

**VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND**

**K.E.E.;**  
**M.J.M.;**  
**M.M.A.;**  
**S.M.F.;**  
**A.C.J.;**  
**J.E.H.;**  
**S.K.P.;**  
**C.L.K. (By Next Friend and Mother A.C.K.);**  
**H.G.B. (By Next Friend and Mother G.L.B.);**  
**B.C.P.;**  
**K.M.J.;**  
**D.T.A.;**  
**C.V.M.;**  
**K.A.M. (By Next Friend and Mother S.M.M.);**  
**A.J.S. (By Next Friend and Grandmother A.A.S.);**  
**J.L.K. (By Next Friend and Mother S.M.K.);**  
**J.A.H. (By Next Friend and Mother S.M.H.);**  
**C.T.K. (By Next Friend and Mother J.K.);**  
**K.E.H. (By Next Friend and Mother F.E.H.);**  
**M.M. (By Next Friend and Mother S.E.M.),**

**Plaintiffs,**

**v.**

**CASE NO.: \_\_\_\_\_**  
**TRIAL BY JURY DEMANDED**

**CUMBERLAND HOSPITAL, LLC**  
**d/b/a CUMBERLAND HOSPITAL FOR**  
**CHILDREN AND ADOLESCENTS,**

**Serve: Cumberland Hospital, LLC**  
**c/o Corporation Service Company, Registered Agent**  
**100 Shockoe Slip Fl 2**  
**Richmond, Virginia 23219,**

**UNIVERSAL HEALTH SERVICES, INC.,**

**Serve: Corporation Service Company, Registered Agent**  
**100 Shockoe Slip Fl 2**  
**Richmond, Virginia 23219,**

**UHS OF DELAWARE, INC.,**

**Serve: Corporation Service Company, Registered Agent**

**100 Shockoe Slip Fl 2  
Richmond, Virginia 23219**

**UHS CHILDREN SERVICES, INC.,  
Serve: Corporation Service Company, Registered Agent  
100 Shockoe Slip Fl 2  
Richmond, Virginia 23219**

**DANIEL N. DAVIDOW,**

**Serve: Daniel N. Davidow**  


**DANIEL N. DAVIDOW, M.D., P.C.,**

**Serve: Michael L. Goodman, Registered Agent  
Goodman Allen Donnelly, PLLC  
4501 Highwoods Pkwy Suite 210  
Glen Allen, Virginia 23060**

**and**

**HERSCHEL C. HARDEN III,**

**Serve: Herschel C. Harden III**  


**Defendants.**

**COMPLAINT**

COME NOW, the Plaintiffs K.E.E.; M.J.M.; M.M.A.; S.M.F.; A.C.J.; J.E.H.; C.V.M.; S.K.P.; C.L.K. (By Next Friend and Mother A.C.K.); H.G.B. (By Next Friend and Mother G.L.B.); B.C.P.; K.M.J.; D.T.A.; K.A.M. (By Next Friend and Mother S.M.M.); A.J.S. (By Next Friend and Grandmother A.A.S.); J.L.K. (By Next Friend and Mother S.M.K.); J.A.H. (By Next Friend and Mother S.M.H.); C.T.K. (By Next Friend and Mother J.K.); K.E.H. (By Next Friend and Mother F.E.H.); and M.M. (By Next Friend and Mother S.E.M.) by counsel, and respectfully move this Honorable Court for judgment against the Defendants Cumberland Hospital, LLC d/b/a

Cumberland Hospital for Children and Adolescents ("Cumberland"); Universal Health Services, Inc.; UHS of Delaware, Inc.; UHS Children Services, Inc.; Daniel N. Davidow ("Davidow"); Daniel N. Davidow, M.D., P.C.; and Herschel C. Harden, III, jointly and severally, for compensatory damages, punitive damages, costs of this action, and pre-judgment interest and post-judgment interest together with actual damages, treble damages, and attorney's fees pursuant to the Virginia Consumer Protection Act on the grounds set forth below:

1. This action is filed pursuant to The Multiple Claimant Litigation Act, Va. Code § 8.01-267.1, *et seq.*
2. Plaintiffs total more than six individuals joined herein as Plaintiffs in a single action.
3. Plaintiffs' claims involve common issues of law and fact and arise out of the same series of transactions or occurrences, and their claims are properly joined in accordance with Va. Code § 8.01-267.1, *et seq.* The common questions of law or fact predominate and are significant to the actions.
4. Joinder of all Plaintiffs' claims against Defendants herein (i) promotes the ends of justice and the just and efficient conduct and disposition of the actions; (ii) is consistent with each party's right to due process of law; and (iii) does not prejudice any individual party's right to a fair and impartial resolution of each action.
5. Joinder of all Plaintiffs' claims against Defendants herein will be more convenient for the parties, witnesses, and counsel than individual separate actions.
6. All of the Plaintiffs' claims are at the initial stage of litigation, and joinder of their claims more efficiently utilizes judicial facilities and personnel and the Court's calendar, and avoids inconsistent rulings, orders and judgments.

7. Joinder of all of the Plaintiffs' claims against Defendants makes prompt settlement of the actions more likely and will not result in prejudice or confusion.

#### **PARTIES**

8. Plaintiff K.E.E. is 26 years old and a citizen of the State of Maryland residing near Baltimore, Maryland.

9. Plaintiff M.J.M. is 22 years old and a citizen of the State of Connecticut residing in Southington, Connecticut.

10. Plaintiff M.M.A. is 21 years old and a citizen of the Commonwealth of Virginia residing in Falls Church, Virginia.

11. Plaintiff S.M.F. is 23 years old and a citizen of the State of Delaware residing in Newark, Delaware.

12. Plaintiff A.C.J. is 20 years old and a citizen of the Commonwealth of Virginia residing in the Richmond metropolitan area.

13. Plaintiff J.E.H. is 20 years old and a citizen of the State of North Carolina residing in Concord, North Carolina.

14. Plaintiff C.V.M. is 22 years old and a citizen and a resident of the State of California.

15. Plaintiff S.K.P. is 21 years old and a citizen of the State of Missouri residing in Kansas City, Missouri.

16. Plaintiff C.L.K. is a minor, age 16, who sues by Next Friend and Mother A.C.K. Plaintiff C.L.K. is a citizen of the State of New York and resides in Cold Spring, New York.

17. Plaintiff H.G.B. is a minor, age 15, who sues by his Next Friend and Mother G.L.B. Plaintiff H.G.B. is a citizen of the State of Arizona and resides with G.L.B. in Peoria, Arizona.

18. Plaintiff B.C.P. is 18 years old and a citizen of the Commonwealth of Virginia residing in the State of Florida.

19. Plaintiff K.M.J. is 19 years old and a citizen of the State of Florida residing in the State of Florida.

20. Plaintiff D.T.A. is 18 years old and a citizen of the State of Florida residing in Destin, Florida.

21. Plaintiff K.A.M. is a minor, age 15, who sues by Next Friend and Mother S.M.M. Plaintiff K.A.M. is a citizen of the State of North Carolina and resides in Holly Springs, North Carolina.

22. Plaintiff A.J.S. is a minor, age 14, who sues by Next Friend and Grandmother A.A.S. Plaintiff A.J.S. is a citizen of the State of Alabama and resides in Hillsboro, Alabama.

23. Plaintiff J.L.K. is a minor, age 17, who sues by her Next Friend and Mother S.M.K. Plaintiff J.L.K. is a citizen of the State of Maryland and resides in Germantown, Maryland.

24. Plaintiff J.A.H. is a minor, age 16, who sues by his Next Friend and Mother S.M.H. Plaintiff J.A.H. is a citizen of the State of Tennessee and resides with S.M.H. in Estill Springs, Tennessee.

25. Plaintiff C.T.K. is a minor, age 10, who sues by Next Friend and Mother J.K. Plaintiff C.T.K. is a citizen of the Commonwealth of Pennsylvania and resides with J.K. in Dunmore, Pennsylvania.

26. Plaintiff K.E.H. is a minor, age 14, who sues by his Next Friend and Mother F.E.H. Plaintiff K.E.H. is a citizen of the Commonwealth of Virginia and resides with F.E.H. in Fort Belvoir, Virginia.

27. Plaintiff M.M. is a minor, age 12, who sues by his Next Friend and Mother S.E.M. Plaintiff M.M. is a citizen of the Commonwealth of Pennsylvania and a resident of the Philadelphia, Pennsylvania metropolitan area.

28. Plaintiffs are proceeding under pseudonyms in accordance with Va. Code § 8.01-15.1 as the need for anonymity outweighs the public's interest in knowing the individual identities of the Plaintiffs, and maintaining the anonymity of the Plaintiffs does not prejudice any other party.

29. Defendant Cumberland Hospital, LLC d/b/a Cumberland Hospital for Children and Adolescents ("Cumberland") is now, and at all times relevant herein has been, a Virginia corporation with a principal place of business located at 9407 Cumberland Road, New Kent, Virginia 23124. Cumberland is a residential behavioral health care facility offering services to youths and adolescents with complex behavioral issues, eating disorders, diabetes, brain injury, chronic illness, or neurobehavioral issues. Cumberland advertises that its patients are children, teens and pre-teens, ages two to 22, challenged by co-occurring medical and behavioral diagnoses. Cumberland is a subsidiary of Defendant Universal Health Services, Inc.

30. Defendant Cumberland's registered agent is Corporation Service Company located at 100 Shockoe Slip Fl 2, Richmond, Virginia, 23219.

31. Defendant Universal Health Services, Inc. is now, and at all times relevant herein has been, a corporation organized under the laws of the state of Pennsylvania with a principal office address in King of Prussia, Pennsylvania, which owns, operates, manages, and controls behavioral health facilities and acute care hospitals throughout the United States and conducts substantial business in Virginia. Defendant Cumberland is a subsidiary of Defendant Universal Health Services, Inc.

32. Defendant UHS of Delaware, Inc. is a corporation organized under the laws of Delaware with a principal office address in King of Prussia, Pennsylvania, which is authorized to transact business in the Commonwealth of Virginia, conducts substantial business in Virginia, and is also subsidiary of Universal Health Services, Inc. Upon information and belief, Defendant UHS of Delaware, Inc. is the management company for Universal Health Services, Inc. Defendant UHS of Delaware, Inc.'s registered agent in the Commonwealth of Virginia is Corporation Service Company located at 100 Shockoe Slip Fl 2, Richmond, Virginia, 23219.

33. Defendant UHS Children Services, Inc. is now, and at all times relevant herein has been, a corporation organized under the laws of the state of Pennsylvania with a principal office address in King of Prussia, Pennsylvania, which is authorized to transact business in the Commonwealth of Virginia and conducts substantial business in Virginia. Upon information and belief, Defendant UHS Children Services, Inc. is a subsidiary of Defendant Universal Health Services, Inc. Defendant UHS Children Services, Inc.'s registered agent in the Commonwealth of Virginia is Corporation Service Company located at 100 Shockoe Slip Fl 2, Richmond, Virginia, 23219.

34. UHS conducts substantial business in the Commonwealth of Virginia including, but not limited to, its ownership, operation, and management of Harbor Point Behavioral Health Center in Portsmouth, Virginia; the Hughes Center for Exceptional Children in Danville, Virginia; Kempsville Center of Behavioral Health in Norfolk, Virginia; Liberty Point Behavioral Health in Staunton, Virginia; Newport News Behavioral Health Care Center in Newport News, Virginia; North Spring Behavioral Healthcare in Leesburg, Virginia; Poplar

Springs Hospital in Petersburg, Virginia; Virginia Beach Psychiatric Center in Virginia Beach, Virginia; and Defendant Cumberland Hospital for Children and Adolescents.

35. Prior to November 2010, Psychiatric Solutions Hospitals, Inc. and/or Psychiatric Solutions of Virginia, Inc. ("PSI") owned, operated, managed, and controlled Defendant Cumberland.

36. In or about November 2010 UHS acquired PSI. Upon information and belief, as part of the aforementioned acquisition, UHS acquired Cumberland along with approximately 105 other inpatient and outpatient facilities across the United States. As part of the aforementioned acquisition, UHS expressly or impliedly agreed to assume all existing and future liabilities.

37. Defendants Universal Health Services, Inc., UHS of Delaware, Inc., and UHS Children Services, Inc. are referred to herein collectively as "UHS."

38. Defendant Daniel N. Davidow ("Davidow") is now, and at all times relevant herein has been, a citizen of the Commonwealth of Virginia residing in Richmond, Virginia.

39. Defendant Daniel N. Davidow, M.D., P.C. ("Davidow, P.C.") is a corporation organized under the laws of the Commonwealth of Virginia with a principal office address located at 202 Westham Pkwy Richmond, Virginia 23229. Defendant Davidow is an officer, director, and president of Davidow, P.C.

40. Defendant Davidow was, at all times relevant herein, the Medical Director at Cumberland Hospital and an agent, employee, and servant of Defendants Davidow, P.C., Cumberland, and UHS, acting within the scope of his agency, employment, and service of Defendants Davidow, P.C., Cumberland, and UHS.

41. Defendant Herschel C. Harden III is now, and at all times relevant herein has been, a citizen of the Commonwealth of Virginia residing in Williamsburg, Virginia.



42. Defendant Harden was, at all times relevant herein, a psychotherapist at Cumberland Hospital and an agent, employee, and servant of Cumberland and UHS acting within the scope of his agency, employment, and service of these Defendants.

### **JURISDICTION AND VENUE**

43. This Court has personal jurisdiction over Defendants pursuant to Va. Code § 8.01-328.1 (1)-(4).

44. Defendants Universal Health Services, Inc.; UHS of Delaware, Inc.; and UHS Children Services, Inc. purposefully availed themselves of the privileges of conducting business activities within the Commonwealth of Virginia such that the forum Court may exercise personal jurisdiction over them. These Defendants are doing business in the Commonwealth of Virginia through the ownership, operation, management, marketing, promotion, and control of services provided by the aforementioned behavioral healthcare facilities, including Defendant Cumberland, and are profiting, substantially, from such activities. This action relates to and arises out of the contacts created in the Commonwealth of Virginia by these Defendants.

45. Venue is proper in this Court pursuant to Va. Code § 8.01-262(1) and Va. Code § 8.01-262(2) because Defendants Davidow and Davidow, P.C. reside and have their principal office in the City of Richmond and Defendants Cumberland; UHS of Delaware, Inc.; and UHS Children Services, Inc. appointed an agent to receive process in the City of Richmond.

### **GENERAL ALLEGATIONS**

46. Plaintiffs hereby incorporate by reference, as if fully set forth herein, each and every allegation asserted in the preceding and following paragraphs, including each and every factual

and legal allegation hereinbefore and hereinafter alleged, and hereby re-adopt and re-allege each such allegation.

47. UHS is a for-profit corporation that owns and operates for-profit hospitals and health care facilities throughout Virginia and the United States.

48. UHS is a Fortune 500 Corporation with approximately \$11.3 billion in annual revenue that produced net income of more than \$891 million in 2019.

49. UHS measures and calculates its profits and maintains statistics within two separate divisions of the corporation: (1) Acute Care Division; and (2) Behavioral Health Division.

50. UHS is the largest facility-based behavioral health provider in the country, with its subsidiaries operating 349 behavior health facilities in the United States, Washington DC, Puerto Rico, the U.S. Virgin Islands, and the United Kingdom.

51. At all times material and relevant herein, Defendants Cumberland and UHS owned, occupied, operated, and maintained the premises located at 9407 Cumberland Road, New Kent, Virginia 23124 and the approximately 110 bed residential treatment center and hospital located thereon (hereinafter referred to as "Cumberland Hospital").

52. Cumberland Hospital is licensed by the Virginia Department of Health ("VDH") to operate a "General Hospital" offering specialty hospital services for children and specialty rehabilitation center services with 94 authorized acute care beds.

53. Cumberland Hospital is licensed by the Department of Behavioral Health and Developmental Services ("DBHDS") to operate a residential treatment facility for children at Cumberland Hospital, which limited to 16 beds (i.e. 16 patients/residents). Cumberland Hospital's residential treatment facility is commonly referred to as Cumberland Residential Treatment Center or Cumberland RTC (hereinafter "RTC").

54. The VDH and DBHDS licenses for Cumberland Hospital were issued to Defendants Cumberland and UHS.

55. Cumberland Hospital is not licensed as an acute psychiatric inpatient hospital.

56. Cumberland Hospital is part of UHS's Behavioral Health Division ("BHD").

57. Providing enough staff to meet patients' needs is an essential administrative requirement for all hospitals and residential treatment centers.

58. Staffing levels must take into account patients' risk of violence and suicide as well as their medical needs.

59. Adequate and sufficient staffing levels vary between residential treatment centers, general hospitals, and inpatient psychiatric hospitals. This is because the population served by a facility or hospital impacts the staffing levels that are adequate and sufficient to protect the patients from other residents/patients, third parties, staff, and themselves.

60. Inpatient psychiatric hospital staffing requirements are higher than residential treatment centers and general hospitals because of the risks presented by the population served.

61. UHS believes that staffing expenses are a key target for cutting costs to increase profits.

62. From 2006 until 2016, facilities owned and operated by UHS were cited or investigated for inadequate staffing violations on approximately ninety (90) occasions, including Cumberland Hospital on at least one occasion.

63. Defendants UHS, Cumberland, Davidow, and Harden put pressure on doctors and admissions staff at Cumberland Hospital to fill beds and to admit children even though these Defendants knew the staffing levels at Cumberland Hospital were inadequate, that it would be detrimental to the patients, that the patients created safety risks to other children admitted at

Cumberland Hospital due to inadequate staffing and protection, that the patients would be in danger due to inadequate staffing and protection, and that Cumberland Hospital could not provide the appropriate care and protection to the patients.

64. Defendants UHS, Cumberland, Davidow, and Harden pressured and encouraged doctors and staff to keep patients admitted to Cumberland Hospital for as long as the patients' could pay, even when inpatient care or residential treatment was no longer medically necessary or beneficial to the patients.

65. Defendants UHS, Cumberland, Davidow, and Harden encouraged unnecessary admissions and excessive length of stay (LOS) with the specific purpose of increasing revenue.

66. Defendant UHS and Cumberland pressured Defendants Davidow and Harden to improve length of stay averages (i.e., keep patients at the facility longer) because UHS and Cumberland made the most profit after the first five days of a patient's admission.

67. Defendants UHS, Cumberland, Davidow, and Harden targeted patients for RTC admissions as the easiest way to get a patient approved for a longer stay to increase revenue and profits.

68. Defendants UHS, Cumberland, Davidow, and Harden made "bed-to-bed transfers" for patients from the RTC to the general hospital units at Cumberland Hospital to maintain a profitable "head-to-bed" ratio at the facility while capitalizing on the higher cost of treatment associated with patients with primary diagnoses of mental illness, psychiatric conditions, developmental disabilities, and/or other behavioral health conditions.

69. Defendants UHS, Cumberland, Davidow, and Harden made "bed-to-bed" transfers from the RTC to the general hospital for patients with known mental illness, psychiatric conditions, developmental disabilities, and/or other behavioral health conditions with the knowledge and

understanding that doing so would create a danger for patients in the transferee Units and for the patient being transferred. Nonetheless, these Defendants made these “bed-to-bed” transfers to increase revenue and profits.

70. Defendants UHS, Cumberland, Davidow, and Harden made “bed-to-bed” transfers from the RTC to the general hospital for patients with known mental illness, psychiatric conditions, developmental disabilities, and/or other behavioral health conditions with the knowledge and understanding that the staff was inadequate in numbers, experience, and training to protect and care for the patients. Nonetheless, these Defendants made these “bed-to-bed” transfers to increase revenue and profits.

71. Defendants UHS, Cumberland, Davidow, and Harden constantly pressured staff to change the primary diagnoses of patients, chart aggressive or sexually aggressive precautions in the patients’ records, and otherwise make fraudulent and materially false statements in medical records to justify longer stays and higher costs associated with their stays at Cumberland Hospital in an effort to increase revenue and profits.

72. If a patient’s parent or guardian would not consent to admission or question changes to the medical records, the staff at Cumberland Hospital would threaten to call the police and the Virginia Department of Child Protective Services (CPS) to force parents to admit their child to Cumberland Hospital and silence them from making reports or questioning decisions made by Defendants UHS, Cumberland, Davidow, and Harden.

73. At all times material and relevant herein, Defendants UHS, Cumberland, Davidow, and Harden made materially false statements about Cumberland Hospital to, and withheld material information from, the VDH and DBHDS with the intent to deceive including, but not limited to, materially false statements made to the VDH on annual renewal forms that identified Cumberland

Hospital as a pediatric hospital that was not providing psychiatric services and materially false statements made to the DBHDS that Cumberland Hospital was limiting its residential treatment services of children and adolescents to 16 beds (i.e., 16 patients/residents) when in fact Cumberland Hospital was attempting to provide services (as defined by Va. Code § 37.2-403) to far more than 16 patients/residents.

74. At all times material and relevant herein, Cumberland Hospital admitted and attempted to serve hundreds (if not thousands) of children and adolescents, including the Plaintiffs, without appropriate and necessary licenses from the DBHDS and VDH.

75. At all times relevant herein, Defendants UHS and Cumberland knowingly, fraudulently, and with the intent to deceive the public, including the Plaintiffs and their parents and guardians, held Cumberland Hospital out as a properly and appropriately licensed hospital providing inpatient psychiatric services, residential behavioral health services for children and adolescents with mental illness or developmental disabilities (autism), and chronic, complex medical problems.

76. Defendants UHS and Cumberland knowingly made false statements in marketing and advertising material for Cumberland Hospital with the intent to deceive the public, including the Plaintiffs and their parents and guardians, that described the facility as a “unique program based around a rehab model to help kids that have a medical problem that is complicated by a psychiatric, behavioral, or an emotional concern”<sup>1</sup> when, in fact, the facility was not licensed, staffed, equipped, or prepared to provide psychiatric care or behavioral care to all patients/residents at the facility.

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<sup>1</sup> <https://www.youtube.com/watch?v=-bnjhXXvhig>

77. Defendants UHS and Cumberland knowingly made false statements in marketing and advertising material for Cumberland Hospital with the intent to deceive the public, including the Plaintiffs and their parents and guardians, that described the facility as “a medical facility first, behavioral secondary”<sup>2</sup> when, in fact, a majority of individuals at Cumberland Hospital had a primary diagnosis of mental illness and/or developmental disability and the primary reason for admission to Cumberland Hospital was directly related to the individuals’ mental illnesses and/or developmental disabilities rather than chronic health conditions.

78. As a condition of admission to Cumberland Hospital, Defendants UHS and Cumberland required that all patients, including the Plaintiffs, read and acknowledge their review of their “Patient/Resident Rights.” **Exhibit A.**

79. In their notice of “Patient/Resident Rights,” Defendants UHS and Cumberland affirmed and informed the Plaintiffs that, while a patient and resident at Cumberland Hospital, the Plaintiffs had the right “to be treated with dignity and respect” and “to a safe, sanitary and humane environment.” **Exhibit A.**

80. Defendants UHS and Cumberland stated that the Plaintiffs had a right to receive treatment in the least restrictive treatment environment that was appropriate for their treatment plan, and that they “would not be placed in seclusion unless it is determined that such restrictions are necessary to protect” them or others from harm. **Exhibit A.**

81. Patients or their parents/guardians, including the Plaintiffs herein, were required to sign an “Acknowledgement of Rights” prior to admission to Cumberland Hospital. **Exhibit B.**

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<sup>2</sup> *Id.*

82. As a condition of admission to Cumberland Hospital, Defendants UHS and Cumberland required that all patients, including the Plaintiffs, read and acknowledge a "Patient Behavior Statement." **Exhibit C.**

83. The "Patient Behavior Statement" explained that:

There are rules at Cumberland, just like the rules of society. Aggressive or sexual behavior is never appropriate in a hospital setting. Should a patient violate rules, there will be a loss of privileges or other form of consequence determined by the treatment process planned for that particular patient.

84. As a condition of admission to Cumberland Hospital, Defendants UHS and Cumberland required that all patients, including the Plaintiffs, acknowledge that they read and understood Cumberland Hospital's "Seclusion and Restraint Philosophy and Family Notification." **Exhibit D.**

85. The "Seclusion and Restraint Philosophy and Family Notification" explained that "leadership of Cumberland strives to minimize the use of seclusion or restraint and whenever possible to eliminate its use, through proper staff training, thorough assessment, effective treatment planning and continuous quality improvement efforts throughout the institution."

86. Contrary to the statements contained in Cumberland Hospital's "Patient/Resident Rights," the Plaintiffs were not provided a safe, sanitary, or humane environment or treated with dignity and respect by Defendants UHS, Cumberland, Davidow, or Harden.

87. In fact, Defendants UHS, Cumberland, Davidow, and Harden operated an unsafe facility that subjected the patients, including the Plaintiffs, to constant threats to their basic safety, devoid of fundamental sanitation or humanity.

88. As is further described *infra*, the Plaintiffs and other patients at Cumberland Hospital were repeatedly sexually abused; physically abused; forced to urinate in their bedrooms or in cups stored in their bedrooms; forced to sleep and reside in rooms covered in skin particles



and scabs that were picked by prior residents; and forced to sleep on beds with sheets that were rarely, if ever, changed.

89. Contrary to the statements contained in Cumberland Hospital's "Patient Behavior Statement," the rules of society did not apply at Cumberland Hospital because Defendants UHS, Cumberland, Davidow, and Harden chose not to enforce common rules of society.

90. As is further described *infra*, the Plaintiffs were repeatedly sexually abused and physically abused by fellow residents and staff members and their assailants, including Davidow and Harden, suffered no consequences.

91. In fact, Defendants UHS, Cumberland, Davidow, and Harden trained and instructed staff that they should "never call 911" regardless of the incident or allegation taking place at Cumberland Hospital.

92. Defendants UHS and Cumberland implemented policies and protocols at Cumberland Hospital to limit and prevent the reporting of sexual abuse, physical abuse, and other harmful actions to authorities.

93. Defendants UHS, Cumberland, Davidow, and Harden instructed staff to handle all allegations and accusations of sexual abuse and physical abuse internally without involvement of outside authorities.

94. Contrary to Cumberland Hospital's "Seclusion and Restraint Philosophy and Family Notification," the Defendants UHS, Cumberland, Davidow, and Harden frequently used physical restraints and seclusion to coerce, discipline, and retaliate against patients, including the Plaintiffs.

95. Nurses and other staff members at Cumberland Hospital who were agents, employees, and servants of UHS and Cumberland frequently and routinely used physical restraints

and seclusion for patients, including the Plaintiffs, as a matter of ease and convenience because staffing numbers and ratios were inadequate.

96. In the event of a possible incident or event involving physical abuse or sexual abuse of patients, defendants UHS, Cumberland, Davidow, and Harden instructed staff to inform the parents of the patients involved that the appropriate investigations and measures were being taken internally, and that the allegations or accusations had been reported to the appropriate authorities, even though staff was under clear instruction not to report the accusations to authorities and the staff had not reported the allegations or accusations to external authorities.

***Daniel N. Davidow***

97. Defendant Davidow is a medical doctor holding himself out as a pediatric specialist.

98. Defendant Davidow served as the Medical Director for Cumberland Hospital from 1996 until he was placed on administrative leave by Cumberland Hospital in 2020.

99. During his time at Cumberland Hospital, Defendant Davidow was primarily responsible for patient admissions.

100. Defendant Davidow often traveled to children's hospitals across the United States to develop relationships with referring providers and to solicit potential patients to Cumberland Hospital.

101. Defendant Davidow was involved in the admission of practically all the patients at Cumberland Hospital, including the Plaintiffs.

102. As part of his admission process, Defendant Davidow performed an admission exam on patients.

103. Defendant Davidow's admission exam varied depending on the gender and/or sex of the patient being admitted.

104. For female patients, Defendant Davidow insisted that the examination was performed in private without parents or guardians of the patient present.

105. For female patients, Defendant Davidow fraudulently stated he needed to check the minor patient's femoral pulse to coerce the minor patient's compliance with his demands. Defendant Davidow would then place his hand beneath the minor patient's undergarments and sexually abuse the minor patient by intentionally touching the minor patient's intimate body parts.

106. Upon information and belief, Defendant Davidow began sexually abusing female patients at Cumberland Hospital under substantially similar circumstances as those described *supra* soon after he was hired as a physician at Cumberland Hospital in 1996.

107. Multiple patients at Cumberland Hospital reported sexual abuse at the hands of Defendant Davidow to nurses, staff, therapists, counselors, psychiatrists, and other agents, employees, and servants of the Defendants, including Defendant Harden, from 1996 until Davidow was placed on administrative leave in February 2020.

108. Defendants knew or should have known Defendant Davidow was sexually abusing female patients on a week-to-week basis, but did not report the sexual abuse to the appropriate authorities on every occasion.

109. On or about April 7, 2017, a College of William & Mary graduate student interning at Cumberland Hospital reported to the New Kent County Department of Social Services that five female patients at Cumberland Hospital were victims of sexual abuse and that Defendant Davidow was the perpetrator of the sexual abuse.

110. At or about the same time in April 2017, New Kent County's Sheriff's Office ("NKCSO") began an investigation into Defendant Davidow and allegations of sexual abuse.

111. As part of its investigation, NKCSO interviewed the reporting graduate student who explained that, during a group therapy session, several girls began discussing Defendant Davidow's "magical touch," and, when asked to elaborate, the patients explained Defendant Davidow touched their vaginas while "checking their pulse" during the admissions process and that Defendant Davidow would also check their pulse under their breasts and would play with their hair during the physical by twirling it around his fingers.

112. As part of its investigation, NKCSO interviewed a psychotherapist at Cumberland Hospital who was, at all times relevant herein, an agent, employee, and servant of the Defendants UHS and Cumberland Hospital.

113. During his interview, the Cumberland psychotherapist explained that the graduate student raised his concerns about Defendant Davidow's sexual abuse of patients to him before reporting it to Social Services. The psychotherapist then explained that he previously made a similar complaint and reported a similar accusation against Defendant Davidow to his supervisor Michael Swain. The psychotherapist explained that he previously polled a group of female patients to determine how many patients experienced the same or similar sexual abuse and that eleven of twelve patients reported Defendant Davidow sexually abused them in the same or very similar manner. He further explained that he polled a group of male patients to determine whether Defendant Davidow checked their femoral pulses during the intake exam. All male patients stated Defendant Davidow checked their pulse at their wrist only.

114. Subsequently, Cumberland Hospital and Davidow provided pretext for Davidow's sexual abuse to NKCSO and no charges were brought against Defendant Davidow.

115. All Defendants knew of the NKCSO investigation and accusations against Defendant Davidow, and knew or should have known the accusations were in fact true and constituted sexual abuse.

116. At all times material and relevant herein, Defendants knew or should have known Defendant Davidow presented an imminent danger to vulnerable children and patients, including the Plaintiffs herein.

117. Davidow's inappropriate and pedophilic behaviors, including his sexual abuse of female patients as described herein, were common knowledge among agents, employees, and servants of UHS and Cumberland at Cumberland Hospital as well as executives of these Defendants (including Cumberland Hospital longtime CEO Gay Brooks) and other persons with the authority to modify his agency and employment with the Defendants, modify his involvement with the patients at Cumberland Hospital, or fire him.

***K.E.E.***

118. Plaintiff K.E.E. arrived at Cumberland Hospital in March 2008 as a minor.

119. At all times material and relevant herein, K.E.E. was a vulnerable individual under the custody and control of Defendant Cumberland and PSI.

120. In or about March 2008, during K.E.E.'s admission process at Cumberland Hospital, Defendant Davidow took her into a private room with another Cumberland Hospital staff member present, closed the door, told her that he was going to check for her femoral pulse, reached down her pants, and sexually abused K.E.E.

121. Throughout her stay at Cumberland Hospital, Defendant Davidow would rub K.E.E.'s legs and twirl her hair during meetings.

122. Throughout K.E.E.'s stay at Cumberland Hospital, Defendants Cumberland, Davidow, Harden, and other agents, employees, and servants of Defendant Cumberland made materially false statements in reports and records about her progress, precautions, and diagnoses with the intent to deceive and cause further harm to K.E.E. by prolonging her stay, thus increasing the revenue and profits of PSI and Cumberland.

123. K.E.E. discharged from Cumberland Hospital in or about July 2008.

***M.J.M.***

124. Plaintiff M.J.M. arrived at Cumberland Hospital on or about August 22, 2012 as a minor diagnosed with an eating disorder and suicidal behavior.

125. At all times material and relevant herein, M.J.M. was a vulnerable individual under the custody and control of Defendants UHS and Cumberland.

126. On or about August 22, 2012, during M.J.M.'s admission process at Cumberland Hospital, Defendant Davidow took her into a private room with another Cumberland Hospital staff member present, closed the door, told her that he was going to check for her femoral pulse, reached down her pants, and sexually abused M.J.M.

127. While at Cumberland Hospital, a male resident gained access to M.J.M.'s bedroom at night without interruption or intervention from staff, sexually battered and abused her by groping and fondling her intimate body parts. M.J.M. called out for help, but staff did not respond.

128. Later, M.J.M. reported the aforementioned sexual battery and abuse to staff at Cumberland Hospital who were agents, employees, and servants of Cumberland and UHS, but no changes were made in her individualized plan or otherwise to protect her.

129. On a separate date and time after M.J.M. reported the first incident of sexual abuse and battery, the same male resident sexually abused and battered M.J.M. by groping and fondling her intimate body parts without interruption or intervention from staff.

130. Throughout her stay at Cumberland Hospital, M.J.M.'s resident roommate physically abused her and, despite repeated requests that a change be made for her safety, she continued to experience physical assaults and abuse from the same roommate until she was moved from her unit.

131. Throughout M.J.M.'s stay at Cumberland Hospital, Defendants UHS, Cumberland, Davidow, Harden, and other agents, employees, and servants of Defendants UHS and Cumberland made materially false statements in reports and records about her progress, precautions, and diagnoses with the intent to deceive and cause further harm to M.J.M. by prolonging her stay, thus increasing the revenue and profits of UHS and Cumberland.

132. M.J.M discharged from Cumberland Hospital on or about December 20, 2012.

***M.M.A.***

133. Plaintiff M.M.A. arrived at Cumberland Hospital on or about July 31, 2014 as a minor.

134. At all times material and relevant herein, M.M.A. was a vulnerable individual under the custody and control of Defendants UHS and Cumberland.

135. On or about July 31, 2014, during M.M.A.'s admission process at Cumberland Hospital, Defendant Davidow took her into a private room with another Cumberland Hospital staff member present, closed the door, told her that he was going to check for her femoral pulse, reached down her pants, and sexually abused M.M.A.

136. Throughout M.M.A.'s stay at Cumberland Hospital, Defendants UHS, Cumberland, Davidow, Harden, and other agents, employees, and servants of Defendants UHS and Cumberland made materially false statements in reports and records about her progress, precautions, and diagnoses with the intent to deceive and cause further harm to M.M.A. by prolonging her stay, thus increasing the revenue and profits of UHS and Cumberland.

137. M.M.A. discharged from Cumberland Hospital on or about January 17, 2015.

***S.M.F.***

138. Plaintiff S.M.F. arrived at Cumberland Hospital on or about August 25, 2014 as a minor.

139. At all times material and relevant herein, S.M.F. was a vulnerable individual under the custody and control of Defendants UHS and Cumberland.

140. On or about August 25, 2014, during S.M.F.'s admission process at Cumberland Hospital, Defendant Davidow took her into a private room with another Cumberland Hospital staff member present, closed the door, told her that he was going to check for her femoral pulse, reached down her pants, and sexually abused S.M.F.

141. Throughout S.M.F.'s stay at Cumberland Hospital, Defendants UHS, Cumberland, Davidow, Harden, and other agents, employees, and servants of Defendants UHS and Cumberland made materially false statements in reports and records about her progress, precautions, and diagnoses with the intent to deceive and cause further harm to S.M.F. by prolonging her stay, thus increasing the revenue and profits of UHS and Cumberland.

142. S.M.F. discharged from Cumberland Hospital on or about December 19, 2014.

***A.C.J.***



143. Plaintiff A.C.J. arrived at Cumberland Hospital on or about September 17, 2014 as a minor.

144. At all times material and relevant herein, A.C.J. was a vulnerable individual under the custody and control of Defendants UHS and Cumberland.

145. On or about September 17, 2014, during A.C.J.'s admission process at Cumberland Hospital, Defendant Davidow took her into a private room with another Cumberland Hospital staff member present, closed the door, told her that he was going to check for her femoral pulse, reached down her pants, and sexually abused A.C.J.

146. A.C.J. reported her sexual abuse to Jennifer Rice, PsyD, an agent, employee, and servant of Defendants UHS and Cumberland. In response, Rice insinuated and stated that she was aware of Davidow's actions and that it was okay.

147. A.C.J. went on to report the sexual abuse to other nurses and staff members at Cumberland Hospital, all of whom were agents, employees, and servants of UHS and Cumberland, but no reports were made to criminal or regulatory authorities about her sexual abuse.

148. Throughout her stay at Cumberland Hospital, Defendant Davidow would rub A.C.J.'s legs and twirl her hair during meetings.

149. Throughout A.C.J.'s stay at Cumberland Hospital, Defendants UHS, Cumberland, Davidow, Harden, and other agents, employees, and servants of Defendants UHS and Cumberland made materially false statements in reports and records about her progress, precautions, and diagnoses with the intent to deceive and cause further harm to A.C.J. by prolonging her stay, thus increasing the revenue and profits of UHS and Cumberland.

150. A.C.J. discharged from Cumberland Hospital in or about February 25, 2015.

***J.E.H.***

151. Plaintiff J.E.H. arrived at Cumberland Hospital in or about September 2015 as a minor for treatment related to an eating disorder.

152. At all times material and relevant herein, J.E.H. was a vulnerable individual under the custody and control of Defendants UHS and Cumberland.

153. In or about September 2015, during J.E.H.'s admission process at Cumberland Hospital, Defendant Davidow took her into a private room with another Cumberland Hospital staff member present, closed the door, told her that he was going to check for her femoral pulse, reached down her pants, and sexually abused J.E.H.

154. Throughout her stay at Cumberland Hospital, Defendant Davidow would rub J.E.H.'s legs and twirl her hair during meetings.

155. J.E.H. complained of the aforementioned sexual abuse and batteries to Jennifer Rice, PsyD, an agent, employee, and servant of UHS and Cumberland Hospital. In response, Ms. Rice gave J.E.H. recommendations and "tips" about performing sexual acts on Defendant Davidow to earn better treatment from him.

156. Throughout J.E.H.'s stay at Cumberland Hospital, Defendants UHS, Cumberland, Davidow, Harden, and other agents, employees, and servants of Defendants UHS and Cumberland made materially false statements in reports and records about her progress, precautions, and diagnoses with the intent to deceive and cause further harm to J.E.H. by prolonging her stay, thus increasing the revenue and profits of UHS and Cumberland.

157. J.E.H. discharged from Cumberland Hospital in or about June 2016.

*C.V.M.*

158. Plaintiff C.V.M. arrived at Cumberland Hospital on or about December 23, 2015 as a minor.

159. At all times material and relevant herein, C.V.M. was a minor and a vulnerable individual admitted at Cumberland Hospital and under the custody and control of Defendants UHS and Cumberland.

160. On or about December 23, 2015, during C.V.M.'s admission process at Cumberland Hospital, Defendant Davidow took her into a private room with another Cumberland Hospital staff member present, closed the door, told her that he was going to check for her femoral pulse, reached down her pants, and sexually abused C.V.M.

161. On more than five separate and distinct occurrences, on separate dates and at separate times, throughout C.V.M.'s stay at Cumberland Hospital, Defendant Davidow gained access to C.V.M. behind closed doors and sexually abused her by digital penetration.

162. Throughout C.V.M.'s stay at Cumberland Hospital, Defendants UHS, Cumberland, Davidow, Harden, and other agents, employees, and servants of Defendants UHS and Cumberland made materially false statements in reports and records about her progress, precautions, and diagnoses with the intent to deceive and cause further harm to C.V.M. by prolonging her stay, thus increasing the revenue and profits of UHS and Cumberland.

163. Plaintiff C.V.M. discharged from Cumberland Hospital on or about July 12, 2016.

***S.K.P.***

164. Plaintiff S.K.P. arrived at Cumberland Hospital in or about March 2016 as a minor.

165. At all times material and relevant herein, S.K.P. was a vulnerable individual under the custody and control of Defendants UHS and Cumberland.

100 Shockoe Slip Fl 2  
Richmond, Virginia 23219

**UHS CHILDREN SERVICES, INC.,**  
Serve: Corporation Service Company, Registered Agent  
100 Shockoe Slip Fl 2  
Richmond, Virginia 23219

**DANIEL N. DAVIDOW,**


Serve: Daniel N. Davidow  


**DANIEL N. DAVIDOW, M.D., P.C.,**

Serve: Michael L. Goodman, Registered Agent  
Goodman Allen Donnelly, PLLC  
4501 Highwoods Pkwy Suite 210  
Glen Allen, Virginia 23060

and

**HERSCHEL C. HARDEN III,**

Serve: Herschel C. Harden III  


**Defendants.**

**COMPLAINT**

COME NOW, the Plaintiffs K.E.E.; M.J.M.; M.M.A.; S.M.F.; A.C.J.; J.E.H.; C.V.M.; S.K.P.; C.L.K. (By Next Friend and Mother A.C.K.); H.G.B. (By Next Friend and Mother G.L.B.); B.C.P.; K.M.J.; D.T.A.; K.A.M. (By Next Friend and Mother S.M.M.); A.J.S. (By Next Friend and Grandmother A.A.S.); J.L.K. (By Next Friend and Mother S.M.K.); J.A.H. (By Next Friend and Mother S.M.H.); C.T.K. (By Next Friend and Mother J.K.); K.E.H. (By Next Friend and Mother F.E.H.); and M.M. (By Next Friend and Mother S.E.M.) by counsel, and respectfully move this Honorable Court for judgment against the Defendants Cumberland Hospital, LLC d/b/a

166. While at Cumberland Hospital, S.K.P. was sexually battered, assaulted, and abused by a female resident.

167. Upon information and belief, S.K.P.'s assailant was on a sexual predatory precaution that required her to be in the staff's line of sight at all times, day and night.

168. On more than one occasion, S.K.P.'s assailant gained access to her bedroom at night without staff intervention or interruption and sexually assaulted, battered, and abused S.K.P. by groping and fondling her intimate body parts.

169. After the first incident, S.K.P. reported her assailant and her assailant's actions to agents, employees, and servants of Cumberland Hospital, but no remedial action was taken to protect S.K.P. from further sexual assault, battery, and abuse.

170. Throughout S.K.P.'s stay at Cumberland Hospital, Defendants UHS, Cumberland, Davidow, Harden, and other agents, employees, and servants of Defendants UHS and Cumberland made materially false statements in reports and records about her progress, precautions, and diagnoses with the intent to deceive and cause further harm to S.K.P. by prolonging her stay, thus increasing the revenue and profits of UHS and Cumberland.

171. S.K.P. discharged from Cumberland Hospital in or about September 2017.

***C.L.K.***

172. Plaintiff C.L.K. arrived at Cumberland Hospital in or about April 2016 as a minor.

173. At all times material and relevant herein, C.L.K. was a vulnerable individual under the custody and control of Defendants UHS and Cumberland.

174. In or about April 2016, during C.L.K.'s admission process at Cumberland Hospital, Defendant Davidow took her into a private room with another Cumberland Hospital staff member

present, closed the door, told her that he was going to check for her femoral pulse, reached down her pants, and sexually abused C.L.K.

175. Throughout her stay at Cumberland Hospital, Defendant Davidow would rub C.L.K.'s legs, back, shoulders, and twirl her hair during meetings.

176. Throughout C.L.K.'s stay at Cumberland Hospital, Davidow and other agents, employees, and servants of Defendants UHS and Cumberland made materially false statements to C.L.K.'s mother and guardian, A.C.K., and the New York Department of Social Services that C.L.K. was attempting to commit suicide and other materially false statements about her progress while at Cumberland Hospital with the intent to deceive and cause further harm to C.L.K. by prolonging her stay, thus increasing the revenue and profits of UHS and Cumberland.

177. C.L.K. discharged from Cumberland Hospital in or about July 2016.

***H.G.B.***

178. Plaintiff H.G.B. arrived at Cumberland Hospital on or about January 3, 2017 as a minor.

179. At all times material and relevant herein, H.G.B. was a vulnerable individual under the custody and control of Defendants UHS and Cumberland.

180. During his stay at Cumberland Hospital, an older resident gained access to H.G.B.'s bedroom without interruption and intervention from staff and sexually abused H.G.B. by forcing H.B.G. to perform oral sex on the older resident and forcibly sodomizing H.G.B.

181. H.G.B. reported the aforementioned sexual abuse to a nurse at Cumberland Hospital who was an agent, employee, and servant of UHS and Cumberland. In response, the nurse told H.G.B. that "it will be fine."

182. H.G.B. was sexually abused on a second and separate occasion in a similar manner by the same older resident.

183. Upon information and belief, H.G.B.'s assailant had a history of sexually pervasive and aggressive behavior and should not have been placed in or around patients with the vulnerabilities similar to H.G.B., but, because of inadequate staffing and safety precautions in place at Cumberland Hospital, H.G.B.'s assailant was given unfettered access to vulnerable minors.

184. On at least one occasion, Defendant Harden intentionally physically battered H.G.B. with the intent to cause harm to H.G.B. by smacking him across the face with an open palm causing H.G.B. to suffer injury and fall on the floor.

185. Upon information and belief, H.G.B. was not the first patient at Cumberland Hospital to suffer intentional physical battery or abuse at the hands of Harden.

186. Upon information and belief, it was common knowledge within Cumberland Hospital and within Defendants UHS and Cumberland that Harden was aggressive with patients and possessed dangerous propensities that posed a significant risk of injury and harm to patients at Cumberland Hospital.

187. Throughout H.G.B.'s stay at Cumberland Hospital, Defendants UHS, Cumberland, Davidow, Harden, and other agents, employees, and servants of Defendants UHS and Cumberland made materially false statements in reports and records about his progress, precautions, and diagnoses with the intent to deceive and cause further harm to H.G.B. by prolonging his stay, thus increasing the revenue and profits of UHS and Cumberland.

188. H.G.B. discharged from Cumberland Hospital on or about May 23, 2017.

***B.C.P.***

189. Plaintiff B.C.P. arrived at Cumberland Hospital on or about September 6, 2017.

190. At all times material and relevant herein, B.C.P. was a vulnerable individual under the custody and control of Defendants UHS and Cumberland.

191. Upon information and belief, B.C.P. was a victim of intentional physical battery and physical abuse at the hands of agents, employees, and servants of Defendants UHS and Cumberland who acted with the intent to cause him harm and at the hands of other residents on multiple occasions throughout his stay at Cumberland Hospital.

192. Throughout B.C.P.'s stay at Cumberland Hospital, Defendants UHS, Cumberland, Davidow, Harden, and other agents, employees, and servants of Defendants UHS and Cumberland made materially false statements in reports and records about his progress, precautions, and diagnoses with the intent to deceive and cause further harm to B.C.P. by prolonging his stay, thus increasing the revenue and profits of UHS and Cumberland.

193. B.C.P. discharged from Cumberland Hospital on or about September 22, 2017.

***K.M.J.***

194. Plaintiff K.M.J. arrived at Cumberland Hospital on or about October 17, 2017 as a minor.

195. At all times material and relevant herein, K.M.J. was a vulnerable individual under the custody and control of Defendants UHS and Cumberland.

196. On or about October 17, 2017, during K.M.J.'s admission process at Cumberland Hospital, Defendant Davidow took her into a private room with another Cumberland Hospital staff member present, the other staff member then left the room, Davidow closed the door, told K.M.J. that he was going to check for her femoral pulse, took his gloves off, reached down her pants, and sexually penetrated and abused K.M.J.



197. Approximately a few days later, Defendant Davidow asked staff members at Cumberland Hospital to transport K.M.J., who was bound to her wheelchair, to the examination room. Staff members transported K.M.J. to the examination room and left her alone with Defendant Davidow. Defendant Davidow closed the door to the examination room and sexually abused K.M.J. by digital penetration.

198. Approximately a few days later, Defendant Davidow asked staff members at Cumberland Hospital to transport K.M.J., who was bound to her wheelchair, to the examination room. Staff members transported K.M.J. to the examination room and left her alone with Defendant Davidow. Defendant Davidow closed the door to the examination room and sexually abused K.M.J. by digital penetration.

199. Approximately a few days later, Defendant Davidow asked staff members at Cumberland Hospital to transport K.M.J., who was bound to her wheelchair, to the examination room. Staff members transported K.M.J. to the examination room and left her alone with Defendant Davidow. Defendant Davidow closed the door to the examination room and sexually abused K.M.J. by digital penetration.

200. Approximately a few days later, Defendant Davidow asked staff members at Cumberland Hospital to transport K.M.J., who was bound to her wheelchair, to the examination room. Staff members transported K.M.J. to the examination room and left her alone with Defendant Davidow. Defendant Davidow closed the door to the examination room and sexually abused K.M.J. by digital penetration.

201. Approximately a few days later, Defendant Davidow asked staff members at Cumberland Hospital to transport K.M.J., who was bound to her wheelchair, to the examination room. Staff members transported K.M.J. to the examination room and left her alone with

Defendant Davidow. Defendant Davidow closed the door to the examination room and sexually abused K.M.J. by digital penetration.

202. Approximately a few days later, Defendant Davidow asked staff members at Cumberland Hospital to transport K.M.J., who was bound to her wheelchair, to the examination room. Staff members transported K.M.J. to the examination room and left her alone with Defendant Davidow. Defendant Davidow closed the door to the examination room and sexually abused K.M.J. by digital penetration.

203. Approximately a few days later, Defendant Davidow asked staff members at Cumberland Hospital to transport K.M.J., who was bound to her wheelchair, to the examination room. Staff members transported K.M.J. to the examination room and left her alone with Defendant Davidow. Defendant Davidow closed the door to the examination room and sexually abused K.M.J. by digital penetration.

204. On at least two separate and distinct occasions, Defendant Davidow sexually penetrated and abused K.M.J. in her bedroom at Cumberland Hospital.

205. Throughout her stay at Cumberland Hospital, Defendant Davidow would rub K.M.J.'s legs, back, shoulders, and twirl her hair during meetings.

206. Throughout K.M.J.'s stay at Cumberland Hospital, Defendants UHS, Cumberland, Davidow, Harden, and other agents, employees, and servants of Defendants UHS and Cumberland made materially false statements in reports and records about her progress, precautions, and diagnoses with the intent to deceive and cause further harm to K.M.J. by prolonging her stay, thus increasing the revenue and profits of UHS and Cumberland.

207. K.M.J. discharged from Cumberland Hospital on or about December 1, 2017.

***D.T.A.***

208. Plaintiff D.T.A. arrived at Cumberland Hospital on or about August 20, 2018.

209. At all times material and relevant herein, D.T.A. was a vulnerable individual under the custody and control of Defendants UHS and Cumberland.

210. Prior to D.T.A.'s admission, agents, employees, and servants of Defendants UHS and Cumberland told D.T.A.'s parents that Cumberland Hospital was a complete hospital with a full service of psychiatric and medical care, a full nursing staff, and physicians who were always on call or at the hospital when these agents, employees, and servants knew that Cumberland Hospital was not licensed to provide full service of psychiatric care, that Cumberland Hospital was understaffed with nurses, and that physicians were not always on call or at the hospital. These agents, employees, and servants made these materially false statements to deceive and persuade D.T.A.'s parents to admit him to Cumberland Hospital.

211. Within the first week or so of D.T.A.'s stay at Cumberland Hospital, a staff member, agent, employee, and servant of Defendants UHS and Cumberland caused physical injury and harm to D.T.A. by intentionally, physically battering and abusing D.T.A., with the intent to cause him harm, by dragging him out of bed and throwing him on the floor.

212. Throughout his stay at Cumberland Hospital, staff members would pick D.T.A. out of his wheelchair and intentionally batter him by throwing him into the shower, knowing full well that D.T.A. was not able to physically brace himself to avoid injury. These actions by staff members were performed with the intent to cause D.T.A. physical injury and harm, and they did in fact cause D.T.A. physical injury and harm.

213. On more than one occasion, agents, employees, and servants of Defendants UHS and Cumberland at Cumberland Hospital forcibly removed D.T.A. from his bed, threw him on the floor, removed his mattress, and forced him to sleep on the floor of his bedroom because he was

incontinent and would wet his bed on occasion. These actions by staff members were performed with the intent to cause D.T.A. physical injury and harm, and they did in fact cause D.T.A. physical injury and harm.

214. D.T.A. was a victim of intentional physical battery and physical abuse at the hands of agents, employees, and servants of Defendants UHS and Cumberland who acted with the intent to cause him injury and harm, and at the hands of other residents on multiple occasions throughout his stay at Cumberland Hospital.

215. Throughout D.T.A.'s stay at Cumberland Hospital, Defendants UHS, Cumberland, Davidow, Harden, and other agents, employees, and servants of Defendants UHS and Cumberland made materially false statements in reports and records about his progress, precautions, and diagnoses with the intent to deceive and cause further harm to D.T.A. by prolonging his stay, thus increasing the revenue and profits of UHS and Cumberland.

216. D.T.A. discharged from Cumberland Hospital on or about December 14, 2018.

***K.A.M.***

217. Plaintiff K.A.M. arrived at Cumberland Hospital on or about October 23, 2018 as a minor.

218. At all times material and relevant herein, K.A.M. was a vulnerable individual under the custody and control of Defendants UHS and Cumberland.

219. On or about October 23, 2018, during K.A.M.'s admission process at Cumberland Hospital, Defendant Davidow took her into a private room with another Cumberland Hospital staff member present, closed the door, told her that he was going to check for her femoral pulse, reached down her pants, and sexually abused K.A.M.

220. K.A.M. reported the sexual abuse to her mother and guardian S.M.M. who reported it to Cumberland Hospital and agents, employees, and servants of Defendants UHS and Cumberland.

221. Throughout K.A.M.'s stay at Cumberland Hospital, Defendants UHS, Cumberland, Davidow, Harden, and other agents, employees, and servants of Defendants UHS and Cumberland made materially false statements in reports and records about her progress, precautions, and diagnoses with the intent to deceive and cause further harm to K.A.M. by prolonging her stay, thus increasing the revenue and profits of UHS and Cumberland.

222. K.A.M. discharged from Cumberland Hospital on or about May 20, 2019.

223. On or about October 13, 2019, S.M.M. reported the aforementioned sexual abuse of her daughter, K.A.M., at the hands of Davidow to the New Kent County Sheriff's Office.

224. K.A.M. was re-admitted at Cumberland Hospital on or about October 14, 2019 and remains a resident at Cumberland Hospital against her will and against the will of her parent and guardian S.M.M.

225. Throughout K.A.M.'s current stay at Cumberland Hospital, Defendants UHS, Cumberland, Davidow, Harden, and other agents, employees, and servants of Defendants UHS and Cumberland made materially false statements in reports and records about her progress, precautions, and diagnoses to S.M.M. and North Carolina Child Protective Services with the intent to deceive and cause further harm to K.A.M. by prolonging her stay, thus increasing the revenue and profits of UHS and Cumberland.

***A.J.S.***

226. Plaintiff A.J.S. arrived at Cumberland Hospital on or about October 30, 2018 as a minor.

227. At all times material and relevant herein, A.J.S. was a vulnerable individual under the custody and control of Defendants UHS and Cumberland.

228. At A.J.S.'s admissions appointment, Defendant Davidow took her into a private room with another Cumberland Hospital staff member present, closed the door, told her that he was going to check for her femoral pulse, reached down her pants, and sexually abused A.J.S.

229. Throughout A.J.S.'s stay at Cumberland Hospital, Defendants UHS, Cumberland, Davidow, Harden, and other agents, employees, and servants of Defendants UHS and Cumberland made materially false statements in reports and records about her progress, precautions, and diagnoses with the intent to deceive and cause further harm to A.J.S. by prolonging her stay, thus increasing the revenue and profits of UHS and Cumberland.

230. A.J.S. discharged from Cumberland Hospital on or about January 3, 2019.

***J.L.K.***

231. Plaintiff J.L.K. arrived at Cumberland Hospital on or about November 5, 2018.

232. At all times material and relevant herein, J.L.K. was a vulnerable individual under the custody and control of Defendants UHS and Cumberland.

233. At J.L.K.'s admissions appointment, Defendant Davidow took her into a private room with another Cumberland Hospital staff member present, closed the door, told her that he was going to check for her femoral pulse, reached down her pants, and sexually abused J.L.K.

234. During her stay at Cumberland Hospital, an agent, employee, and servant of UHS and Cumberland, and staff member at Cumberland Hospital, sexually penetrated, abused, and battered J.L.K.

235. Upon information and belief, Defendant Davidow sexually abused and battered J.L.K. by touching her intimate body parts on more than one occasion and physically abused and assaulted J.L.K. by striking her with a belt when she would not "behave."

236. Throughout her stay at Cumberland Hospital, J.L.K. suffered physical abuse and physical batteries at the hands of residents outside the supervision of staff and without intervention or interruption.

237. Throughout J.L.K.'s stay at Cumberland Hospital, Defendants UHS, Cumberland, Davidow, Harden, and other agents, employees, and servants of Defendants UHS and Cumberland made materially false statements in reports and records about her progress, precautions, and diagnoses with the intent to deceive and cause further harm to J.L.K. by prolonging her stay, thus increasing the revenue and profits of UHS and Cumberland.

238. J.L.K. discharged from Cumberland Hospital on or about August 6, 2019.

***K.E.H.***

239. Plaintiff K.E.H. arrived at Cumberland Hospital on or about January 29, 2019.

240. At all times material and relevant herein, K.E.H. was a vulnerable individual under the custody and control of Defendants UHS and Cumberland.

241. K.E.H. was a victim of intentional physical battery and physical abuse at the hands of agents, employees, and servants of Defendants UHS and Cumberland who acted with the intent to cause injury and harm to him, and at the hands of other residents on multiple occasions throughout his stay at Cumberland Hospital.

242. Throughout K.E.H.'s stay at Cumberland Hospital, Defendants UHS, Cumberland, Davidow, Harden, and other agents, employees, and servants of Defendants UHS and Cumberland made materially false statements in reports and records about his progress, precautions, and

diagnoses with the intent to deceive and cause further harm to K.E.H. by prolonging his stay, thus increasing the revenue and profits of UHS and Cumberland.

243. K.E.H. discharged from Cumberland Hospital on or about February 2, 2019.

***C.T.K.***

244. Plaintiff C.T.K. arrived at Cumberland Hospital on or about May 12, 2019.

245. At all times material and relevant herein, C.T.K. was a vulnerable individual under the custody and control of Defendants UHS and Cumberland.

246. On more than one occasion, a female Cumberland Hospital staff member who was an agent, employee, and servant of Defendants UHS and Cumberland sexually battered and abused C.T.K.

247. C.T.K. was a victim of intentional physical battery and physical abuse at the hands of agents, employees, and servants of Defendants UHS and Cumberland who acted with the intent to cause injury and harm to him, and at the hands of other residents on multiple occasions throughout his stay at Cumberland Hospital.

248. On more than one occasion, staff members at Cumberland Hospital who were agents, employees, and servants of Defendants UHS and Cumberland intentionally physically battered and abused C.L.K. by striking him with closed fists, throwing him on the floor, and dragging him across the facility. These actions by staff members were performed with the intent to cause C.T.K. physical injury and harm, and they did in fact cause C.T.K. physical injury and harm.

249. Throughout C.T.K.'s stay at Cumberland Hospital, Defendants UHS, Cumberland, Davidow, Harden, and other agents, employees, and servants of Defendants UHS and Cumberland made materially false statements in reports and records about his progress, precautions, and



diagnoses with the intent to deceive and cause further harm to C.T.K. by prolonging his stay, thus increasing the revenue and profits of UHS and Cumberland.

250. C.T.K. discharged from Cumberland Hospital on or about August 6, 2019.

*J.A.H.*

251. Plaintiff J.A.H. arrived at Cumberland Hospital on or about June 22, 2019.

252. At all times material and relevant herein, J.A.H. was a vulnerable individual under the custody and control of Defendants UHS and Cumberland.

253. On or about September 14, 2019, a staff member at Cumberland Hospital who was an agent, employee, and servant of Defendants UHS and Cumberland intentionally, physically battered and abused J.A.H. by pouring scalding hot water on his chest causing severe burn injuries. These actions by staff members were performed with the intent to cause J.A.H. physical injury and harm, and they did in fact cause J.A.H. physical injury and harm.

254. After the aforementioned battery and abuse resulting in a burn injury, staff at Cumberland Hospital intentionally made materially false statements to J.A.H.'s mother stating he broke out in a rash from medication when, in fact, J.A.H. suffered a burn injury as a result of the intentional actions of a staff member.

255. Days later, staff at Cumberland Hospital told J.A.H.'s mother that he suffered a burn injury in the shower. Again, these materially false statements were made by agents, employees, and servants of UHS and Cumberland with knowledge of the falsity of the statements and with the intent to deceive.

256. Approximately one month later, Matt Wiggins, the Director of Risk Management for Cumberland Hospital who was an agent, employee, and servant of UHS and Cumberland, called J.A.H.'s mother informing her that a staff member was seen on video going to the

breakroom, heating up water, taking the heated water to J.A.H., and pouring the hot water on J.A.H. multiple times causing injury to J.A.H.

257. Upon information and belief, J.A.H. was a victim of physical battery and physical abuse at the hands of agents, employees, and servants of Defendants UHS and Cumberland and at the hands of other residents on multiple occasions throughout his stay at Cumberland Hospital.

258. Throughout J.A.H.'s stay at Cumberland Hospital, Defendants UHS, Cumberland, Davidow, Harden, and other agents, employees, and servants of Defendants UHS and Cumberland made materially false statements in reports and records about his progress, precautions, and diagnoses with the intent to deceive and cause further harm to J.A.H. by prolonging his stay, thus increasing the revenue and profits of UHS and Cumberland.

259. J.A.H. discharged from Cumberland Hospital on or about November 22, 2019.

***M.M.***

260. Plaintiff M.M. arrived at Cumberland Hospital in or about October 2019.

261. At all times material and relevant herein, M.M. was a vulnerable individual under the custody and control of Defendants UHS and Cumberland.

262. On more than one occasion, a resident gained access to M.M.'s bedroom at night without interruption or intervention from staff, sexually battered and abused him by groping his intimate parts and kissing him.

263. M.M. was a victim of intentional physical battery and physical abuse at the hands of agents, employees, and servants of Defendants UHS and Cumberland who acted with the intent to cause injury and harm to him, and at the hands of other residents on multiple occasions throughout his stay at Cumberland Hospital.

264. Throughout M.M.'s stay at Cumberland Hospital, Defendants UHS, Cumberland, Davidow, Harden, and other agents, employees, and servants of Defendants UHS and Cumberland made materially false statements in reports and records about his progress, precautions, and diagnoses with the intent to deceive and cause further harm to M.M. by prolonging his stay, thus increasing the revenue and profits of UHS and Cumberland.

265. M.M. discharged from Cumberland Hospital on or about June 10, 2020.

### **COUNT I**

#### **ASSAULT AND BATTERY**

***Plaintiffs K.E.E.; M.J.M.; M.M.A.; S.M.F.; A.C.J.; J.E.H.; C.L.K.; K.M.J.; C.V.M.; K.A.M.; A.J.S.; and J.L.K v. Defendant Daniel N. Davidow***

***Plaintiff H.G.B. v. Defendant Harden***

266. Plaintiffs hereby incorporate by reference, as if fully set forth herein, each and every allegation asserted in the preceding and following paragraphs, including each and every factual and legal allegation hereinbefore and hereinafter alleged, and hereby re-adopt and re-allege each such allegation.

267. The acts committed by Defendant Davidow against Plaintiffs K.E.E., M.J.M, M.M.A., S.M.F., A.C.J., J.E.H., C.L.K., K.M.J., C.V.M., K.A.M., A.J.S., and J.L.K described herein constitute assault and battery, actionable under Virginia law.

268. Defendant Davidow committed nonconsensual sexual acts against Plaintiffs K.E.E., M.J.M, M.M.A., S.M.F., A.C.J., J.E.H., C.L.K., K.M.J., C.V.M., K.A.M., A.J.S., and J.L.K that resulted in harmful or offensive contact with the bodies of these Plaintiffs.

269. Specifically, Defendant Davidow committed acts which caused injury to Plaintiffs K.E.E., M.J.M, M.M.A., S.M.F., A.C.J., J.E.H., C.L.K., K.M.J., C.V.M., K.A.M., A.J.S., and J.L.K by subjecting them to imminent battery and/or intentional invasions of their rights to be free

from offensive and harmful contact, and said conduct demonstrated that Defendant Davidow had a present ability to subject Plaintiffs to an immediate, intentional, offensive and harmful touching.

270. Defendant Davidow assaulted and battered Plaintiffs K.E.E., M.J.M, M.M.A., S.M.F., A.C.J., J.E.H., C.L.K., K.M.J., C.V.M., K.A.M., A.J.S., and J.L.K by nonconsensual and unwanted touching.

271. Plaintiffs K.E.E., M.J.M, M.M.A., S.M.F., A.C.J., J.E.H., C.L.K., K.M.J., C.V.M., K.A.M., A.J.S., and J.L.K did not consent to the contact by Defendant Davidow, which caused injury, damage, loss, and/or harm.

272. Defendant Harden assaulted and battered Plaintiff H.G.B. by nonconsensual and unwanted touching.

273. Plaintiff H.G.B. did not consent to the contact by Defendant Harden, which caused injury, damage, loss, and/or harm.

274. As a direct and/or proximate result of Defendant Davidow's actions, Plaintiffs K.E.E., M.J.M, M.M.A., S.M.F., A.C.J., J.E.H., C.L.K., K.M.J., C.V.M., K.A.M., A.J.S., and J.L.K have suffered and continue to suffer pain and suffering, pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, loss of enjoyment of life, post-traumatic stress disorder resulting in physically manifested injuries including anxiety, depressions, sleep disorders, physical and mental sickness, nightmares, psychological injuries, and bodily injuries. Plaintiffs K.E.E., M.J.M, M.M.A., S.M.F., A.C.J., J.E.H., C.L.K., K.M.J., C.V.M., K.A.M., A.J.S., and J.L.K were prevented and will continue to be prevented from performing their daily activities and obtaining the full enjoyment of life, and have sustained and continue to sustain loss of earnings and earning capacity.

275. As a direct and/or proximate result of Defendant Harden's actions, Plaintiff H.G.B. have suffered and continue to suffer pain and suffering, pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, loss of enjoyment of life, post-traumatic stress disorder resulting in physically manifested injuries including anxiety, depressions, sleep disorders, physical and mental sickness, nightmares, psychological injuries, and bodily injuries. Plaintiff H.G.B. were prevented and will continue to be prevented from performing their daily activities and obtaining the full enjoyment of life, and have sustained and continue to sustain loss of earnings and earning capacity.

## **COUNT II**

### **NEGLIGENCE, GROSS NEGLIGENCE, AND RECKLESS DISREGARD - BREACH OF COMMON LAW DUTY OF SUPERVISION AND CARE**

*All Plaintiffs v. Defendants Cumberland and UHS*

276. Plaintiffs hereby incorporate by reference, as if fully set forth herein, each and every allegation asserted in the preceding and following paragraphs, including each and every factual and legal allegation hereinbefore and hereinafter alleged, and hereby re-adopt and re-allege each such allegation.

277. Plaintiffs' parents relinquished the supervision and care of Plaintiffs to Defendants Cumberland and UHS, thereby giving rise to a duty to act with reasonable care in Plaintiffs' supervision and care.

278. Cumberland and UHS's duty to act with reasonable care in its supervision and care of Plaintiffs required, among other actions, the employment and scheduling of an adequate number of staff members to carry out that duty.

279. Defendants Cumberland and UHS breached their duty to care for and supervise Plaintiffs when they failed to hire, employ, and schedule an adequate number of staff members, resulting in the lack of appropriate supervision and assignment of staff despite their knowledge that such supervision and care was necessary.

280. Defendants Cumberland and UHS breached their duty to care for and supervise Plaintiffs when they admitted more patients than could be safely supervised and cared for by their limited staff.

281. Defendants UHS and Cumberland knew the number of staff members that would be required to provide the appropriate supervision and care to all residents at Cumberland and knew that such supervision was imperative and necessary for Plaintiffs' safety, and that the failure to accompany Plaintiffs with appropriate staff rendered them vulnerable to injury and attack, yet UHS and Cumberland failed to make certain that the appropriate number of staff members were present at all times and that Plaintiffs received the supervision that was required.

282. Defendants UHS and Cumberland knew that the requirements of Plaintiffs' care were being disregarded and that Plaintiffs were not being properly served.

283. Defendants UHS and Cumberland breached their duties to Plaintiffs and acted with gross negligence and willful and reckless disregard for their safety in failing to adequately staff Cumberland and leaving them alone or without supervision.

284. As a direct and proximate result of the foregoing acts of direct and vicarious liability, Plaintiffs suffered and continues to suffer pain and suffering, physical pain, mental anguish, pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, loss of enjoyment of life, inconvenience, post-traumatic stress disorder resulting in physically manifested injuries

including anxiety, depressions, sleep disorders, nightmares, psychological injuries, physical and mental sickness, and bodily injuries. Plaintiffs were prevented and will continue to be prevented from performing her daily activities and obtaining the full enjoyment of life, and has sustained and continues to sustain loss of earnings and earning capacity.

### **COUNT III**

#### **NEGLIGENCE, GROSS NEGLIGENCE, AND RECKLESS DISREGARD – BREACH OF DUTY ARISING FROM SPECIAL RELATIONSHIP *All Plaintiffs v. Defendants Cumberland and UHS***

285. Plaintiffs hereby incorporate by reference, as if fully set forth herein, each and every allegation asserted in the preceding and following paragraphs, including each and every factual and legal allegation hereinbefore and hereinafter alleged, and hereby re-adopt and re-allege each such allegation.

286. Based on their offerings of residential services to and by taking custody of minors who are vulnerable individuals, Defendants UHS and Cumberland created special relationships with Plaintiffs.

287. The special relationships between Plaintiffs and Defendants Cumberland and UHS gave rise to a duty to exercise reasonable care to protect Plaintiffs from reasonably foreseeable dangers of harm.

288. Defendants UHS and Cumberland provide an adolescent residential program targeting minors suffering from trauma who have experienced severe neglect and abuse in their lives, who are known to be aggressive, disobedient, and sexually pervasive, in some instances.

289. The special relationships between Plaintiffs and Defendants UHS and Cumberland created a duty to protect Plaintiffs from reasonably foreseeable dangers of harm, including warnings regarding peers, supervision while around other peers, and appropriate and sufficient

staffing to supervise Plaintiffs and the other residents whether prior specific allegations against individual peers or Plaintiffs existed or not.

290. Defendants UHS and Cumberland knew or should have known the danger that could and would result from allowing Plaintiffs to reside at the facility without supervision and to interact with other children without supervision and protection.

291. Based on their custodial relationship with, and/or knowledge of, other residents, a special relationship also existed between Defendants UHS and Cumberland and other residents giving rise to a duty to control other residents and prevent them from doing harm to Plaintiffs.

292. Defendants UHS and Cumberland took custody of Plaintiffs such as to deprive them of their normal power of self-protection, the protection of their parents, and to subject them to association with other residents who Defendants knew or should have known were likely to harm Plaintiffs and, therefore, Defendants breached their duty to exercise reasonable care to protect Plaintiffs and control the conduct of other residents so as to prevent the other residents from intentionally harming Plaintiffs or conducting themselves so as to create an unreasonable risk of harm to Plaintiffs.

293. The assaults by Plaintiffs' peers while residents of and under the control of Defendants UHS and Cumberland, as alleged, were reasonably foreseeable.

294. Defendants UHS and Cumberland knew or had reason to know that they had the ability to control the conduct of other residents in their custody, and they knew or should have known of the necessity and opportunity to exercise such control.

295. The special relationships between Plaintiffs and UHS and Cumberland also created a duty to protect Plaintiffs from Defendant Davidow.



296. Defendants UHS and Cumberland knew or should have known the danger that could and would result from subjecting Plaintiffs to physical examination by Defendant Davidow, a person likely to harm them.

297. Defendants UBC and Cumberland took custody of Plaintiffs K.E.E., M.J.M., M.M.A., S.M.F., A.C.J., J.E.H., C.L.K., K.M.J., C.V.M., K.A.M., A.J.S., and J.L.K. such as to deprive them of their normal power of self-protection and the protection of their parents, and to subject them to physical examination by Defendant Davidow, a person who Defendants UBC and Cumberland knew or should have known was likely to harm them, and thereby breached their duty to exercise reasonable care to protect these Plaintiffs from unreasonable risk of harm.

298. The sexual abuse by Defendant Davidow while Plaintiffs were residents of and in the custody of Defendants UHS and Cumberland, as alleged, were reasonably foreseeable.

299. The burden of protecting Plaintiffs from Defendant Davidow and other residents of Cumberland Hospital and the consequences of placing that burden on Defendants UHS and Cumberland were minor, as their agents were already duty-bound to provide them with supervision and care.

300. As a direct and proximate result of the foregoing acts of direct and vicarious liability, Plaintiffs suffered and continue to suffer pain and suffering, physical pain, mental anguish, pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, loss of enjoyment of life, inconvenience, post-traumatic stress disorder resulting in physically manifested injuries including anxiety, depressions, sleep disorders, nightmares, psychological injuries, physical and mental sickness, and bodily injuries. Plaintiffs were prevented and will continue to be prevented

from performing their daily activities and obtaining the full enjoyment of life and have sustained and continue to sustain loss of earnings and earning capacity.

**COUNT IV**

**NEGLIGENCE, GROSS NEGLIGENCE, AND RECKLESS DISREGARD – BREACH OF  
ASSUMED DUTY OF CARE  
*All Plaintiffs v. Defendants Cumberland and UHS***

301. Plaintiffs hereby incorporate by reference, as if fully set forth herein, each and every allegation asserted in the preceding and following paragraphs, including each and every factual and legal allegation hereinbefore and hereinafter alleged, and hereby re-adopt and re-allege each such allegation.

302. In their notice of Patient/Resident Rights (**Exhibit A**), Defendants Cumberland and UHS expressly assumed to act gratuitously and/or for consideration to render services to Plaintiffs which these Defendants knew or should have recognized was necessary for Plaintiffs' protection, including the right to be treated with dignity and respect, the right to receive treatment in the least restrictive treatment environment that was appropriate for their treatment plan, and the right not to be "placed in seclusion unless it is determined that such restrictions are necessary to protect" them or others from harm.

303. Defendants Cumberland and UHS were negligent, grossly negligent, and reckless in their failure to exercise reasonable care after they undertook to supervise and protect Plaintiffs, in that they failed to provide a safe, sanitary, or humane environment or treatment with dignity and respect.

304. As a direct and proximate result of the foregoing acts of direct and vicarious liability, Plaintiffs suffered and continue to suffer pain and suffering, physical pain, mental anguish, pain of mind and body, shock, emotional distress, physical manifestations of emotional

distress, embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, loss of enjoyment of life, inconvenience, post-traumatic stress disorder resulting in physically manifested injuries including anxiety, depressions, sleep disorders, nightmares, psychological injuries, physical and mental sickness, and bodily injuries. Plaintiffs were prevented and will continue to be prevented from performing their daily activities and obtaining the full enjoyment of life and have sustained and continue to sustain loss of earnings and earning capacity.

### **COUNT V**

**NEGLIGENT, GROSSLY NEGLIGENT, AND RECKLESS RETENTION**  
***Plaintiffs K.E.E.; M.J.M.; M.M.A.; S.M.F.; A.C.J.; J.E.H.; C.L.K.; K.M.J.; C.V.M.; K.A.M.;***  
***A.J.S.; and J.L.K v. Defendants Cumberland and UHS***

305. Plaintiffs hereby incorporate by reference, as if fully set forth herein, each and every allegation asserted in the preceding and following paragraphs, including each and every factual and legal allegation hereinbefore and hereinafter alleged, and hereby re-adopt and re-allege each such allegation.

306. Defendants Cumberland and UHS were negligent, grossly negligent, and acted with a reckless disregard to the safety of patients at Cumberland Hospital by retaining Defendant Davidow, a dangerous employee, agent, and/or servant that Cumberland and UHS knew or should have known was dangerous and likely to harm others, including the Plaintiffs.

307. Upon information and belief, soon after PSI and Cumberland hired Davidow to serve as the Medical Director of Cumberland Hospital in or about 1996, Defendants Cumberland and UHS knew or should have known Davidow was sexually abusing patients and possessed the dangerous propensity to sexually abuse minors.

308. The foreseeable risk of future harm to the Plaintiffs was so grave that discharging Defendant Davidow from his position at Cumberland Hospital was the only reasonable response,

yet Defendants Cumberland and UHS retained him until Cumberland Hospital finally placed him on administrative leave in 2020.

309. As a direct and proximate result of the foregoing acts of direct and vicarious liability, Plaintiffs suffered and continue to suffer pain and suffering, physical pain, mental anguish, pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, loss of enjoyment of life, inconvenience, post-traumatic stress disorder resulting in physically manifested injuries including anxiety, depressions, sleep disorders, nightmares, psychological injuries, physical and mental sickness, and bodily injuries. Plaintiffs were prevented and will continue to be prevented from performing their daily activities and obtaining the full enjoyment of life and have sustained and continue to sustain loss of earnings and earning capacity.

#### **COUNT VI**

##### **FALSE IMPRISONMENT**

##### ***All Plaintiffs v. Defendants Cumberland and UHS***

310. Plaintiffs hereby incorporate by reference, as if fully set forth herein, each and every allegation asserted in the preceding and following paragraphs, including each and every factual and legal allegation hereinbefore and hereinafter alleged, and hereby re-adopt and re-allege each such allegation.

311. Throughout Plaintiffs' stay at Cumberland Hospital, Cumberland, UHS, and their agents, employees, and servants made materially false statements in reports and records about Plaintiffs' progress, precautions, and diagnoses with the intent to prolong their stay at Cumberland Hospital, for the purpose of increasing the revenue and profits of Cumberland and UHS.

312. The conduct of Defendants Cumberland and UHS in causing Plaintiffs' residence at Cumberland Hospital to be prolonged on the basis of these Defendants' materially false

statements in reports and records amounted to an intentional and illegal restriction of the Plaintiffs' freedom of movement without legal justification or process.

313. The restraint of Plaintiffs' liberty was entirely without any sufficient legal excuse and constituted false imprisonment.

314. The actions of Defendants Cumberland and UHS in falsifying records in an effort to prolong Plaintiffs' residence at Cumberland Hospital in increase the revenue of Cumberland and UHS amount to actual malice, or malice in fact, as they were prompted by a conscious disregard of Plaintiffs' rights.

315. As a direct and proximate result of the foregoing acts on the part of Defendants Cumberland and UHS, Plaintiffs suffered and continue to suffer pain and suffering, physical pain, mental anguish, pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, loss of enjoyment of life, inconvenience, post-traumatic stress disorder resulting in physically manifested injuries including anxiety, depressions, sleep disorders, nightmares, psychological injuries, physical and mental sickness, and bodily injuries. Plaintiffs were prevented and will continue to be prevented from performing their daily activities and obtaining the full enjoyment of life and have sustained and continue to sustain loss of earnings and earning capacity.

## **COUNT VII**

### **VICARIOUS LIABILITY**

*All Plaintiffs v. Defendants Cumberland and UHS*

*Plaintiffs K.E.E.; M.J.M.; M.M.A.; S.M.F.; A.C.J.; J.E.H.; C.L.K.; K.M.J.; C.V.M.; K.A.M.; A.J.S.; and J.L.K v. Defendant Davidow, P.C.*

316. Plaintiffs hereby incorporate by reference, as if fully set forth herein, each and every allegation asserted in the preceding and following paragraphs, including each and every factual and legal allegation hereinbefore and hereinafter alleged, and hereby re-adopt and re-allege each such allegation.

317. At all times material and relevant herein, Defendants Harden and Davidow, and all agents and employees of Defendants Cumberland and UHS referenced herein, were acting in furtherance of and within the scope of their employment, agency, and service with Defendants Cumberland and UHS.

318. At all times material and relevant herein, Defendants Harden and Davidow, and all agents and employees of Cumberland and UHS referenced herein, were subject to the direct control and supervision of Cumberland and UHS, and acted at all times herein with and within the actual and apparent authority of Defendants Cumberland and UHS and in the scope and course of their employment, agency, and service.

319. The actions, misconduct, negligence, gross negligence, and recklessness of Defendants Harden and Davidow, and all agents and employees of Cumberland and UHS referenced herein, were fairly and naturally incident to the business of Cumberland and UHS and were performed with the intent to further the business of Cumberland and UHS and were foreseeable by Cumberland and UHS.

320. At all times relevant herein, Defendants Cumberland and UHS had the power and right to control the actions of Defendants Harden and Davidow, and all agents and employees of Cumberland and UHS referenced herein.

321. At all times relevant herein, Defendants Cumberland and UHS had the power and right to control the actions of Defendants Harden and Davidow, and all agents and employees of

Cumberland and UHS referenced herein, and Defendants Cumberland and UHS encouraged, ratified, and condoned all of the breaches of duty by Defendants Harden and Davidow, and all agents and employees of Cumberland and UHS referenced herein, by taking no action to care for, supervise, or protect Plaintiffs.

322. Because the negligent, grossly negligent, and reckless actions and omissions of Defendants Harden and Davidow, and all agents and employees of Cumberland and UHS referenced herein were within the scope of their employment, agency, and service of Defendants Cumberland and UHS, Defendants Cumberland and UHS are vicariously liable for the negligent, grossly negligent, and reckless actions of Defendants Harden and Davidow, and all agents and employees of Cumberland and UHS referenced herein and for the damages resulting therefrom.

323. At all times material and relevant herein, Defendant Cumberland was acting in furtherance of and within the scope of its agency and service with Defendant UHS.

324. At all times during the aforesaid period of time, Defendant Cumberland was subject to the direct control and supervision of Defendant UHS, and acted at all times herein with and within the actual and apparent authority of Defendant UHS and in the scope and course of its employment, agency, and service.

325. The actions, misconduct, negligence, gross negligence, and recklessness of Defendant Cumberland were fairly and naturally incident to the business of UHS and were performed with the intent to further the business of UHS and were foreseeable by UHS.

326. At all times relevant herein, Defendant UHS had the power and right to control the actions of Defendant Cumberland, and Defendant UHS encouraged, ratified, and condoned all of the breaches of duty by Defendant Cumberland alleged herein by taking no action to care for, supervise, or protect Plaintiffs.

327. Because the negligent, grossly negligent, and reckless actions and omissions of Defendant Cumberland were within the scope of its employment, agency, and service of UHS, UHS is vicariously liable for the negligent, grossly negligent, and reckless actions of Defendant Cumberland and for the damages resulting therefrom.

328. At all times material and relevant herein, Defendant Davidow was acting in furtherance of and within the scope of his employment, agency, and service with Defendant Davidow, P.C.

329. At all times material and relevant herein, Defendant Davidow was subject to the direct control and supervision of Davidow, P.C. and acted at all times herein with and within the actual and apparent authority of Defendant Davidow, P.C. and in the scope and course of its employment, agency, and service.

330. The actions, misconduct, negligence, gross negligence, and recklessness of Defendant Davidow were fairly and naturally incident to the business of Davidow, P.C. and were performed with the intent to further the business of Davidow, P.C. and were foreseeable by Davidow, P.C.

331. At all times relevant herein, Defendants Davidow, P.C. had the power and right to control the actions of Defendant Davidow.

332. At all times relevant herein, Defendant Davidow, P.C. had the power and right to control the actions of Defendant Davidow, and Defendant Davidow, P.C. encouraged, ratified, and condoned all of the breaches of duty by Defendant Davidow, by taking no action to care for, supervise, or protect Plaintiffs K.E.E.; M.J.M; M.M.A.; S.M.F.; A.C.J.; J.E.H.; C.L.K.; K.M.J.; C.V.M.; K.A.M.; A.J.S.; and J.L.K.



333. Because the negligent, grossly negligent, and reckless actions and omissions of Defendant Davidow were within the scope of his employment, agency, and service of Defendant Davidow, P.C., Defendant Davidow, P.C. is vicariously liable for the negligent, grossly negligent, and reckless actions of Defendant Davidow and for the damages resulting therefrom.

334. As a direct and proximate result of the foregoing acts of vicarious liability, Plaintiffs suffered and continue to suffer pain and suffering, pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, loss of enjoyment of life, post-traumatic stress disorder resulting in physically manifested injuries including anxiety, depressions, sleep disorders, nightmares, psychological injuries, physical and mental sickness, and bodily injuries. Plaintiffs were prevented and will continue to be prevented from performing their daily activities and obtaining the full enjoyment of life, and have sustained and continue to sustain loss of earnings and earning capacity.

### **COUNT VIII**

#### **VIOLATIONS OF THE VIRGINIA CONSUMER PROTECTION ACT [VCPA],**

**Va. Code § 59.1-196, *et seq.***

***All Plaintiffs v. Defendants Cumberland and UHS***

335. Plaintiffs hereby incorporate by reference, as if fully set forth herein, each and every allegation asserted in the preceding and following paragraphs, including each and every factual and legal allegation hereinbefore and hereinafter alleged, and hereby re-adopt and re-allege each such allegation.

336. Plaintiffs' claims arise under the Commonwealth of Virginia's Consumer Protection Act [VCPA], Va. Code § 59.1-196, *et seq.*

337. Defendants Cumberland and UHS are suppliers as that term is defined by the VCPA, and the admissions of Plaintiffs to Cumberland Hospital were consumer transactions as that term is defined under the VCPA. Va. Code § 59.1-198.

338. Defendants Cumberland and UHS violated Sections 59.1-220(A)(2)(3)(4)(5)(10) and (14) of the VCPA by

- a. Misrepresenting the source, sponsorship, approval, or certification of [their] services, Va. Code § 59.1-220(A)(2);
- b. Misrepresenting the affiliation, connection, or association of the supplier, or of the...services, with another, Va. Code § 59.1-220(A)(3);
- c. Misrepresenting geographic origin in connection with...services, Va. Code § 59.1-220(A)(4);
- d. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits, Va. Code § 59.1-220(A)(5);
- e. Misrepresenting that...services have been performed, Va. Code § 59.1-220(A)(10); and
- f. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection with a consumer transaction, Va. Code § 59.1-220(A)(14).

339. Defendants Cumberland and UHS, and/or their agents, servants, or employees, including Davidow and Harden, each individually and collectively, made various material misrepresentations to Plaintiffs and the general public regarding the attributes of Cumberland

Hospital for the purpose of inducing Plaintiffs and members of the general public to purchase their services and rely on the safety of their facility and the quality of their services.

340. Defendants Cumberland and UHS, and/or their agents, servants, or employees, including Davidow and Harden, each individually and collectively, made various material representations, in their documents, brochures and on their websites to Plaintiffs and the general public, that Cumberland Hospital was safe.

341. The actions of Cumberland and UHS were willful and intentional, as they knew that their staff was insufficient in number, quality, and competence to protect Plaintiffs from attack and injury by other patients and hospital staff.

342. Defendants Cumberland and UHS materially misrepresented the quality, standards, and attributes of Cumberland Hospital and its staff as being competent, qualified, safe, and attentive.

343. Defendants Cumberland and UHS also made materially false statements and representations in reports and records about Plaintiffs' progress, precautions, and diagnoses with the intent to deceive by prolonging their stays at Cumberland Hospital to increase the revenue and profits of Cumberland and UHS.

344. Defendants Cumberland and UHS knew that Plaintiffs and their parents would rely, and they did rely, on the material misrepresentations of Cumberland and UHS concerning the safety and quality of their services in making the determination to relinquish the care of their children to Defendants and on the material misrepresentations of Cumberland and UHS concerning the need for Plaintiffs to remain at Cumberland Hospital for prolonged stays.

345. As a direct and proximate result of the foregoing violations, Plaintiffs suffered and continue to suffer pain and suffering, physical pain, mental anguish, pain of mind and body, shock,

emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, loss of enjoyment of life, inconvenience, post-traumatic stress disorder resulting in physically manifested injuries including anxiety, depressions, sleep disorders, nightmares, psychological injuries, physical and mental sickness, and bodily injuries. Plaintiffs were prevented and will continue to be prevented from performing their daily activities and obtaining the full enjoyment of life and have sustained and continue to sustain loss of earnings and earning capacity.

346. Plaintiffs are also entitled to reasonable attorneys' fees and court costs pursuant to the VCPA, Va. Code § 59.1-204(B).

347. Because the violations of the VCPA as alleged herein were willful, Plaintiffs are entitled to treble damages pursuant to Va. Code § 59.1-204(A).

#### **COUNT IX**

#### **NEGLIGENCE, GROSS NEGLIGENCE, AND RECKLESS DISREGARD – BREACH OF DUTY ARISING FROM VA. CODE § 37.2-400 *All Plaintiffs v. Defendants Cumberland and UHS***

348. Plaintiffs hereby incorporate by reference, as if fully set forth herein, each and every allegation asserted in the preceding and following paragraphs, including each and every factual and legal allegation hereinbefore and hereinafter alleged, and hereby re-adopt and re-allege each such allegation.

349. Virginia Code § 37.2-400 ("Section 37.2-400") was enacted to protect individuals receiving services in a hospital, training center, other facility, or program operated, funded, or licensed by the Department of Behavioral Health and Development Services.

350. Cumberland Hospital is a hospital, training center, or other facility licensed by the DBHDS.

351. Section 37.2-400 was enacted for the safety and benefit of both the public in general and those receiving services in a hospital, training center, other facility, or program licensed by the DBHDS.

352. All Plaintiffs are members of the class of people for whose benefit Section 37.2-400 was enacted, and they suffered injuries of the type against which the statute protects.

353. Defendants Cumberland and UHS acted with negligence, gross negligence, and a reckless disregard in their administration and staffing of Cumberland Hospital resulting in the deprivation of the Plaintiffs' dignity as human beings and right to be free from abuse or neglect, in violation of Section 37.2-400(A)(3).

354. As a direct and proximate result of the foregoing violations, Plaintiffs suffered and continue to suffer pain and suffering, physical pain, mental anguish, pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, fright, grief, humiliation, loss of enjoyment of life, inconvenience, post-traumatic stress disorder resulting in physically manifested injuries including anxiety, depressions, sleep disorders, nightmares, psychological injuries, physical and mental sickness, and bodily injuries. Plaintiffs were prevented and will continue to be prevented from performing their daily activities and obtaining the full enjoyment of life and have sustained and continue to sustain loss of earnings and earning capacity.

## DAMAGES

355. Plaintiffs hereby incorporate by reference, as if fully set forth herein, each and every allegation asserted in the preceding and following paragraphs, including each and every factual and legal allegation hereinbefore and hereinafter alleged, and hereby re-adopt and re-allege each such allegation.

356. As a direct and proximate result of the aforementioned acts and omissions of the Defendants, and each of them, Plaintiffs incurred the following damages:

- a. Bodily injuries, permanent in nature, which have affected their life;
- b. Past, present and future physical pain and mental anguish;
- c. Disfigurement and/or deformity coupled with associated humiliation and embarrassment;
- d. Past, present and future inconvenience;
- e. Past, present and future lost earnings, and a lessening of earning capacity;
- f. Personal, social and financial limitations resulting from the injuries sustained by Plaintiffs; and
- g. Other damages allowable at law, including medical expenses incurred in the past, present and future, and attorneys' fees and costs.

WHEREFORE, Plaintiffs respectfully move this Court for the following relief:

- A. That Plaintiff K.E.E. be awarded a judgment and award of execution against all Defendants individually, jointly, and/or severally in the amount of SIX MILLION DOLLARS (\$6,000,000.00) as compensatory damages for the unlawful acts aforesaid, plus pre- and post-judgment interest; THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) in punitive damages, plus pre- and post-judgment interest;

- reasonable attorneys' fees and court costs pursuant to the VCPA, Va. Code Ann. § 59.1-204(B); and treble damages pursuant to Va. Code § 59.1-204(A);
- B. That Plaintiff M.J.M. be awarded a judgment and award of execution against all Defendants individually, jointly, and/or severally in the amount of SIX MILLION DOLLARS (\$6,000,000.00) as compensatory damages for the unlawful acts aforesaid, plus pre- and post-judgment interest; THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) in punitive damages, plus pre- and post-judgment interest; reasonable attorneys' fees and court costs pursuant to the VCPA, Va. Code Ann. § 59.1-204(B); and treble damages pursuant to Va. Code § 59.1-204(A);
- C. That Plaintiff M.M.A. be awarded a judgment and award of execution against all Defendants individually, jointly, and/or severally in the amount of SIX MILLION DOLLARS (\$6,000,000.00) as compensatory damages for the unlawful acts aforesaid, plus pre- and post-judgment interest; THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) in punitive damages, plus pre- and post-judgment interest; reasonable attorneys' fees and court costs pursuant to the VCPA, Va. Code Ann. § 59.1-204(B); and treble damages pursuant to Va. Code § 59.1-204(A);
- D. That Plaintiff S.M.F. be awarded a judgment and award of execution against all Defendants individually, jointly, and/or severally in the amount of SIX MILLION DOLLARS (\$6,000,000.00) as compensatory damages for the unlawful acts aforesaid, plus pre- and post-judgment interest; THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) in punitive damages, plus pre- and post-judgment interest; reasonable attorneys' fees and court costs pursuant to the VCPA, Va. Code Ann. § 59.1-204(B); and treble damages pursuant to Va. Code § 59.1-204(A);

- E. That Plaintiff A.C.J. be awarded a judgment and award of execution against all Defendants individually, jointly, and/or severally in the amount of SIX MILLION DOLLARS (\$6,000,000.00) as compensatory damages for the unlawful acts aforesaid, plus pre- and post-judgment interest; THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) in punitive damages, plus pre- and post-judgment interest; reasonable attorneys' fees and court costs pursuant to the VCPA, Va. Code Ann. § 59.1-204(B); and treble damages pursuant to Va. Code § 59.1-204(A);
- F. That Plaintiff J.E.H. be awarded a judgment and award of execution against all Defendants individually, jointly, and/or severally in the amount of SIX MILLION DOLLARS (\$6,000,000.00) as compensatory damages for the unlawful acts aforesaid, plus pre- and post-judgment interest; THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) in punitive damages, plus pre- and post-judgment interest; reasonable attorneys' fees and court costs pursuant to the VCPA, Va. Code Ann. § 59.1-204(B); and treble damages pursuant to Va. Code § 59.1-204(A);
- G. That Plaintiff C.V.M. be awarded a judgment and award of execution against all Defendants individually, jointly, and/or severally in the amount of SIX MILLION DOLLARS (\$6,000,000.00) as compensatory damages for the unlawful acts aforesaid, plus pre- and post-judgment interest; THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) in punitive damages, plus pre- and post-judgment interest; reasonable attorneys' fees and court costs pursuant to the VCPA, Va. Code Ann. § 59.1-204(B); and treble damages pursuant to Va. Code § 59.1-204(A);
- H. That Plaintiff S.K.P. be awarded a judgment and award of execution against all Defendants individually, jointly, and/or severally in the amount of SIX MILLION



DOLLARS (\$6,000,000.00) as compensatory damages for the unlawful acts aforesaid, plus pre- and post-judgment interest; THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) in punitive damages, plus pre- and post-judgment interest; reasonable attorneys' fees and court costs pursuant to the VCPA, Va. Code Ann. § 59.1-204(B); and treble damages pursuant to Va. Code § 59.1-204(A);

- I. That Plaintiff C.L.K. (By Next Friend and Mother A.C.K.) be awarded a judgment and award of execution against all Defendants individually, jointly, and/or severally in the amount of SIX MILLION DOLLARS (\$6,000,000.00) as compensatory damages for the unlawful acts aforesaid, plus pre- and post-judgment interest; THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) in punitive damages, plus pre- and post-judgment interest; reasonable attorneys' fees and court costs pursuant to the VCPA, Va. Code Ann. § 59.1-204(B); and treble damages pursuant to Va. Code § 59.1-204(A);
- J. That Plaintiff H.G.B. (By Next Friend and Mother G.L.B.) be awarded a judgment and award of execution against all Defendants individually, jointly, and/or severally in the amount of SIX MILLION DOLLARS (\$6,000,000.00) as compensatory damages for the unlawful acts aforesaid, plus pre- and post-judgment interest; THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) in punitive damages, plus pre- and post-judgment interest; reasonable attorneys' fees and court costs pursuant to the VCPA, Va. Code Ann. § 59.1-204(B); and treble damages pursuant to Va. Code § 59.1-204(A);
- K. That Plaintiff B.C.P. be awarded a judgment and award of execution against all Defendants individually, jointly, and/or severally in the amount of SIX MILLION

DOLLARS (\$6,000,000.00) as compensatory damages for the unlawful acts aforesaid, plus pre- and post-judgment interest; THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) in punitive damages, plus pre- and post-judgment interest; reasonable attorneys' fees and court costs pursuant to the VCPA, Va. Code Ann. § 59.1-204(B); and treble damages pursuant to Va. Code § 59.1-204(A);

L. That Plaintiff K.M.J. be awarded a judgment and award of execution against all Defendants individually, jointly, and/or severally in the amount of SIX MILLION DOLLARS (\$6,000,000.00) as compensatory damages for the unlawful acts aforesaid, plus pre- and post-judgment interest; THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) in punitive damages, plus pre- and post-judgment interest; reasonable attorneys' fees and court costs pursuant to the VCPA, Va. Code Ann. § 59.1-204(B); and treble damages pursuant to Va. Code § 59.1-204(A);

M. That Plaintiff D.T.A. be awarded a judgment and award of execution against all Defendants individually, jointly, and/or severally in the amount of SIX MILLION DOLLARS (\$6,000,000.00) as compensatory damages for the unlawful acts aforesaid, plus pre- and post-judgment interest; THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) in punitive damages, plus pre- and post-judgment interest; reasonable attorneys' fees and court costs pursuant to the VCPA, Va. Code Ann. § 59.1-204(B); and treble damages pursuant to Va. Code § 59.1-204(A);

N. That Plaintiff K.A.M. (By Next Friend and Mother S.M.M.) be awarded a judgment and award of execution against all Defendants individually, jointly, and/or severally in the amount of SIX MILLION DOLLARS (\$6,000,000.00) as compensatory damages for the unlawful acts aforesaid, plus pre- and post-judgment interest; THREE

HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) in punitive damages, plus pre- and post-judgment interest; reasonable attorneys' fees and court costs pursuant to the VCPA, Va. Code Ann. § 59.1-204(B); and treble damages pursuant to Va. Code § 59.1-204(A);

O. That Plaintiff A.J.S. (By Next Friend and Grandmother A.A.S.) be awarded a judgment and award of execution against all Defendants individually, jointly, and/or severally in the amount of SIX MILLION DOLLARS (\$6,000,000.00) as compensatory damages for the unlawful acts aforesaid, plus pre- and post-judgment interest; THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) in punitive damages, plus pre- and post-judgment interest; reasonable attorneys' fees and court costs pursuant to the VCPA, Va. Code Ann. § 59.1-204(B); and treble damages pursuant to Va. Code § 59.1-204(A);

P. That Plaintiff J.L.K. (By Next Friend and Mother S.M.K.) be awarded a judgment and award of execution against all Defendants individually, jointly, and/or severally in the amount of SIX MILLION DOLLARS (\$6,000,000.00) as compensatory damages for the unlawful acts aforesaid, plus pre- and post-judgment interest; THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) in punitive damages, plus pre- and post-judgment interest; reasonable attorneys' fees and court costs pursuant to the VCPA, Va. Code Ann. § 59.1-204(B); and treble damages pursuant to Va. Code § 59.1-204(A);

Q. That Plaintiff J.A.H. (By Next Friend and Mother S.M.H.) be awarded a judgment and award of execution against all Defendants individually, jointly, and/or severally in the amount of SIX MILLION DOLLARS (\$6,000,000.00) as compensatory damages for

the unlawful acts aforesaid, plus pre- and post-judgment interest; THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) in punitive damages, plus pre- and post-judgment interest; reasonable attorneys' fees and court costs pursuant to the VCPA, Va. Code Ann. § 59.1-204(B); and treble damages pursuant to Va. Code § 59.1-204(A);

R. That Plaintiff C.T.K. (By Next Friend and Mother J.K.) be awarded a judgment and award of execution against all Defendants individually, jointly, and/or severally in the amount of SIX MILLION DOLLARS (\$6,000,000.00) as compensatory damages for the unlawful acts aforesaid, plus pre- and post-judgment interest; THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) in punitive damages, plus pre- and post-judgment interest; reasonable attorneys' fees and court costs pursuant to the VCPA, Va. Code Ann. § 59.1-204(B); and treble damages pursuant to Va. Code § 59.1-204(A);

S. That Plaintiff K.E.H. (By Next Friend and Mother F.E.H.) be awarded a judgment and award of execution against all Defendants individually, jointly, and/or severally in the amount of SIX MILLION DOLLARS (\$6,000,000.00) as compensatory damages for the unlawful acts aforesaid, plus pre- and post-judgment interest; THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) in punitive damages, plus pre- and post-judgment interest; reasonable attorneys' fees and court costs pursuant to the VCPA, Va. Code Ann. § 59.1-204(B); and treble damages pursuant to Va. Code § 59.1-204(A);

T. That Plaintiff M.M. (By Next Friend and Mother S.E.M.) be awarded a judgment and award of execution against all Defendants individually, jointly, and/or severally in the

amount of SIX MILLION DOLLARS (\$6,000,000.00) as compensatory damages for the unlawful acts aforesaid, plus pre- and post-judgment interest; THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) in punitive damages, plus pre- and post-judgment interest; reasonable attorneys' fees and court costs pursuant to the VCPA, Va. Code Ann. § 59.1-204(B); and treble damages pursuant to Va. Code § 59.1-204(A); and

U. That the Plaintiffs be awarded the costs of maintaining this action.

### **JURY DEMAND**

The Plaintiffs demand a trial with a jury on all issues in the cause, including liability and damages, and on any issue raised by this Complaint that involves any fact disputed by the Defendants and on any issue that may be raised by the Defendants that involves any fact disputed by the Plaintiffs.

**K.E.E.; M.J.M.; M.M.A.; S.M.F.; A.C.J.;  
J.E.H.; S.K.P.; C.L.K. (By Next Friend  
and Mother A.C.K.); H.G.B. (By Next  
Friend and Mother G.L.B.); B.C.P.;  
K.M.J.; D.T.A.; K.A.M. (By Next Friend  
and Mother S.M.M.); A.J.S. (By Next  
Friend and Grandmother A.A.S.); J.L.K.  
(By Next Friend and Mother S.M.K.);  
J.A.H. (By Next Friend and Mother  
S.M.H.); C.T.K. (By Next Friend and  
Mother J.K.); K.E.H. (By Next Friend  
and Mother F.E.H.); and M.M. (By Next  
Friend and Mother S.E.M.)**

By \_\_\_\_\_

Of Counsel

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