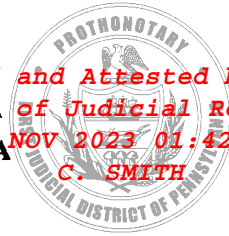


**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA**

Filed and Attested by the
Clerk of Judicial Records
29 NOV 2023 01:42 pm
C. SMITH



ALEX EVANS
1017 Richfield Road
Newark, DE 19713

v.

NORTHEAST TREATMENT CENTERS
7520 State Road
Philadelphia, PA 19136
and
KATE LOTT, R.N.
747 11th Street
New Castle, DE 19720

NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Philadelphia Bar Association
Lawyer Referral
and Information Service
One Reading Center
Philadelphia, Pennsylvania 19107
(215) 238-6333
TTY (215) 451-6197

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta ascender una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

Asociacion De Licenciados
De Filadelfia
Servicio De Referencia E
Informacion Legal
One Reading Center
Filadelfia, Pennsylvania 19107
(215) 238-6333
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ATTORNEY FOR PLAINTIFFS

ALEX EVANS	:	COURT OF COMMON PLEAS OF
1017 Richfield Road	:	PHILADELPHIA COUNTY
Newark, DE 19713	:	CIVIL ACTION - LAW
Plaintiff	:	
v.	:	
	:	
NORTHEAST TREATMENT CENTERS	:	
7520 State Road	:	
Philadelphia, PA 19136	:	
And	:	
KATE LOTT, R.N.	:	
747 11th Street	:	
New Castle, DE 19720	:	
Defendants	:	

COMPLAINT - CIVIL ACTION
MEDICAL MALPRACTICE

THE PARTIES

1. Plaintiff Alex Evans (hereinafter referred to as "Plaintiff") is an adult individual who resides at the above-listed address.

2. Defendant Northeast Treatment Centers (hereinafter referred to as "NET") is a corporation, medical institution, facility, partnership and/or entity duly organized and existing under and by the virtue of the laws of the Commonwealth of Pennsylvania, which regularly conducts business in Philadelphia County, Pennsylvania with its principal place of business located at the above-listed address.

3. Defendant NET operates a clinically managed and medically monitored in-patient drug and alcohol detoxification program in Delaware called Kirkwood Recovery Center (hereinafter referred to as “Kirkwood”), which is located at 3315 Kirkwood Highway in Wilmington, Delaware.

4. Defendant Kate Lott, R.N. (hereinafter referred to as “Lott” or “Nurse Lott”) is an adult individual who resides at the above-listed address.

5. Defendant Lott is a Registered Nurse who holds a license issued by the State of Delaware.

6. Plaintiff is asserting a professional liability claim against Defendant Lott.

7. Defendant Lott was employed by NET.

8. Plaintiff is asserting a professional liability claim against Defendant NET in its capacity as the employer of Kate Lott, R.N. and operator of Kirkwood.

9. Defendant Lott was employed at various times as the Administrator or clinician in charge of and responsible for the treatment of patients at Kirkwood.

10. Defendant Lott frequently performed duties and responsibilities involving the operation of Kirkwood beyond her training as a registered nurse.

11. Defendant Lott did not possess proper credentials to operate as an Administrator of a facility such as Kirkwood

12. Defendant Lott did act at various times as a registered nurse at Kirkwood.

13. At all times relevant hereto, Defendant NET held itself and its servants, workers, representatives, staff, medical personnel, nurses and employees out to be skilled and qualified to attend, care for, treat and administer rehabilitation services and treatments to patients, such as Plaintiff.

14. At all times relevant hereto, Defendant Lott was acting as an agent and/or employee of Defendant NET and as such, Defendant NET is liable for the actions of Defendant Lott, under the theory of agency, ostensible agency, respondeat superior, and/or vicarious liability.

15. A provider-patient relationship existed between Plaintiff and Defendant Lott, while Plaintiff was a patient at Kirkwood.

16. A provider-patient relationship existed between Plaintiff and Defendant NET, while Plaintiff was a patient at Kirkwood.

17. At all times relevant hereto, Nurse Lott presented herself as competent, skillful, and qualified as an Administrator and Nurse to attend, care for, treat and administer nursing care and rehabilitation services and treatment to patients, such as Plaintiff.

18. At all times relevant hereto, Nurse Lott was engaged in the practice of Nursing and the practice of operating a drug and alcohol rehabilitation facility as an Administrator and was obliged to bring to bear in the practice of her profession, the professional skill, knowledge and care, which she possessed and to pursue her profession in accordance with the generally accepted standard of care in nursing and the standard of care in rehabilitation administration.

19. At all times relevant hereto, Nurse Lott was acting both in her individual capacity and in the capacity of an agent and/or employee of Defendant NET.

FACTS

20. Upon information and belief, Kate Lott, R.N. was the Administrator of the Kirkwood detoxification program when Alex Evans was admitted as a patient there in need of drug rehabilitation.

21. The Plaintiff was dependent upon various addictive drugs and in need of responsible professional addiction rehabilitation.

22. The Plaintiff was a vulnerable person due to his addiction and drug dependence and reliant upon others for his health, safety, and welfare.

23. Upon information and belief, Nurse Lott did not have any recognized qualifications to serve as the Administrator of a facility such as Kirkwood.

24. Upon information and belief, Nurse Lott was bound by the ethical rules and requirements expected of an Administrator in her position.

25. Upon information and belief, Nurse Lott was also bound by and required to adhere to the ethical rules and requirements expected of a Registered Nurse during her employment at Kirkwood.

26. Upon information and belief, during Nurse Lott's hours of employment at Kirkwood, she engaged in a pattern of behavior, which consisted of grooming Alex Evans for whom she and Defendant NET were responsible caregivers.

27. Upon information and belief, Nurse Lott afforded Plaintiff privileges and benefits that were different from those provided to other patients.

28. Upon information and belief, Mr. Evans was not the only person who received special treatment from Nurse Lott or who was subject to such grooming behavior.

29. Upon information and belief, on or around August 23, 2022, Mr. Evans completed his treatment at Kirkwood and was deemed detoxified and ready to return to independent living.

30. The Plaintiff was discharged to a sober living facility operated by Oxford Rehabilitation to continue his recovery.

31. Shortly after Mr. Evans' discharge from Kirkwood and after beginning his stay at Oxford, Mr. Evans was contacted by Nurse Lott.

32. Nurse Lott arranged to pick Mr. Evans up at the sober house and drove him to her home.

33. Upon information and belief, Mr. Evans and Nurse Lott engaged in sexual relations over the course of several days at the motel.

34. Ms. Lott paid for Mr. Evans to stay at a local hotel because her home was no longer available for unknown reasons.

35. Ms. Lott housed the Plaintiff either at her home or at the local hotel for her own improper and prurient purposes.

36. The local police department verified that Mr. Evans was staying at the hotel room paid for by Nurse Lott during a wellness check.

37. Mr. Evans did not return to the Oxford sober house because he was involved with Nurse Lott.

38. As a result of being absent from the Oxford Sober House, Mr. Evans was denied a bed at the sober house for non-compliance with their requirements that residents sleep at the facility.

39. As a result, Mr. Evans became homeless.

40. Upon information and belief, Nurse Lott caused Mr. Evans to engage in illegal behavior on her behalf and for her benefit.

41. Upon information and belief, Mr. Evans and Nurse Lott used illicit drugs together during their period of living together.

42. Upon information and belief, this series of events caused Mr. Evans to be in violation of the terms of his criminal probation.

43. Upon information and belief, this series of events caused Mr. Evans to relapse back into drug addiction.

VENUE

44. Venue is proper in Philadelphia County for the following reasons:

- a) At the time of the occurrence of the incident hereinafter alleged, Defendant NET practiced in and/or had its principal place of business in Philadelphia County;
- b) Defendant NET is the sole owner of Kirkwood;
- c) Decisions regarding the operation of Kirkwood were made by NET in Philadelphia County;
- d) Decisions regarding the hiring and firing of employees, including the hiring, training, and supervision of Defendant Kate Lott, R.N. were made in Philadelphia County.

COUNT I

Plaintiff v. Defendant Kate Lott, R.N. **(Negligence - Medical Malpractice)**

45. Plaintiff hereby incorporates by reference all of the above paragraphs of this Complaint, as if set forth at length hereinafter.

46. Upon information and belief, Plaintiff received treatment at Kirkwood from April, 2022 to August, 2022.

47. Upon information and belief, Mr. Evans' interactions with Kate Lott, R.N. occurred in and around August 23, 2022.

48. Defendant Lott acted as the clinical Administrator of Kirkwood when Mr. Evans was admitted as a patient.

49. Upon information and belief, Nurse Lott owed a duty of care as a drug treatment Administrator to Mr. Evans during his period of treatment at Kirkwood.

50. Upon information and belief, Nurse Lott's duty of care as a drug treatment Administrator included abiding by the ethical canons required of such a position and such an institution.

51. Upon information and belief, Nurse Lott owed a duty to Mr. Evans to abide by those ethical canons to refrain from having an intimate personal relationship with a patient, such as Mr. Evans, either during or after their treatment at Kirkwood.

52. Upon information and belief, Nurse Lott breached her duty to Mr. Evans by her actions, which are described in this Complaint.

53. Upon information and belief, Nurse Lott departed from the standard of care of a qualified drug rehabilitation administrator and committed professional malpractice following Mr. Evans' discharge from Kirkwood in violation of the canons and codes of ethics applicable to Administrators of Drug Detoxification health care providers as detailed in NAADAC's code of ethics.

54. Upon information and belief, Nurse Lott violated NAADAC, the Association for Addiction Professionals 2021 Code of Ethics Section I-22 Exploitation: "Addiction professionals shall be aware of their influential positions with respect to clients, trainees, and research participants, and shall not exploit the trust and dependency of any client, trainee, or research participant. Providers shall not engage in any activity that violates or diminishes the civil or legal rights of any client. Providers shall not use coercive treatment methods with any client, including threats, negative labels, or attempts to provoke shame or humiliation. Providers shall not impose their personal, religious, or political values on any client. Providers shall not endorse conversion therapy.

55. Upon information and belief, Nurse Lott violated NAADAC, the Association for Addiction Professionals 2021 Code of Ethics Section I-23 Sexual Relationships: “Addiction professionals shall not engage in any form of sexual or romantic relationship with any current or former client, nor shall they accept as a client anyone with whom they have engaged in a romantic, sexual, social, or familial relationship.”

56. Upon information and belief, Nurse Lott’s interactions with Mr. Evans, as detailed above, following his discharge from Kirkwood were in violation of the Canons and Codes of Ethics applicable to Registered Nurses in the State of Delaware.

57. Upon information and belief, Nurse Lott’s interactions with Mr. Evans, as detailed above, following his discharge from Kirkwood were in violation of the Canons and Codes of Ethics of the American Nurses Association Canon 2, Commentary Section 2.4, which states that sexually intimate relationships with patients are strictly prohibited.

58. Upon information and belief, Nurse Lott knew or should have known that her actions were in violation of the ethical requirements of her nursing license and her position as a Drug Treatment Administrator.

59. Upon information and belief, Nurse Lott’s actions were in violation of multiple criminal statutes in the State of Delaware pertaining to drug usage, drug possession, and conspiring to obtain controlled substances.

60. Upon information and belief, Nurse Lott’s actions took advantage of a vulnerable person and caused damage to his prospects for recovery.

61. Upon information and belief, Nurse Lott’s actions in knowingly violating multiple Canons of Ethics were wanton, reckless, knowing, and intentional.

62. Upon information and belief, Nurse Lott demonstrated that she was aware of the various guidelines, ethical norms, and/or standards of care that she was violating in her communications with the Plaintiff.

63. Upon information and belief, Nurse Lott departed from the standard of care of a qualified drug rehabilitation Administrator and Registered Nurse and committed professional malpractice and/or was negligent, including, but not limited to, the following actions:

- a) Grooming Mr. Evans during his time as a patient at Kirkwood;
- b) Contacting Mr. Evans shortly after his discharge and arranging for him to stay with Nurse Lott in violation of various codes of ethics against such conduct;
- c) Knowingly causing Mr. Evans to lose his bed at his sober living house;
- d) Knowingly causing Mr. Evans to become dependent upon Nurse Lott;
- e) Knowingly taking advantage of a vulnerable person, such as Mr. Evans, for her own sexual gratification;
- f) Knowingly causing Mr. Evans to relapse and use illegal narcotics shortly after his successful graduation from a detoxification program, for which Nurse Lott was responsible;
- g) Knowingly causing Mr. Evans to commit various criminal offenses on her behalf including the purchasing and possession of narcotics for her use.

64. As a direct and proximate result of the conduct of Defendant Nurse Lott, as set forth above, the Plaintiff suffered periods of pain, suffering, emotional and physical distress including but not limited to injuries to his mind and body, requiring him to undergo additional and unnecessary medical treatment, care and maintenance all of which ultimately led to his current condition for which Defendant is liable over to the Plaintiff.

65. Plaintiff's damages include, but are not limited to:

- a. Suffering a relapse and subsequent progression of Plaintiff's drug use disorder;

- b. Suffering subsequent drug relapses;
- c. Suffering and/or relapsing with attendant subsequent drug overdoses requiring resuscitation and hospitalization.
- d. Violation of various criminal statutes involving the purchase and possession of narcotics;
- e. Violation of the terms of Plaintiff's criminal probation;
- f. Suffering relapses resulting in extended incarceration due to violations of probation;
- g. Loss of his sober living house spot;
- h. Mr. Evans' lost his faith and confidence in the intentions of those health care providers entrusted with his care and treatment;
- i. Extended periods of incarceration due to violations of his probation;
- j. Worsening of Mr. Evans' drug dependencies;
- k. Mental and emotional distress caused by the Defendants' negligence as described above;
- l. Such other damages as will be described in his medical records and by Mr. Evans' expert witnesses and treating professionals.

WHEREFORE, Plaintiff Alex Evans demands judgment be entered in his favor and against this Defendant, jointly and severally, for an amount in excess of Fifty Thousand Dollars (\$50,000.00) in compensatory, economic, non-economic damages, and punitive damages, in addition to interest, costs and other damages permitted by law.

COUNT II
Plaintiff v. Defendant NET
(Negligence – Vicarious Liability)

66. Plaintiff hereby incorporates by reference all paragraphs above of this Complaint, as if set forth at length herein.

67. Defendant Kate Lott, R.N. was the Administrator at Kirkwood responsible for the treatment of Plaintiff and was the duly appointed agent, ostensible agent, servant, employee, or manager of the Defendant NET during Mr. Evans' inpatient treatment at Kirkwood.

68. Defendant Lott was acting within the course and scope of her duties and responsibilities at the time she met and began grooming the Plaintiff.

69. Defendant Lott was required to comply with the ethical canons and requirements of the NAADAC regarding both Administrators and nursing providers at the time she met and began grooming the Plaintiff and after his discharge.

70. Defendant NET had a duty under the law to ensure the safety of Plaintiff, while he was a patient of the Defendant, its agents, servants, workmen, employees and/or ostensible agents.

71. Defendant NET is vicariously liable to Plaintiff for the acts of Nurse Lott both during and after the period of Mr. Evans' inpatient treatment at Kirkwood.

72. The Defendant Corporation owed a duty of care to Mr. Evans to ensure that all persons working within its practice complied with the prevailing standard of care in its treatment of the Plaintiff.

73. The Defendant Corporation had a duty of care under the law to ensure that all persons working within its practice who attended to the care and treatment of Plaintiff complied with the prevailing ethical standards applicable to their professional practice.

74. The Defendant Corporation is vicariously liable for the acts and/or non-acts of its agents, ostensible agents, servants and/or employees, in that those individual(s) were negligent in the manner(s) as to their care and treatment of the Plaintiff as described herein.

75. The actions of Nurse Lott, for which the Defendant NET is vicariously liable, began with inappropriate behavior and grooming at NET's Kirkwood site.

76. Nurse Lott began her attempt to undermine Mr. Evans' recovery while he was a patient at NET's Kirkwood facility.

77. Defendant NET knew or should have known that Nurse Lott was a danger to Mr. Evans and other patients like him.

78. As a result of the negligent care and treatment of the Defendant Corporation's employee, the Plaintiff suffered various injuries to his mind and body, which are detailed herein, all of which ultimately led to his current condition for which Defendant Corporation is liable over to the Plaintiffs.

WHEREFORE, Plaintiff Alex Evans demands judgment be entered in his favor and against Defendant NET, jointly and severally, for an amount in excess of Fifty Thousand Dollars (\$50,000.00) in compensatory, economic, non-economic damages, and punitive damages, in addition to interest, costs and other damages permitted by law.

COUNT III
Plaintiff v. Defendant NET
(Negligent Hiring, Training, and Supervision)

79. The preceding paragraphs are incorporated by reference as if fully set forth herein.

80. Defendant NET owed a duty of care to Mr. Evans to conduct his treatment with appropriately trained and credentialed individuals, who were aware of their ethical duties and were able to comply with those duties.

81. Defendant NET breached its duty of care to Plaintiff by, among other things, negligent hiring, training, and supervision of its agents, servants, employees, and/or workmen, Kate Lott, R.N. in the following manner:

- a) Defendant failed to hire a properly qualified Administrator to operate in Ms. Lott's role and instead promoted her to a position of trust to which she was not properly credentialed or trained;
- b) Defendant NET failed to properly supervise its agent, Kate Lott, R.N., while she was in charge of Kirkwood;
- c) Defendant NET failed to effectively drug test or otherwise supervise Kate Lott, R.N., who upon information and belief was engaged in the use of illicit drugs;
- d) Defendant NET failed to ensure that its policies and procedures regarding ethical duties were taught, reinforced, and followed in an effective manner;
- e) Defendant NET failed to ensure that employees, such as Nurse Lott, were not targeting patients for sexual favors upon their discharge from treatment;
- f) Defendant failed to ensure that Kate Lott, R.N. was an appropriately credentialed and qualified person to perform the role of Administrator of Kirkwood;
- g) Defendant NET foisted a dangerous, unethical, and immoral individual upon its patients, who represented a vulnerable population.
- h) Defendant NET failed to uphold its duties both to its employees and to the Plaintiff;
- i) Defendant conducted its duties so negligently as to allow Nurse Lott to engage in outrageous and unethical, immoral, and criminal behavior regarding Alex Evans.
- j) Defendant failed to properly investigate allegations of misconduct, misfeasance, malfeasance, and ethical violations against Nurse Lott;
- k) Defendant failed to ensure that Administrators, such as Ms. Lott, were not preying on patients such as Mr. Evans and in addition to Mr. Evans.
- l) Defendant failed to annually evaluate Nurse Lott's competency to perform her position as an Administrator.

- m) Defendant failed to annually administer drug testing to Nurse Lott.
- n) Defendant failed to annually ensure that Nurse Lott was complying with ethical guidelines applicable to her professional position.

82. As a result of the aforementioned negligence of Defendant NET, which breached its duties to the Plaintiff, Plaintiff sustained those injuries as described above.

WHEREFORE, Plaintiff Alex Evans respectfully requests that this Honorable Court enter judgment in his favor and against Defendant NET jointly and severally, in an amount in excess of Fifty Thousand Dollars (\$50,000.00) in compensatory, economic and non-economic damages, in addition to interest, costs and other damages permitted by law.

NEUWIRTH LAW OFFICE, LLC

Date: 11/29/23

By: /s/ Andrew Neuwirth
Andrew T. Neuwirth, Esquire
Attorney for Plaintiff

VERIFICATION

I, Alex Evans, hereby verify that I am the Plaintiff in the attached Complaint and that the information therein is based on information gathered by counsel in the course of this lawsuit, that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information, and belief. I understand that the statements made herein are subject to penalties of 18 Pa. Cons. Stat. § 4904, relating to unsworn falsification to authorities.

Date: 8-6-2023


Alex Evans, Plaintiff