reckless, and in violation of the duties owed to the Minor

Child and are liable for one or more of the following acts of omission or commission, any or all of which are departures from the prevailing and acceptable professional standards of care:

- a) In failing to protect the Minor Child from employees' inappropriate actions;
- b) In failing to properly investigate employees after having received complaints about inappropriate contact with residents;
- c) In failing to ensure all staff were aware of acceptable behavior and in not reporting inappropriate conduct by employees and/or staff;
- d) In failing to take steps to monitor employees' interactions with under-age patients;
- e) In failing to prevent male (or any) employees from having inappropriate contact and/or grooming with a 16-year-old female;
- f) In failing to investigate the background of mental health technicians and other care givers in its employ or service;
- g) In failing to prohibit, restrict, or limit the activities of employees suspected of sexual assault and/or potential sexual predators;
- h) In failing to reasonably and properly investigate allegations of sexual assault;
- i) In failing to properly train and instruct employees and supervisors including investigators;
- j) In failing to have in place standards of acceptable and unacceptable conduct;
- k) In failing to designate competent investigators to evaluate complaints of sexual assault;
- l) In failing to have in place standards for reporting acts of sexual misconduct to law enforcement authorities and/or the Department of Health, D.S.S., etc.;
- m) In failing to properly investigate certain employees before allowing them access to under-aged females;
- n) In failing to train and educate its employees to watch out for predatory acts of fellow staff members, or, if properly trained and educated, the failure of said employees to properly monitor the Minor Child;

- o) In failing to report any employee's prior inappropriate actions with residents at TRBH;
- p) In failing to ensure Minor Child did not have inappropriate contact with employees or become groomed for sexual abuse;
- q) In failing to supervise the care provided to the Minor Child by the two male employees;
- r) In failing to ensure Minor Child was safe while under TRBH's care;
- s) In failing to reasonably protect Minor Child from employees' deviant predilections.
- t) In failing to ensure employees were only providing proper care to the Minor Child, as opposed to inappropriate and unnecessary contact, grooming, etc.;
- u) In failing to protect Minor Child from potential male sexual predators in their employ; and
- v) In such other particulars as may be ascertained through discovery.

123. As a direct and proximate result of Defendants' (and their employees or agents') negligence, gross negligence, recklessness, and multiple departures from their duties of care, as noted above, K.J. has suffered the following damages, including, but not limited to:

- a) Substantial medical expenses that are reasonably certain to occur after age 18 for the remainder of her life;
- b) Substantial life care expenses that are reasonably certain to occur after age 18 for the remainder of her life;
- c) Substantial loss of earnings and impairment of earning capacity that are reasonably certain to occur for the remainder of her life;
- d) Disability for the remainder of her life, including the necessity of psychiatric care;
- e) Substantial injury to her psyche and emotional state; and,
- f) Substantial loss of enjoyment of life.

124. As a direct and proximate result of Defendants' (and their employees or agents') negligence, gross negligence, recklessness, and multiple departures from their duties of care as noted above, John Doe and Jane Doe suffered the following damages, including, but not limited to:

- a) Substantial medical expenses for their daughter that are reasonably certain to occur before the Minor Child reaches the age of 18;
- b) Substantial life care expenses for their daughter that are reasonably certain to occur before the age 18;
- c) Care related to their daughter's disability that is likely to occur before the age 18, including the necessity of psychiatric care;
- d) Provision of extraordinary medical care for their daughter;
- e) Expenditure of economic resources to provide for their daughter before the age of 18, including, but not limited to, special education, assistance, or appropriate therapies such as art therapy, equine therapy, or any other type of treatment which may alleviate some of the Minor Child's suffering due to Defendants' actions and/or inactions;
- f) Substantial injury to their psyche and emotional state;
- g) Loss of society, companionship, and consortium with their daughter; and,
- h) Lost wages from having to take time off to manage their daughter, the investigation, and doctors' visits, among other things.

**FOR A SECOND CAUSE OF ACTION**  
(Assault and Battery)

125. Father and Mother hereby incorporate by reference and reallege every allegation of Paragraphs 1 through 124 of this Complaint as if fully set forth herein verbatim.

126. Minor Child was placed in reasonable fear of bodily harm by Defendants' employees' conduct. This is commonly called assault.

127. The employees who committed the unwanted touching or threat of unwanted touching were TRBH employees.

128. Defendants committed the actual infliction of unlawful, unauthorized, violence on the Minor Child through offensive touching or threat of offensive touching and many other forms of unlawful actions. This is commonly called battery.

129. As a direct and proximate result of the multiple acts and/or omissions as herein alleged on the part of Defendants in committing assault and battery on the Minor Child, the Minor Child has suffered the following damages, including, but not limited to:

- a) Substantial medical expenses that are reasonably certain to occur after age 18 for the remainder of her life;
- b) Substantial life care expenses that are reasonably certain to occur after age 18 for the remainder of her life;
- c) Substantial loss of earnings and impairment of earning capacity that are reasonably certain to occur for the remainder of her life;
- d) Disability for the remainder of her life, including the necessity of psychiatric care;
- e) Substantial injury to her psyche and emotional state; and,
- f) Substantial loss of enjoyment of life.

130. As a direct and proximate result of the multiple acts and/or omissions as herein alleged on the part of Defendants' employees committing assault and battery on the Minor Child, John Doe and Jane Doe suffered the following damages, including, but not limited to:

- a) Substantial medical expenses for their daughter that are reasonably certain to occur before she reaches the age of 18;
- b) Substantial life care expenses for their daughter that are reasonably certain to occur before the age 18;
- c) Care related to their daughter's disability that is likely to occur before the age 18, including the necessity of psychiatric care;
- d) Provision of extraordinary medical care for their daughter;

- e) Expenditure of economic resources to provide for their daughter before the age of 18, including, but not limited to, special education, assistance, or appropriate therapies such as art therapy, equine therapy, or any other type of treatment which may alleviate some of the Minor Child's suffering due to Defendants' actions and/or inactions;
- f) Substantial injury to their psyche and emotional state;
- g) Loss of society, companionship, and consortium with their daughter; and,
- h) Lost wages from having to take time off to manage their daughter, the investigation, and doctors' visits, among other things.

**FOR A THIRD CAUSE OF ACTION**  
(Violation of Restatement of Torts 323/324A)

131. Father and Mother hereby incorporate by reference and reallege every allegation of Paragraphs 1 through 130 of this Complaint as if fully set forth herein verbatim.

132. Defendants undertook, for consideration, the provision of living and non-medical behavioral health services to Minor Child pursuant to Restatement (Second) Torts §§ 323 and 324A.

133. The Restatement's negligent undertaking provisions impose a duty of care only when a defendant renders services that it "should recognize as necessary for the protection" of another. §§ 323 and 324A.

134. Defendants should have recognized as necessary the protection of the K.J.'s person and physical/mental well-being while at the TRBH facility.

135. K.J. was confined to the grounds and facilities of TRBH during the relevant time periods outlined in this Complaint.

136. Defendants' exercise of control over K.J.'s physical environment is the type of control which creates a general duty to protect.

137. K.J. suffered severe and permanent harm as described above as a result of Defendants' failure to exercise reasonableness in providing her living and non-medical behavioral health services.

138. Defendants' failure to exercise such care increased the risk of harm to the K.J. and/or K.J. was harmed because of her reliance upon Defendants' to provide her with living and non-medical behavioral health services.

139. As a direct and proximate result of the violation of Restatement of Torts 323/324A as herein alleged on the part of Defendants, Minor Child suffered the following damages, including, but not limited to:

- a) Substantial medical expenses that are reasonably certain to occur for the remainder of her life;
- b) Substantial life care expenses that are reasonably certain to occur for the remainder of her life;
- c) Substantial loss of earnings and impairment of earning capacity that are reasonably certain to occur for the remainder of her life;
- d) Disability that is likely to occur for the remainder of her life, including the necessity of psychiatric care;
- e) Substantial injury to her psyche and emotional state; and,
- f) Substantial loss of enjoyment of life.

140. As a direct and proximate result of the violation of Restatement of Torts 323/324A as herein alleged on the part of Defendants, John Doe and Jane Doe suffered the following damages, including, but not limited to:

- a) Substantial medical expenses for their daughter that are reasonably certain to occur before she reaches the age of 18;
- b) Substantial life care expenses for their daughter that are reasonably certain to occur before the age 18;

- c) Care related to their daughter's disability that is likely to occur before the age 18, including the necessity of psychiatric care;
- d) Provision of extraordinary medical care for their daughter;
- e) Expenditure of economic resources to provide for their daughter before the age of 18, including, but not limited to, special education, assistance, or appropriate therapies such as art therapy, equine therapy, or any other type of treatment which may alleviate some of the Minor Child's suffering due to Defendants' actions and/or inactions;
- f) Substantial injury to their psyche and emotional state;
- g) Loss of society, companionship, and consortium with their daughter; and,
- h) Lost wages from having to take time off to manage their daughter, the investigation, and doctors' visits, among other things.

**FOR A FOURTH CAUSE OF ACTION**  
(Necessaries Claim)

141. Father and Mother hereby incorporate by reference and reallege every allegation of Paragraphs 1 through 131 of this Complaint as if fully set forth herein verbatim.

142. John and Jane Doe are responsible for Minor Child's medical bills, medical care, and overall care until she turns eighteen (18). If she is under a disability, they may be required to provide this care for an undetermined length of time after Minor Child reaches the age of eighteen (18).

143. John and Jane Doe will suffer economic damages, including but not limited to, the provision of medical care, life care expense, psychiatric expenses, lost wages, counseling services, and special programs for sexually abused children due to the actions and/or inactions of Defendants as delineated in all paragraphs above.

144. As a direct and proximate result of the multiple acts and/or omissions as herein alleged on the part of Defendants in all paragraphs above, the Minor Child has suffered the following damages, including, but not limited to:



- a) Substantial medical expenses that are reasonably certain to occur for the remainder of her life;
- b) Substantial life care expenses that are reasonably certain to occur for the remainder of her life;
- c) Substantial loss of earnings and impairment of earning capacity that are reasonably certain to occur for the remainder of her life;
- d) Disability that is likely to occur for the remainder of her life, including the necessity of psychiatric care;
- e) Substantial injury to her psyche and emotional state; and,
- f) Substantial loss of enjoyment of life.

145. As a direct and proximate result of the multiple acts and/or omissions as herein alleged on the part of Defendants in all paragraphs above, John Doe and Jane Doe suffered the following damages, including, but not limited to:

- a) Substantial medical expenses for their daughter that are reasonably certain to occur before she reaches the age of 18;
- b) Substantial life care expenses for their daughter that are reasonably certain to occur before the age 18;
- c) Care related to their daughter's disability that is likely to occur before the age 18, including the necessity of psychiatric care;
- d) Provision of extraordinary medical care for their daughter;
- e) Expenditure of economic resources to provide for their daughter before the age of 18, including, but not limited to, special education, assistance, or appropriate therapies such as art therapy, equine therapy, or any other type of treatment which may alleviate some of the Minor Child's suffering due to Defendants' actions and/or inactions;
- f) Substantial injury to their psyche and emotional state;
- g) Loss of society, companionship, and consortium with their daughter; and,
- h) Lost wages from having to take time off to manage their daughter, the investigation, and doctors' visits, among other things

146. Father and Mother should be awarded any and all damages flowing from any necessities claim or any other damages they may suffer because of Defendants' (and their employees') multiple actions and/or inactions.

WHEREFORE, Plaintiffs respectfully pray for judgment against all Defendants for all actual damages and consequential damages, all punitive damages in an amount to be determined by the jury, for the costs and disbursements of this action, and for such other and further relief as this Court deems is just and proper.

By: s/S. Randall Hood

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