

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

JANET POSLEY-JORDAN,

Plaintiff,

-against-

STATEN ISLAND MENTAL HEALTH
SOCIETY, INC., a subsidiary of RICHMOND
UNIVERSITY MEDICAL CENTER
an AFFILIATE OF THE MOUNT SINAI
HOSPITAL and the ICAHN SCHOOL OF
MEDICINE, FERN ZAGOR, LCSW-R,
ELIZABETH TRAYNOR, LCSW-R, STEVEN
CHRISTOPHER JOHNSEN, LMSW, CASAC,
RUTH LIEBERMAN, LMHC, PETRICE LEBEN-
MARTIN, MHC-LP,

Defendant.

Plaintiff designates Kings County as
the place of trial. The basis of venue
is the plaintiffs' residence.

Index No.: _____

SUMMONS

Plaintiff resides at:
63 Avenue W
Brooklyn, New York 11223


TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiffs' attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you with in the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: May 14, 2016
Staten Island, New York

Yours, etc.,

THE LUTHMANN LAW FIRM PLLC



By: Richard A. Luthmann, Esq.
Attorney for Plaintiff
Office and Post Office Address
1811 Victory Boulevard
Staten Island, New York 10314
(718) 447-0003

TO: STATEN ISLAND MENTAL HEALTH SOCIETY, INC.,
a subsidiary of RICHMOND UNIVERSITY MEDICAL CENTER,
an AFFILIATE OF THE MOUNT SINAI HOSPITAL
and the ICAHN SCHOOL OF MEDICINE,
669 Castleton Avenue
Staten Island, New York 10301

FERN ZAGOR, LCSW-R
c/o Staten Island Mental Health Society, Inc.,
a subsidiary of RICHMOND UNIVERSITY MEDICAL CENTER,
an AFFILIATE OF THE MOUNT SINAI HOSPITAL
and the ICAHN SCHOOL OF MEDICINE,
669 Castleton Avenue
Staten Island, New York 10301

ELIZABETH TRAYNOR, LCSW-R
c/o Staten Island Mental Health Society, Inc.,
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an AFFILIATE OF THE MOUNT SINAI HOSPITAL
and the ICAHN SCHOOL OF MEDICINE,
669 Castleton Avenue
Staten Island, New York 10301

STEVEN CHRISTOPHER JOHNSEN, LMSW, CASAC
c/o Staten Island Mental Health Society, Inc.,
a subsidiary of RICHMOND UNIVERSITY MEDICAL CENTER,
an AFFILIATE OF THE MOUNT SINAI HOSPITAL
and the ICAHN SCHOOL OF MEDICINE,
444 St. Mark's Place
Staten Island, New York 10301

RUTH LIEBERMAN, LMHC
c/o Staten Island Mental Health Society, Inc.,
a subsidiary of RICHMOND UNIVERSITY MEDICAL CENTER,
an AFFILIATE OF THE MOUNT SINAI HOSPITAL
and the ICAHN SCHOOL OF MEDICINE,
444 St. Mark's Place
Staten Island, New York 10301

PETRICE LEBEN-MARTIN, MHC-LP
c/o Staten Island Mental Health Society, Inc.,
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

JANET POSLEY-JORDAN,

Plaintiff,

-against-

STATEN ISLAND MENTAL HEALTH SOCIETY, INC.,
a subsidiary of RICHMOND UNIVERSITY MEDICAL
CENTER an AFFILIATE OF THE MOUNT SINAI
HOSPITAL and the ICAHN SCHOOL OF MEDICINE,
FERN ZAGOR, LCSW-R, ELIZABETH TRAYNOR,
LCSW-R, STEVEN CHRISTOPHER JOHNSEN,
LMSW, CASAC, RUTH LIEBERMAN, LMHC,
PETRICE LEBEN-MARTIN, MHC-LP,

VERIFIED COMPLAINT

Index No. _____

Plaintiff JANET POSLEY-JORDAN (hereinafter referred to as “JANET POSLEY-JORDAN”) by and through her undersigned counsel, Richard A. Luthmann, Esq. of the Luthmann Law Firm, PLLC, as and for her Complaint in the action against Defendant FERN ZAGOR, LCSW-R, (hereinafter referred to as “ZAGOR”), ELIZABETH TRAYNOR, LCSW-R, (hereinafter referred to as “TRAYNOR”), STEVEN CHRISTOPHER JOHNSEN, LMSW, CASAC, (hereinafter referred to as “JOHNSEN”), RUTH LIEBERMAN, LMHC (hereinafter referred to as “LIEBERMAN”), PETRICE LEBEN-MARTIN, MHC-LP (hereinafter referred to as “LEBEN”), STATEN ISLAND MENTAL HEALTH SOCIETY, INC., a subsidiary of RICHMOND UNIVERSITY MEDICAL CENTER RICHMOND UNIVERSITY MEDICAL CENTER an AFFILIATE OF THE MOUNT SINAI HOSPITAL and the ICAHN SCHOOL OF MEDICINE (hereinafter referred to as “SIMHS”), collectively referred to as the “Defendants”, hereby alleges as follows:

PRELIMINARY STATEMENT

1. This is an action for equitable relief, as well as monetary damages, punitive damages and attorneys' fees, to redress Defendants, outrageous, intentional and/or reckless conduct as well as Defendants unlawful practices, egregious actions causing her severe and substantial harm.

2. This matter centers around STATEN ISLAND MENTAL HEALTH SOCIETY, INC. ("SIMHS"), an entity that is trusted by the New York State Courts to certify compliance with drug testing programs, particularly with respect to Family Court and Administration for Children's Services (ACS) cases.¹ SIMHS receives money from the City of New York. See **EXHIBIT "A"** attached hereto.

3. JANET POSLEY-JORDAN's five (5) children were taken from her because of a rough patch in her life where she turned to drug and alcohol abuse. JANET POSLEY-JORDAN was able to get clean and work within her Family Court-ordered program to earn back the privilege of raising her children, who were placed in foster care by ACS. JANET POSELY-JORDAN should be a resounding success story of the New York State Courts, Administrative Agencies and Drug Treatment programs working in concert to save lives and families in New York City.

4. JANET POSLEY-JORDAN's story is not a success story or a happy story. It is a story of agony, anguish and outrageous conduct by SIMHS and its employees who failed JANET POSLEY-JORDAN, the New York State Courts, ACS, New York City and FIVE (5) small children.

¹ SIMHS recently received \$450,000.00 in New York City funding in the Mayor's budget for drug treatment programs. See <https://www.dnainfo.com/new-york/20160425/great-kills/staten-island-drug-addiction-program-gets-450k-boost-city-funding>

5. SIMHS was the administrator of JANET POSELY-JORDAN's program and was expected to make reports back to the Kings County Family Court as to whether JANET POSELY-JORDAN was clean from drugs and alcohol and thus qualified to earn back the privilege of raising her children.

6. JANET POSLEY-JORDAN was regularly alcohol and drug tested at her SIMHS program and passed each and every test until a "K-2" synthetic marijuana test was administered. The test, a dip-stick that is applied to a urine specimen, came back positive. JANET POSLEY-JORDAN was not taking drugs and objected. A second test from the same batch was administered and JANET POSLEY-JORDAN tested positive again.

7. As a result of the positive test, SIMHS immediately sent a report to the Kings County Family Court alerting the Court and ACS of the failed result.

8. Days later, SIMHS realized that the ENTIRE BATCH OF K-2 TESTS were registering as FALSE POSITIVES – after SIMHS staff members administered tests on their own urine that came back positive.

9. SIMHS failed to alert the Courts once the false positive tests were discovered. In fact, SIMHS staff members and supervisors had discussions on the implications of the false reports when the bad batch of tests were discovered and instead of making immediate corrective reports, they elected to do nothing and colluded to engage in a cover-up. It was not until WEEEEKS LATER that any corrective action was taken by SIMHS after a whistle-blower counselor wrote a letter to the Family Court and ACS about the false positive K2 tests. Instead of receiving a commendation for her courage, SIMHS fired the whistle-blower counselor a few weeks later.

10. But for JANET POSLEY-JORDAN, the harm was already done. Based upon the false positive test for K-2 that was not corrected, a cascade of events had occurred: JANET POSLEY-JORDAN experienced a delay from moving from the shelter in Staten Island to an apartment in Brooklyn, a delay in securing funds to buy furniture and to prepare the apartment for her children, lingering questions from ACS about suspected drug use without an actual basis or evidence, trouble transitioning to a new treatment facility, etc. The Kings County Family Court had little choice but to order JANET POSLEY-JORDAN's FIVE (5) children to remain in ACS custody. JANET POSLEY-JORDAN still does not have her children back as of the date of this filing. JANET POSLEY-JORDAN is understandably in anguish.

11. In sum and substance, Defendants, including but not limited to, Zagor, Traynor, Johnsen, Lieberman, Leben, and SIMHS subjected Plaintiff to outrageous, egregious and extraordinary treatment because of, *inter alia*, her substance abuse history when results of a compromised batch of urine drug test results were discovered. Defendants collectively sought to cover-up these findings resulting in serious and substantial harm as against JANET POSLEY-JORDAN.

12. JANET POSLEY-JORDAN has and had clear statutory and common law rights and said rights were violated by Defendants who have caused JANET POSLEY-JORDAN severe and substantial harm and anguish.

13. Defendants' conduct was knowing, malicious, willful and wanton and/or showed a reckless disregard for Plaintiff, which has caused and continues to cause Plaintiff to suffer substantial economic and non-economic damages, permanent harm to her personal reputation, and severe mental anguish and emotional distress. Attorneys'

fees and punitive damages are available in addition to compensatory damages and declaratory and equitable relief.

PARTIES

Plaintiff Janet Posley-Jordan

14. Plaintiff JANET POSLEY-JORDAN is a resident of Kings County, City and State of New York, and is an African-American woman in recovery who has been clean and sober for over two (2) years. JANET POSLEY-JORDAN was subjected to outrageous treatment based upon her substance abuse history and based upon the Defendants' willful, wanton, intentional, malicious, reckless, grossly negligent and/or negligent conduct in violation of applicable law at the hands of the Defendants.

Defendant Staten Island Mental Health Society, Inc., a subsidiary of Richmond University Medical Center an Affiliate of the Mount Sinai Hospital And The Icahn School Of Medicine

15. Defendant Richmond University Medical Center, an affiliate of the Mount Sinai Health Network and the Icahn School of Medicine, and Defendant Staten Island Mental Health Society (SIMHS) announced on April 13, 2016 that the two organizations have signed an agreement to merge that, upon closing, will allow an integration of SIMHS into Richmond University Medical Center's existing medical and behavioral health services.

Defendant Fern Zagor, LCSW-R

16. Defendant Fern Zagor, LCSW-R is a Licensed Clinical Social Worker under license number 016122 issued by the New York State Education Department, Office of the Professions, Division of Licensing Services, and is currently the Chief Executive Officer of Defendant, Staten Island Mental Health Society, Inc.

Defendant Elizabeth Traynor, LCSW-R

17. Defendant Elizabeth Traynor, LCSW-R is a Licensed Clinical Social Worker under license number 059864 issued by the New York State Education Department, Office of the Professions, Division of Licensing Services, and is currently the Chief Clinical Officer of Defendant, Staten Island Mental Health Society, Inc.

Defendant Steven Christopher Johnsen, LMSW, CASAC

18. Defendant Steven Christopher Johnsen, LMSW, CASAC, is a Licensed Master Social Worker under license number 077682 issued by the New York State Education Department, Office of the Professions, Division of Licensing Services, and is currently the Assistant Program Director of the Teen Center, a program of the Defendant, Staten Island Mental Health Society, Inc.

Defendant Ruth Lieberman, LMHC

19. Defendant Ruth Lieberman, is a Licensed Mental Health Counselor under license number 006907, issued by the New York State Education Department, Office of the Professions, Division of Licensing Services, and is currently a mental health counselor in the Teen Center, a program of the Defendant, Staten Island Mental Health Society, Inc.

Defendant Petrice Leben-Martin, MHC-LP

20. Defendant Petrice Leben-Martin, is a Mental Health Counselor with a Limited Permit under permit number P-95029, issued by the New York State Education Department, Office of the Professions, Division of Licensing Services, and is currently a mental health counselor in the Teen Center, a program of the Defendant, Staten Island Mental Health Society, Inc.

FACTS

21. Plaintiff has complied with all statutory prerequisites to filing her action.

22. JANET POSLEY-JORDAN was receiving Kings County Family Court-ordered counseling services from defendant SIMHS for her substance abuse history with the goal of reuniting with her children whom she had lost custody of during her active addiction and the FIVE (5) children were placed in foster care with ACS.

23. JANET POSLEY-JORDAN was assigned to a Staff Mental Health Counselor who was an employee of defendant SIMHS for the period of August 11, 2014 through January 6, 2016. This Staff Mental Health Counselor was terminated by SIMHS after the person blew the whistle on the outrageous SIMHS false positive K2 test cover-up that has severely and substantially harmed JANET POSLEY-JORDAN and, upon information and belief, several others receiving treatment at SIMHS.

24. JANET POSLEY-JORDAN was seen for twice weekly individual counseling sessions and weekly group therapy sessions and was required to submit for random supervised urine drug screening tests at SIMHS.

25. On or about August 12, 2015, while in the scope of engaging counseling services with an employee of defendant SIMHS, JANET POSLEY-JORDAN consented to a random supervised urine drug screening. The drug test (a dipstick strip put into a sample of urine) revealed that JANET POSLEY-JORDAN had tested positive for synthetic marijuana (hereinafter referred to as "K2"). Upon hearing of the test results, JANET POSLEY-JORDAN requested a second test which was again positive for K2. Upon hearing of the positive findings, JANET POSLEY-JORDAN repeatedly informed

her counselor that there was something wrong with the test as she had not used any substances, including K2.

26. That as a result of the positive K2 findings, JANET POSLEY-JORDAN's counselor was required to inform her superiors who in turn were required to inform the New York State Courts, ACS and other applicable parties of the findings of a positive drug test.

27. As a direct result of the positive findings for K2 Ms. Jordan-Posley was not granted custody of her children at the next Kings County Family Court hearing following the August 12, 2015 drug test results.

28. Several weeks later, it was determined that the entire batch of K2 tests, which was the batch from which plaintiff was tested, was compromised when several other clients tested positive as well as the defendant Steven Christopher Johnsen who was the Assistant Program Director of the Teen Center, took a K2 test and tested positive for K2. Similar findings were true for other employees of SIMHS that took the K2 tests from the batch. In fact, every single test in the batch was defective and would read as a positive even if the subject urine did not have K2 markers in it.

29. As the Assistant Program Director for the Teen Center for defendant SIMHS, defendant Steven Christopher Johnsen gave SIMHS counselors a direct and explicit command not to correct or disclose the findings that the K2 tests were erroneous and false positives, with the full knowledge that the test was compromised because Steven Christopher Johnsen himself had falsely tested positive for K2 and such actions and / or omissions were willful, wanton, intentional, malicious, knowing, reckless, grossly negligent and/or negligent..

30. Defendant Steven Christopher Johnsen, Defendant Petrice Leben-Martin, Defendant Elizabeth Traynor and Defendant Fern Zagor all knew about the false positive K2 tests and of their duty to report and correct the false test reports made to the Kings County Family Court, ACS and other agencies.

31. Defendant Steven Christopher Johnsen, Defendant Petrice Leben-Martin, Defendant Elizabeth Traynor and Defendant Fern Zagor all failed to report and correct the false test reports made to the Kings County Family Court, ACS and other agencies as to the false positive K2 tests and such actions and / or omissions were willful, wanton, intentional, malicious, knowing, reckless, grossly negligent and/or negligent.

32. Defendant Steven Christopher Johnsen failed to timely correct the findings of the invalid K2 tests as a direct supervisor in his instructions to SIMHS employees and subordinates to not disclose the findings of the erroneous K2 tests and correct the false test reports made to the Kings County Family Court, ACS and other agencies and such actions and / or omissions were willful, wanton, intentional, malicious, knowing, reckless, grossly negligent and/or negligent..

33. Defendant Elizabeth Traynor failed as defendant Steven Christopher Johnsen's direct supervisor, in serving in a supervisory capacity when defendant Steven Christopher Johnsen gave instructions to SIMHS employees and subordinates to not disclose the findings of the erroneous K2 tests and correct the false test reports made to the Kings County Family Court, ACS and other agencies and such actions and / or omissions were willful, wanton, intentional, malicious, knowing, reckless, grossly negligent and/or negligent..

34. Defendant Fern Zagor failed as defendant Steven Christopher Johnsen's supervisor, in serving in a supervisory capacity when defendant Steven Christopher Johnsen gave instructions to SIMHS employees and subordinates to not disclose the findings of the erroneous K2 tests and correct the false test reports made to the Kings County Family Court, ACS and other agencies and such actions and / or omissions were willful, wanton, intentional, malicious, knowing, reckless, grossly negligent and/or negligent..

35. At some point after the discovery of the compromised K2 test, JANET POSLEY-JORDAN's counselor informed plaintiff that the K2 test was compromised and that even the defendant Steven Christopher Johnsen who was the Assistant Program Director of the Teen Center, tested positive for K2 when his urine was tested with the tests in the batch used on plaintiff's urine.

36. JANET POSLEY-JORDAN, who maintained that she was clean of all substances at the time of the positive K2 findings asked that the counselor provide the Kings County Family Court, ACS and other agencies with this information in writing.

37. JANET POSLEY-JORDAN was then informed that defendant Steven Christopher Johnsen who was the Assistant Program Director of the Teen Center, instructed the SIMHS employees and staff that they were not permitted to provide the courts or any other agencies with the information that the K2 test results were invalid and such actions and / or omissions were willful, wanton, intentional, malicious, knowing, reckless, grossly negligent and/or negligent..

38. On December 16, 2015, JANET POSLEY-JORDAN's counselor wrote to JANET POSLEY-JORDAN's attorney, the Foster Care Agency, and the NYC

Administration for Children's Services Office advising that the findings of both of the urine drug screening tests that were administered the August 12, 2015, which resulted in positive findings for K2, were compromised and they could not be considered reliable or valid and therefore should not be a determining factor in the plaintiff's petition for custody.

39. On or about January 6, 2016, SIMHS terminated the counselor who had blown the whistle on the false positive K2 reports and JANET POSLEY-JORDAN began receiving her counseling services from defendants Lieberman and Leben, other mental health counselors employed by defendant SIMHS.

40. Upon information and belief that at all times hereinafter mentioned, during plaintiff's visits to defendant SIMHS' offices, defendant Johnson continuously approached JANET POSLEY-JORDAN and repeatedly taunted and engaged in egregious actions her asking if she used K2 causing plaintiff to sustain severe mental anguish and such actions and / or omissions were willful, wanton, intentional, malicious, knowing, reckless, grossly negligent and/or negligent..

41. Upon information and belief that at all times hereinafter mentioned, defendant Johnson continuously repeatedly said to plaintiff "No K2 today, right Janet", causing plaintiff to sustain severe mental anguish and such actions and / or omissions were willful, wanton, intentional, malicious, knowing, reckless, grossly negligent and/or negligent.

42. Upon information and belief that at all times hereinafter mentioned, after plaintiff reported her frustrations with services she was receiving after her terminated whistle-blower counselor's termination, defendant Johnsen would act increasingly

hostile towards JANET POSLEY-JORDAN causing severe mental anguish and such actions and / or omissions were willful, wanton, intentional, malicious, knowing, reckless, grossly negligent and/or negligent.

43. Upon information and belief that at all times hereinafter mentioned, defendant Leben who was assigned as the counselor for the group therapy session that plaintiff attended, continuously engaged in slanderous behaviors against the terminated counselor, to the detriment of the group members and specifically the plaintiff, causing JANET POSLEY-JORDAN to sustain severe mental anguish and such actions and / or omissions were willful, wanton, intentional, malicious, knowing, reckless, grossly negligent and/or negligent..

44. Upon information and belief that at all times hereinafter mentioned, defendants Johnsen, Lieberman, Leben and SIMHS egregiously colluded to withhold information about the contaminated drug test results in order to avoid potential litigation from the plaintiff and such actions and / or omissions were willful, wanton, intentional, malicious, knowing, reckless, grossly negligent and/or negligent.

45. Upon information and belief that at all times hereinafter mentioned, defendant Johnsen intended to deliberately prevent JANET POSLEY-JORDAN from being eligible to regain custody of her children because of plaintiff's substance abuse history and such actions and / or omissions were willful, wanton, intentional, malicious, knowing, reckless, grossly negligent and/or negligent.

46. Upon information and belief that at all times hereinafter mentioned, defendant Lieberman intended to deliberately prevent JANET POSLEY-JORDAN from being eligible to regain custody of her children because of plaintiff's substance abuse

history and such actions and / or omissions were willful, wanton, intentional, malicious, knowing, reckless, grossly negligent and/or negligent.

47. Upon information and belief that at all times hereinafter mentioned, defendant Leben intended to deliberately prevent JANET POSLEY-JORDAN from being eligible to regain custody of her children because of plaintiff's substance abuse history and such actions and / or omissions were willful, wanton, intentional, malicious, knowing, reckless, grossly negligent and/or negligent.

48. Defendants engaged in deliberate collusion to remain silent about the contaminated drug test that revealed positive results and ultimately prevented the plaintiff from regaining custody of her children and such actions and / or omissions were willful, wanton, intentional, malicious, knowing, reckless, grossly negligent and/or negligent.

49. In December 2015, when counsel submitted the letter from the terminated whistle-blower employee regarding the contaminated urine drug screening results, the presiding Kings County Family Court Judge, coming down from her bench, extended her apology to the plaintiff for the manner in which this matter was handled.

50. Defendant SIMHS continues to employ defendants Zagor, Traynor, Johnsen, Lieberman and Leben and such actions and / or omissions are willful, wanton, intentional, malicious, knowing, reckless, grossly negligent and/or negligent..

51. As a direct and proximate result of Defendants' actions, independently and collectively, Plaintiff has suffered and continue to suffer severe mental anguish and emotional distress, including but not limited to depression, humiliation, embarrassment,

stress and anxiety, loss of self-esteem and self-confidence, emotional pain and suffering, for which she is entitled to an award of monetary damages and other relief.

FIRST CAUSE OF ACTION
(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)
ALL DEFENDANTS

52. Plaintiff repeats, realleges and reiterates each and every allegation set forth above as if fully stated here, and further alleges as follows.

53. Defendants intentionally inflicted the aforesaid acts of intimidation and retaliation with malice, and without legal, economic, business or social justification or excuse, and did so for the sole purpose of causing the Plaintiff emotional distress and anguish.

54. As a result of the aforesaid intentional acts of Defendants, the Plaintiff has been irreparably damaged.

55. That by reason of the foregoing, the Plaintiff has suffered damages in an amount to be determined upon the trial of this action.

56. That the amount of damages sought in this action exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

57. That because of the willful and malicious acts of Defendants in gross disregard of the law and well-being of the Plaintiff, the Plaintiff is entitled to punitive and exemplary damages.

SECOND CAUSE OF ACTION
(NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS)
ALL DEFENDANTS

58. The Plaintiff repeats, realleges and reiterates each and every allegation set forth above as if fully stated here, and further alleges as follows.

59. The Defendants' actions and omissions as described herein constitute negligent infliction of emotional distress in that Defendants owed Plaintiff a duty, said duty was breached, and said breach was the proximate cause of emotional distress suffered by Plaintiff.

60. Defendants' actions as complained of herein constitute "extreme and outrageous conduct."

61. Defendants' actions as complained of herein negligently caused the Plaintiff severe emotional distress.

62. That by reason of the foregoing, the Plaintiff has suffered damages in an amount to be determined upon the trial of this action.

63. That the amount of damages sought in this action exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

64. Plaintiff is entitled to punitive damages for the actions and omissions of the Defendants as described herein.

THIRD CAUSE OF ACTION
(NEGLIGENCE)
ALL DEFENDANTS

65. Plaintiff repeats, realleges and reiterates each and every allegation set forth above as if fully stated here, and further alleges as follows.

66. Defendants were negligent by their aforesaid acts without legal, economic, or social justification or excuse, and did so for the sole purpose of causing the Plaintiff severe emotional distress and anguish.

67. As a result of the aforesaid negligence acts of Defendants, the Plaintiff has been irreparably damaged.

68. That by reason of the foregoing, the Plaintiff has suffered damages in an amount to be determined upon the trial of this action.

69. That the amount of damages sought in this action exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

70. That because of the willful and malicious acts of Defendants in gross disregard of the law and well-being of the Plaintiff, the Plaintiff is entitled to punitive and exemplary damages.

FOURTH CAUSE OF ACTION
(GROSS NEGLIGENCE)
ALL DEFENDANTS

71. Plaintiff repeats, realleges and reiterates each and every allegation set forth above as if fully stated here, and further alleges as follows.

72. Defendants were grossly negligent by their aforesaid acts without legal, economic, or social justification or excuse, and did so for the sole purpose of causing the Plaintiff severe emotional distress and anguish.

73. As a result of the aforesaid gross negligence acts of Defendants, the Plaintiff has been irreparably damaged.

74. That by reason of the foregoing, the Plaintiff has suffered damages in an amount to be determined upon the trial of this action.

75. That the amount of damages sought in this action exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

76. That because of the willful and malicious acts of Defendants in gross disregard of the law and well-being of the Plaintiff, the Plaintiff is entitled to punitive and exemplary damages.

FIFTH CAUSE OF ACTION
(RECKLESSNESS)
ALL DEFENDANTS

77. Plaintiff repeats, realleges and reiterates each and every allegation set forth above as if fully stated here, and further alleges as follows.

78. Defendants were reckless by their aforesaid acts without legal, economic, or social justification or excuse, and did so for the sole purpose of causing the Plaintiff severe emotional distress and anguish.

79. As a result of the aforesaid recklessness of Defendants, the Plaintiff has been irreparably damaged.

80. That by reason of the foregoing, the Plaintiff has suffered damages in an amount to be determined upon the trial of this action.

81. That the amount of damages sought in this action exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

82. That because of the willful and malicious acts of Defendants in gross disregard of the law and well-being of the Plaintiff, the Plaintiff is entitled to punitive and exemplary damages.

SIXTH CAUSE OF ACTION (ACTUAL FRAUD)
ALL DEFENDANTS

83. Plaintiff repeats, realleges and reiterates each and every allegation set forth above as if fully stated here, and further allege as follows.

84. As set forth above, Defendants knew that their outright refusal to advise the court and other agencies of the compromised urine drug test would severely negatively impact the Plaintiff's ability to regain custody of her children.

85. Moreover, as a result of Defendants' efforts to cloak the massive fraud of the Defendants, Plaintiff could not have discovered that the Defendants' statements were false until well after the harms had been inflicted and caused the fraud to finally come to light.

86. As a result of Plaintiff's reasonable reliance on the Defendants' false statements, the Plaintiff was damaged.

87. That by reason of the foregoing, the Plaintiff has suffered damages in an amount to be determined upon the trial of this action.

88. That the amount of damages sought in this action exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

89. That because of the willful and malicious acts of Defendants in gross disregard of the law and well-being of the Plaintiff, the Plaintiff is entitled to punitive and exemplary damages.

SEVENTH CAUSE OF ACTION (CONSTRUCTIVE FRAUD)
ALL DEFENDANTS

90. Plaintiff repeats, realleges and reiterates each and every allegation set forth above as if fully stated here, and further alleges as follows.

91. Defendants have knowingly and/or recklessly engaged in the deceptive practices, uniform misrepresentations and material omissions complained of herein in order to induce the Plaintiff to remain in treatment with the Defendants, specifically in their substance abuse treatment program.

92. Plaintiff had no knowledge of the falsity and/or incompleteness of Defendants' misrepresentations during the course of the relationship and reasonable attempts to obtain further assurances were frustrated by the Defendants.

93. Plaintiff relied upon Defendants' deceptive practices, uniform misrepresentations, and omissions to her detriment.

94. Plaintiffs has been damaged as a result of the conduct complained of herein, and the harm or risk of harm is ongoing.

95. Defendants are liable for actual damages to Plaintiffs, and their ongoing fraudulent and deceptive conduct should be enjoined.

96. That by reason of the foregoing, the Plaintiff has suffered damages in an amount to be determined upon the trial of this action.

97. That the amount of damages sought in this action exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

98. Defendants' conduct in perpetuating the fraud and deceptive practices described above was malicious, willful, wanton and oppressive, or in reckless disregard of the rights of Plaintiff, thereby warranting the imposition of punitive damages against Defendants.

EIGHTH CAUSE OF ACTION (NEGLIGENT MISREPRESENTATION)
ALL DEFENDANTS

99. Plaintiff repeats, realleges and reiterates each and every allegation set forth above as if fully stated herein, and further alleges as follows.

100. Defendants have knowingly and negligently misrepresented themselves with regard to treatment of the Plaintiff.

101. Plaintiff had no knowledge of the falsity and/or incompleteness of Defendants' negligent misrepresentations during the course of the relationship between Defendants and Plaintiff.

102. Plaintiffs has been damaged as a result of the negligent misrepresentations of the Defendants herein, and the harm or risk of harm is ongoing.

103. Defendants are liable for actual damages to Plaintiffs, and their ongoing fraudulent and deceptive conduct should be enjoined.

104. That by reason of the foregoing, the Plaintiff has suffered damages in an amount to be determined upon the trial of this action.

105. That the amount of damages sought in this action exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

NINTH CAUSE OF ACTION (INTENTIONAL MISREPRESENTATION)
ALL DEFENDANTS

106. Plaintiff repeats, realleges and reiterates each and every allegation set forth above as if fully stated herein, and further alleges as follows.

107. Defendants have knowingly and intentionally misrepresented themselves with regard to treatment of the Plaintiff.

108. Plaintiff had no knowledge of the falsity and/or incompleteness of Defendants' intentional misrepresentations during the course of the relationship between Defendants and Plaintiff.

109. Plaintiffs has been damaged as a result of the intentional misrepresentations of the Defendants herein, and the harm or risk of harm is ongoing.

110. Defendants are liable for actual damages to Plaintiffs, and their ongoing fraudulent and deceptive conduct should be enjoined.

111. That by reason of the foregoing, the Plaintiff has suffered damages in an amount to be determined upon the trial of this action.

112. That the amount of damages sought in this action exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

TENTH CAUSE OF ACTION (FRAUDULENT OMISSION)
ALL DEFENDANTS

113. Plaintiff repeats, realleges and reiterates each and every allegation set forth above as if fully stated here, and further alleges as follows.

114. Defendants owed Plaintiff a duty to disclose the fraudulent conduct of the Defendants, because they possessed superior knowledge of a fact that was essential to their treatment of the Plaintiff.

115. Defendants knew that nondisclosure of the contaminated drug test would cause the Plaintiff extreme mental anguish and that she would not be reunited with her children.

116. The Plaintiff, reasonably relied to her detriment upon the omissions of the Defendants, who were her treatment providers, and privy to the drug testing practices and therefore had access to information concerning the testing materials that no one else possessed.

117. Defendants' failure to disclose the truth about the contaminated drug test was a fraud by omission.

118. The Plaintiff, has been damaged as a result of the conduct complained of herein.

119. Defendants are liable for actual damages to Plaintiffs.

120. That by reason of the foregoing, the Plaintiff has suffered damages in an amount to be determined upon the trial of this action.

121. That the amount of damages sought in this action exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

122. Defendants' conduct in perpetuating the fraud and deceptive practices described above was malicious, willful, wanton and oppressive, or in reckless disregard of the rights of Plaintiff, thereby warranting the imposition of punitive damages against Defendants.

**ELEVENTH CAUSE OF ACTION (TORTUOUS INTERFERENCE
WITH PARENTAL RELATIONSHIPS)
ALL DEFENDANTS**

123. Plaintiff repeats, realleges and reiterates each and every allegation set forth above as if fully stated here, and further alleges as follows.

124. Defendants interfered with the Plaintiff, existing parental relationships, by using dishonest, unfair, and/or improper means.

125. Defendants interfered with the Plaintiff, prospective parental relationships, by using coercive, fraudulent and/or threatening means.

126. The Plaintiff sustained damages as a result of this interference that would not have been sustained but for this interference.

127. The interference was caused knowingly and willfully by Defendants.

128. This interference was a wrongful act that was, and was intended to be, injurious to the Plaintiff and constitutes actual malice by the Defendants.

129. That by reason of the foregoing, the Plaintiff has suffered damages in an amount to be determined upon the trial of this action.

130. That the amount of damages sought in this action exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

131. Defendants' conduct in perpetuating the tortuous, fraud and deceptive practices described above was malicious, willful, wanton and oppressive, or in reckless disregard of the rights of Plaintiff, thereby warranting the imposition of punitive damages against Defendants.

**TWELFTH CAUSE OF ACTION (TORTUOUS INTERFERENCE
WITH FAMILIAL RELATIONSHIPS)
ALL DEFENDANTS**

132. Plaintiff repeats, realleges and reiterates each and every allegation set forth above as if fully stated here, and further alleges as follows.

133. Defendants interfered with the Plaintiff, existing familial relationships, by using dishonest, unfair, and/or improper means.

134. Defendants interfered with the Plaintiff, prospective familial relationships, by using coercive, fraudulent and/or threatening means.

135. The Plaintiff sustained damages as a result of this interference that would not have been sustained but for this interference.

136. The interference was caused knowingly and willfully by Defendants.

137. This interference was a wrongful act that was, and was intended to be, injurious to the Plaintiff and constitutes actual malice by the Defendants.

138. That by reason of the foregoing, the Plaintiff has suffered damages in an amount to be determined upon the trial of this action.

139. That the amount of damages sought in this action exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

140. Defendants' conduct in perpetuating the tortuous, fraud and deceptive practices described above was malicious, willful, wanton and oppressive, or in reckless

disregard of the rights of Plaintiff, thereby warranting the imposition of punitive damages against Defendants.

THIRTEENTH CAUSE OF ACTION (PRIMA FACIE TORT)
ALL DEFENDANTS

141. Plaintiff repeats, realleges and reiterates each and every allegation set forth above as if fully stated here, and further alleges as follows.

142. This complaint is a *prima facie* case that the each defendant independently as well collectively are liable.

143. The Plaintiff, has been damaged as a result of the conduct complained of herein.

144. Defendants are liable for actual damages to Plaintiffs.

145. That by reason of the foregoing, the Plaintiff has suffered damages in an amount to be determined upon the trial of this action.

146. That the amount of damages sought in this action exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, it is respectfully requested that the Court grant the following relief:

- A. On the First Cause of Action for INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS: damages in an amount to be established at trial, plus punitive damages; and
- B. On the Second Cause of Action for NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS: damages in an amount to be established at trial, plus punitive damages; and


- C. On the Third Cause of Action for NEGLIGENCE: damages in an amount to be established at trial, plus punitive damages; and
- D. On the Fourth Cause of Action for GROSS NEGLIGENCE: damages in an amount to be established at trial, plus punitive damages; and
- E. On the Fifth Cause of Action for RECKLESSNESS: damages in an amount to be established at trial, plus interest; and
- F. On the Sixth Cause of Action for ACTUAL FRAUD: damages in an amount to be established at trial, plus punitive damages; and
- G. On the Seventh Cause of Action for CONSTRUCTIVE FRAUD: damages in an amount to be established at trial, plus punitive damages; and
- H. On the Eighth Cause of Action for NEGLIGENT MISREPRESENTATION: damages in an amount to be established at trial plus punitive damages; and
- I. On the Ninth Cause of Action for INTENTIONAL MISREPRESENTATION: damages in an amount to be established at trial, plus punitive damages; and
- J. On the Tenth Cause of Action for FRAUDULENT OMISSION: damages in an amount to be established at trial, plus punitive damages; and
- K. On the Eleventh Cause of Action for TORTIOUS INTERFERENCE WITH PARENTAL RELATIONSHIPS: damages in an amount to be established at trial, compensatory and injunctive relief; and

- L. On the Twelfth Cause of Action for TORTIOUS INTERFERENCE WITH FAMILIAL RELATIONSHIPS: damages in an amount to be established at trial, compensatory and injunctive relief; and
- M. On the Twelfth Cause of Action for *PRIMA FACIE TORT*: damages in an amount to be established at trial, plus punitive damages; and
- N. Costs and attorney's fees where applicable; and
- O. Interest from the dates the causes of action accrued, costs, disbursements, punitive damages and attorney's fees; and
- P. Such other and additional relief as this Court deems just and proper.

Dated: Staten Island, New York
May 14, 2016

Respectfully submitted,

THE LUTHMANN LAW FIRM PLLC

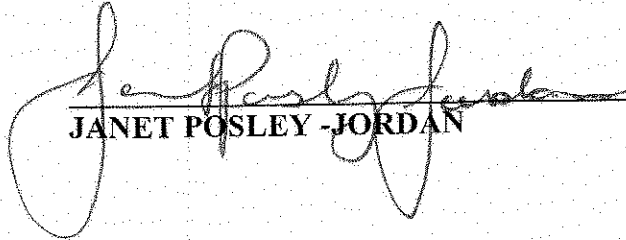


By: Richard A. Luthmann, Esq.
Attorney for Plaintiff
Office and Post Office Address
1811 Victory Boulevard
Staten Island, New York 10314
(718) 447-0003

VERIFICATION

State of New York, County of Richmond ss.:

Janet Posley - Jordan, being duly sworn, deposes and says: I am the Plaintiff in this action, I have read the foregoing pleadings to be submitted to the Court and know the contents to be true to my own knowledge, except for those matters alleged to be on information and belief, and as to those matters, I believe them to be true.



JANET POSLEY - JORDAN

Sworn to before me this 19th day
of May, 2016.



RICHARD A. LUTHMANN

RICHARD A. LUTHMANN
NOTARY PUBLIC
STATE OF NEW YORK
REG. NO: 02LU6235872
COMM. EXP: FEB. 14, 2019


EXHIBIT “A”

GREAT KILLS & TOTTEVILLE (/WWW.DNAINFO.COM/NEW-YORK/STATEN-ISLAND/GREAT-KILLS-TOTTEVILLE)

Health & Wellness (/www.dnainfo.com/new-york/topics/health-wellness)

Staten Island Drug Addiction Program Gets \$450K Boost in City Funding

By Nicholas Rizzi (/www.dnainfo.com/new-york/about-us/our-team/editorial-team/nicholas-rizzi) | April 25, 2016 2:38pm

 @nickr15 (<http://twitter.com/nickr15>)



The mayor gave an additional \$450,000 to the Staten Island Mental Health Society to expand its youth intervention and treatment program for opioid addiction, Councilman Joe Borelli announced.

[View Full Caption](#)

DNAINfo/Nicholas Rizzi

GREAT KILLS — An extra \$450,000 is being put into a campaign to tackle a drug epidemic on Staten Island.

The money will fund a drug addiction program's early intervention and counseling services, Councilman Joe Borelli (<https://www.dnainfo.com/new-york/people/joe-borelli>) said.

The mayor's office allocated the funds to the Staten Island Mental Health Society (<http://simhs.org>) (SIMHS) so the group can expand its programming to help at-risk youth avoid drugs and a treatment program for teens addicted to opioids and other drugs, Borelli said.

"I am glad the administration was able to save this Staten Island Mental Health Society program, which is vital in combating opioid addiction among adolescents on Staten Island," Borelli said.

Of the \$450,000, \$300,000 will go towards SIMHS' Early Intervention program, which encourages youths who are at-risk for substance abuse to take part in other healthy activities, Borelli said.

With the other \$150,000, SIMHS will establish a licensed Medical Assisted Treatment program to provide treatment for South Shore teens addicted to drugs, Borelli said.

"These two programs together will provide an extremely robust, much needed continuum of services for high risk youth on the South Shore," SIMHS president Fern Zagor said in a statement.

"Nothing like this currently exists for our youth on Staten Island."

Currently, SIMHS treats 500 people a year for addiction services, with about 100 inside the adolescent program, Borelli said.

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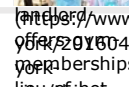
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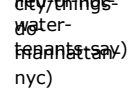
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VIDEO: The Bronx Zoo Has a New-
Born Bolivian Gray Titi Monkey
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The primate was born last month
and is now on display at the zoo's
World of Birds exhibit.



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



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