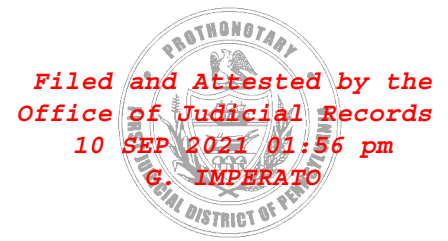


KLINE & SPECTER, P.C.

By: SHANIN SPECTER, ESQ.
DAVID C. WILLIAMS, ESQ.
AARON L. DUNBAR, ESQ.

shanin.specter@klinespecter.com/I.D. No. 40928
david.williams@klinespecter.com/ I.D. No. 308745
aaron.dunbar@klinespecter.com/ I.D. No. 317773
1525 Locust Street
Philadelphia, PA 19102
215-772-1000 phone/215-792-5508 fax



Attorneys for Plaintiff

**A.A.E., by her Adoptive Parent and Legal
Guardian, A.E.**

Plaintiff,

v.

**TABOR COMMUNITY PARTNERS, TABOR
CHILDREN'S SERVICES, INC., TABOR
SERVICES, INC., and CHILDREN'S
HOSPITAL OF PHILADELPHIA.**

Defendants.

**COURT OF COMMON PLEAS
PHILADELPHIA COUNTY**

APRIL TERM, 2020

NO.: 000517

JURY TRIAL DEMANDED

**FIRST AMENDED CIVIL ACTION
COMPLAINT**

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, GO TO OR TELEPHONE THE
OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN
GET LEGAL HELP.

Lawyer Referral Service
Philadelphia Bar Association
1101 Market Street, 11th Floor
Philadelphia, PA 19107
(215) 238-6338

ADVISO

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 asentar 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 pueda 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.

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DAVID C. WILLIAMS, ESQ.

AARON L. DUNBAR, ESQ.

shanin.specter@klinespecter.com/I.D. No. 40928

david.williams@klinespecter.com/ I.D. No. 308745

aaron.dunbar@klinespecter.com/ I.D. No. 317773

1525 Locust Street

Philadelphia, PA 19102

215-772-1000 phone/215-792-5508 fax

Attorneys for Plaintiff

A.A.E., by her Adoptive Parent and Legal
Guardian, **A.E.** c/o Kline & Specter, P.C.

1525 Locust Street

The Nineteenth Floor

Philadelphia, PA 19102

Plaintiff,

v.

TABOR COMMUNITY PARTNERS

57 East Armat Street

Philadelphia, Pennsylvania 19144

and

TABOR CHILDREN'S SERVICES, INC.

57 East Armat Street

Philadelphia, Pennsylvania 19144

and

TABOR SERVICES, INC.

57 East Armat Street

Philadelphia, Pennsylvania 19144

and

(Continued on Next Page)

**COURT OF COMMON PLEAS
PHILADELPHIA COUNTY**

APRIL TERM, 2020

NO.: 000517

JURY TRIAL DEMANDED

**FIRST AMENDED CIVIL ACTION
COMPLAINT**

**CHILDREN'S HOSPITAL OF
PHILADELPHIA**

3401 Civic Center Blvd.
Philadelphia, Pennsylvania 19104

Defendants.

FIRST AMENDED CIVIL ACTION COMPLAINT

I. INTRODUCTION

1. This matter arises from the collective failure of Defendants Tabor Community Partners, Tabor Children's Services, Inc., and Tabor Services, Inc. to provide in-home safety and case management services to Minor-Plaintiff A.A.E. between December 10, 2017 and April 12, 2018.

2. As a result of Defendants Tabor Community Partners, Tabor Children's Services, Inc., and Tabor Services, Inc.'s negligent and reckless conduct described herein, Minor-Plaintiff A.A.E. suffered repeated physical abuse at the hands of her biological mother and father, resulting in permanent, catastrophic injuries outlined below.

3. This matter further arises from the failure of Defendant Children's Hospital of Philadelphia (or "CHOP") pediatric nurse practitioner Geraldine O'Hare, MSN, CRNP (or "Nurse Practitioner O'Hare"), a "mandated reporter," to make either an oral or written report of suspected child abuse concerning A.A.E. pursuant to Pennsylvania's Child Protective Service Law, 23 Pa. Stat. and Cons. Stat. Ann. §§ 6301 *et seq.* on December 29, 2017. As a result "Nurse Practitioner O'Hare's negligent and reckless conduct described herein, Minor-Plaintiff A.A.E. suffered repeated physical abuse at the hands of her biological mother and father, resulting in permanent, catastrophic injuries outlined below.

II. THE PARTIES

A. PLAINTIFF

4. Minor-Plaintiff A.A.E. is a citizen of and resides in the Commonwealth of Pennsylvania. Minor-Plaintiff was the victim of physical abuse and nearly died as a result, sustaining serious injuries as described more fully herein. Minor-Plaintiff may be contacted through her attorneys Shanin Specter and David C. Williams at Kline & Specter, P.C., 1525 Locust Street, Philadelphia, Pennsylvania 19102.

5. Plaintiff A.E. is an adult individual who is a citizen of the Commonwealth of Pennsylvania who may be contacted through her attorneys Shanin Specter and David C. Williams at Kline & Specter, P.C., 1525 Locust Street, Philadelphia, Pennsylvania 19102. A.E. is the Adoptive Parent and Legal Guardian of Minor-Plaintiff A.A.E.

B. DEFENDANTS

1. Tabor Community Partners

6. Defendant Tabor Community Partners (or “TCP”) is a non-profit corporation existing under and by virtue of the laws of the Commonwealth of Pennsylvania with a principal place of business located at 57 East Armat Street, Philadelphia, Pennsylvania 19144. Defendant TCP regularly conducts business in Pennsylvania and Philadelphia County.

2. Tabor Children Services, Inc.

7. Defendant Tabor Children’s Services, Inc. (or “TCS”) is a non-profit corporation existing under and by virtue of the laws of the Commonwealth of Pennsylvania with a principal place of business located at 57 East Armat Street, Philadelphia, Pennsylvania 19144. Defendant TCS regularly conducts business in Pennsylvania and Philadelphia County.

3. Tabor Services, Inc.

8. Defendant Tabor Services, Inc. (or “TSI”) is a non-profit corporation existing under and by virtue of the laws of the Commonwealth of Pennsylvania with a principal place of business located at 57 East Armat Street, Philadelphia, Pennsylvania 19144 Defendant TSI regularly conducts business in Pennsylvania and Philadelphia County.

9. At all material times, Defendants TCP, TCS, and TSI were acting by and through their employees, agents, ostensible agents, apparent agents, case managers, case workers, social workers, supervisors, administrators, and/or directors as identified and/or described herein, who were acting within the scope of their employment or agency and providing in-home safety and/or case management services to Minor-Plaintiff A.A.E., specifically including any case managers, case workers, social workers, supervisors, administrators and directors, who provided in-home safety and/or case management services to A.A.E. between December 9, 2017 and April 12, 2018: Samyra Cobb, Jonathan Eyan, Brittany Satchell, Nikeya Tessein, and Sarah Wilson.

10. Defendants TCP, TCS, and TSI are hereinafter collectively referred to as “Tabor.”

11. At all material times, Defendants TCP, TCS, and TSI were acting by and through their employees, agents, ostensible agents, apparent agents, case managers, case workers, social workers, supervisors, administrators, and/or directors as identified and/or described herein, who were acting within the scope of their employment or agency and providing in-home safety and/or case management services to Minor-Plaintiff A.A.E., specifically including any case managers, case workers, social workers, supervisors, administrators and directors, who provided in-home safety and/or case management services to A.A.E. between December 9, 2017 and April 12, 2018: Samyra Cobb, Jonathan Eyan, Brittany Satchell, Nikeya Tessein, and Sarah Wilson.

12. At all material times hereto, Defendants TCP, TCS, and TSI were acting by and through their employees, agents and/or servants to provide in-home safety and/or case

management services to Minor-Plaintiff A.A.E. Accordingly, Defendants TCP, TCS, and TSI are liable for the acts and/or omissions of their employees, agents and/or servants which occurred in the course or providing in-home safety and/or case management services to Minor-Plaintiff A.A.E. under theories of agency, master-servant, *respondeat superior* and/or right of control.

13. There may be other employees or agents of Defendants TCP, TCS, and TSI with responsibilities for the care and safety of Minor-Plaintiff A.A.E., whose actions and/or omissions contributed to the injuries and damages suffered by Minor-Plaintiff A.A.E. The identities of such persons will be discerned through discovery and such persons will be joined as defendants, if and when appropriate.

4. Children's Hospital of Philadelphia

14. Defendant Children's Hospital of Philadelphia is a non-profit corporation existing under and by virtue of the laws of the Commonwealth of Pennsylvania with a principal place of business located at 3401 Civic Center Blvd, Philadelphia, PA. 19104. Defendant CHOP regularly conducts business in Pennsylvania and Philadelphia County. The claim asserted against this Defendant is for the negligence of its agents, employees, and servants that rendered treatment and care to A.A.E. on or about December 29, 2017, as stated more fully herein. A Certificate of Merit, pursuant to Pa. R. Civ. P. 1042.1, regarding the treatment, practice, or work of this Defendant is attached hereto as **Exhibit A**.

15. At all times material hereto, Defendant CHOP was acting by and through Geraldine O'Hare, MSN, CRNP, who was acting within the scope of her employment or agency and rendering care to A.A.E. on December 29, 2017.

16. At all times material hereto, Nurse Practitioner O'Hare as the actual and/or ostensible agent of Defendant CHOP.

17. Defendant CHOP is liable for the negligent acts and omissions of Nurse Practitioner O'Hare on December 29, 2017, under theories of *respondeat superior*, master-servant, agency, and right of control.

III. VENUE

18. Venue is properly laid in Philadelphia County pursuant to Pa. R. Civ. P. 1006(a)(1).

IV. STATEMENT OF FACTS

A. DHS

19. The previous paragraphs are incorporated by reference as though set forth fully herein.

20. The City of Philadelphia established the Department of Human Services, Children and Youth Division (hereinafter referred to as "DHS") to, *inter alia*, protect Philadelphia children from abuse, neglect and delinquency; provide services in partnership with community organizations to strengthen the overall well-being of Philadelphia; and develop and implement policies and programs to provide children services.

21. Pursuant to Pennsylvania's Child Protective Services Law, 23 Pa. C.S.A. § 6301, *et seq.*, DHS may purchase and utilize the services of any public or private agency, such as Defendants TCS, TCP, and TSI to provide services to children.

22. At all material times hereto, Defendants TCS, TCP, and TSI were retained by DHS to provide in-home safety and/or case management services to Minor-Plaintiff A.A.E. in the home of her biological mother at 5517 Beaumont Street, Philadelphia, PA 19143.

B. TABOR

23. Defendant TSI “is the parent company for both Tabor Children’s Services and Tabor Community Partners.” *See* Tabor Services, Inc., “About us,” *available at* <https://www.linkedin.com/company/tabor-children%27s-services> (last accessed Mar. 14, 2020).

24. At all material times, Defendant Tabor held itself out as “a nonprofit community-based child welfare organization that secures supports, resources and permanent connections for children and youth within their own community and culture so they can overcome life’s challenges and reach their full potential.” *See* Tabor, “About,” *available at* https://www.tabor.org/?page_id=54 (last accessed Mar. 14, 2020).

25. At all material times, Defendant Tabor has provided “services to approximately 700 children and families annually throughout Bucks County, Philadelphia and the Lehigh Valley” and “is one of the few agencies with dedicated programs for both children who have endured abuse and neglect and young adults who are ‘aging out’ of the child welfare system.” *Id.* (last accessed Mar. 14, 2020).

26. At all material times, Defendant Tabor has contracted “with the Philadelphia Department of Human Services (DHS) to serve as the Community Umbrella Agency (CUA) for the 5th and 14th police districts in the Northwest Section of Philadelphia. As a CUA, TCP manages cases in this region to provide community-based service delivery to children and families.” *Id.* (last accessed Mar. 14, 2020).

27. At all material times, Defendant Tabor was responsible for providing “protection for vulnerable populations in efforts to support the Improving Outcomes for Children (IOC) initiative set forth by DHS.” *See* Tabor, “Tabor Community Partners (TCP),” *available at* https://www.tabor.org/?page_id=3820 (last accessed Mar. 29, 2020).

C. DHS REQUIREMENTS OF TABOR

28. At all material times, Defendant Tabor was retained by DHS to provide in-home safety and/or case management services to Minor-Plaintiff A.A.E.

29. At all material times, Defendant Tabor was required to comply with the Child Protective Services Law 23 Pa. C.S. § 6301 *et. seq.* when providing services for Minor-Plaintiff A.A.E.

30. At all material times, DHS required Tabor, through its agents, to perform visits for families with identified safety threats as follows: “Minimum of one weekly visit and focused discussion regarding compliance with the Safety Plan and progress in meeting objectives in the Single Case Plan (SCP) by the CUA CM with the primary caregiver in the home.” DHS, “Community Umbrella Agency Practice Guidelines,” (Effective Aug. 2017) at p. 16.

31. At all material times, DHS required Tabor case managers to provide “Medical Assessments” as follows:

The CUA CM must obtain pertinent medical history and complete the Basic Health Information form for all active children and youth within 30 days of receipt the CUA Service Referral. This form must be updated when medical issues arise or change, or annually if no issues have been identified once a child is 24 months old. For infants it should be revised during the following schedule for pediatric visits: every 6 weeks for birth to 6 months, every 3 months for ages 7-23 months and yearly for every child 24 months and older.

Id. at p. 108; *see id.* (referencing “Section X, Physical Health.”).

32. At all material times, DHS required Tabor’s “CUA CM or other Support Team Member” to “encourage the parent or caregiver to have the child or youth seen by a medical practitioner at these intervals and must document efforts to do so” for in-home service cases. p. 118 (Section X, Physical Health; “Guidelines for All Services”).

33. At all material times, DHS required Defendant Tabor to “[o]btain written consents from the parent to obtain physical health information.” *Id.* at p. 118 (Section X, Physical Health; “Guidelines for All Services”).

34. At all material times, DHS required Defendant Tabor to “[e]nsure that children and youth attend all medical appointments.” *Id.* at p. 119 (Section X, Physical Health; “Guidelines for All Services”).

35. At all material times, DHS required Defendant Tabor to “[e]nsure that children and youth receive ongoing physical examinations as outlined by American Academy of Pediatrics.” *Id.* at p. 119 (Section X, Physical Health; “Guidelines for All Services”).

36. At all material times, DHS required Defendant Tabor to “[a]rrange or transport children and youth and their parents and caregivers to medical appointments when necessary.” *Id.* at p. 119 (Section X, Physical Health; “Guidelines for All Services”).

37. At all material times, DHS required Defendant Tabor to “[i]dentify interventions by any medical provider that must be included in the Safety Plan or Single Case Plan, or both.” *Id.* at p. 119 (Section X, Physical Health; “Guidelines for All Services”).

D. PRIOR TABOR INVOLVEMENT WITH A.A.E.’S BIOLOGICAL PARENTS

38. At all material times and prior to December 2017, DHS retained Defendant Tabor to provide in-home safety and/or case management services for A.A.E.’s biological mother (or “Biological Mother”), older half-sister Z.G., and older brother, S.N., because S.N. suffered a leg fracture at approximately six months old when A.A.E.’s biological father (or “Biological Father”) allegedly rolled over on him in bed.

39. On November 14, 2016, DHS initiated a child protective services (“CPS”) investigation concerning S.N.’s fractured leg.

40. DHS identified both Biological Mother and Biological Father as the perpetrators of S.N.'s injuries.

41. DHS determined that S.N. suffered "serious bodily injury, severe pain, and substantial impairment - to which remain unexplained."

42. DHS concluded that the CPS report was founded, and S.N. was placed with his paternal grandmother (not the mother of Biological Father).

43. A.A.E.'s older half-sister, Z.G., who lived in Biological Mother's home at the time of S.N.'s injuries, was not removed from the home.

44. At all times prior to December 2017, Biological Father "did not consistently cooperate or participate with CUA services and denied living in the home - despite credible information to the contrary."

E. DECEMBER 2017

45. In December 2017, Biological Mother gave birth A.A.E.

46. At the time of A.A.E.'s birth, Biological Mother tested positive for marijuana.

1. December 10, 2017 DHS General Protective Services Report

47. On December 10, 2017, DHS initiated a general protective services ("GPS") investigation into the allegations of marijuana use and determined them to be valid.

48. A GPS reported dated December 10, 2017 documented, in part, "FACTS 2 also shows the family is active with CUA-6 Tabor Community Partners Case Manager Brittany Satchell and Nikeya Tessein."

2. December 10, 2017 DHS Safety Assessment

49. The DHS Safety Assessment report dated December 10, 2017 for Biological Mother, A.A.E., and Z.G. provides in part “Case children are vulnerable because of there [sic] age; and needs an [sic] responsible adult to meet the basic and safety needs.”

50. The DHS Safety Assessment report dated December 10, 2017 for Biological Mother, A.A.E., and Z.G. further affirmed , in part, that “Caregiver(s) lack of parenting knowledge, skills, and/or motivation presents an immediate threat of serious harm to a child.”

51. The DHS Safety Assessment report dated December 10, 2017 for Biological Mother, A.A.E., and Z.G. further affirmed, in part, that “Safety Threats” were present as to Biological Mother’s “Protective Capacity.”

52. The DHS Safety Assessment report dated December 10, 2017 for Biological Mother, A.A.E., and Z.G. further affirmed, in part, that “an in-home DHS-CYD managed safety plan [was] an appropriate response for this family.”

3. December 15, 2017 DHS Safety Assessment

53. On December 15, 2017, DHS performed a Safety Assessment for Biological Mother’s home.

54. At this time, DHS documented, in part, “Cua [sic] to provide IN HOME Safety Services to the family.”

55. On information and belief, the “Cua” documented in the preceding paragraph is Defendant Tabor.

4. December 16, 2017 DHS Unannounced Home Visit

56. On December 16, 2017, a DHS caseworker documented an announced home visit as follows, “Cua was suppose [sic] to meet at the home today and they never showed up. Cua will need to make contact with family. Case mother has stated that Cua hasn’t been to the home yet.”

57. On information and belief, the “Cua” documented in the preceding paragraph is Defendant Tabor.

5. December 18, 2017 Tabor Announced Home Visit

58. On December 18, 2017, Tabor Case Worker Brittany Satchell (or “CW Satchell”) made an announced home visit to see A.A.E. at 5517 Beaumont Street, Philadelphia, Pennsylvania 19143.

59. At all material times, CW Satchell provided in-home safety and/or case management services to A.A.E. on behalf of Defendant Tabor.

60. At this time, CW Satchell’s supervisor was Nikeya Tessein (or “Supervisor Tessein”).

61. At all material times, Supervisor Tessein provided in-home safety and/or case management services to A.A.E. on behalf of Defendant Tabor.

62. Also at this time, CW Satchell’s administrator was Sarah Wilson (or “Administrator Wilson”).

63. At all material times, Administrator Wilson provided in-home safety and/or case management services to A.A.E. on behalf of Defendant Tabor.

64. At this time, CW Satchell documented, in part, “[A.A.E.] had her first medical appointment on 12/15/17 and her next appointment is on 12/22/17 at CHOP Cobbs Creek. [A.A.E.] does not have any medical concerns at this time.”

65. At this time, there is no documentation that CW Satchell completed a Basic Health Information form for A.A.E. at this time as required by DHS.

66. At this time, there is no documentation that CW Satchell attempted to obtain the names or contact information for A.A.E.'s healthcare providers.

67. On information and belief, CW Satchell did not complete a Basic Health Information form for A.A.E. at this time as required by DHS.

68. On information and belief, CW Satchell did not obtain written consent from Biological Mother to obtain physical health information for A.A.E. at this time as required by DHS.

69. From December 19, 2017 to January 19, 2018, there is no documented contact by anyone from Defendant Tabor with Biological Mom or A.A.E.

6. December 29, 2017 A.A.E. Medical Office Visit, Emergency Department Visit

70. On December 29, 2017, Biological Mother presented A.A.E. to Children's Hospital of Philadelphia Primary Care, Cobbs Creek ("CHOP Cobbs Creek") for an office visit.

71. At that time, Nurse Practitioner O'Hare documented an abnormal bruise on A.A.E.'s lower back as follows, "1.5 -2 cm wide ecchymotic area in the shape of a thumb with deep red linear edge on left flank, multiple slate blue irregular [sic] shaped pigmentation [sic] on lower back and buttocks."

72. At that time, Nurse Practitioner O'Hare photographed the abnormal bruise on A.A.E.'s lower back.

73. At that time, Nurse Practitioner O'Hare suspected A.A.E.'s bruise was a result of child abuse.

74. At that time, Nurse Practitioner O'Hare was aware that A.A.E.'s Biological Mother and Biological Father were "DHS involved (toddler brother had A [sic] leg fracture when dad rolled over on him in bed at 7 months old...)."

75. At all relevant times, Nurse Practitioner O'Hare was a "mandated reporter."

76. At all relevant times, Pennsylvania's Child Protective Services Law provided:

(a) Mandated reporters.--The following adults **shall** make a report of suspected child abuse, subject to subsection (b), if the person has reasonable cause to suspect that a child is a victim of child abuse:

(1) A person licensed or certified to practice in any health-related field under the jurisdiction of the Department of State.

...

(3) An employee of a health care facility or provider licensed by the Department of Health, who is engaged in the admission, examination, care or treatment of individuals.

23 Pa. Stat. and Cons. Stat. Ann. § 6311(a)(1),(3) (emphasis added).

77. At all relevant times, Pennsylvania's Child Protective Services Law further provided:

(b) Basis to report.--

(1) A mandated reporter enumerated in subsection (a) **shall** make a report of suspected child abuse in accordance with section 6313 (relating to reporting procedure), if the mandated reporter has reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

(i) The mandated reporter comes into contact with the child in the course of employment, occupation and practice of a profession or through a regularly scheduled program, activity or service.

Id. § 6311(b)(1),(i) (emphasis added).

78. At all relevant times, Pennsylvania's Child Protective Services Law further provided:

(a) Report by mandated reporter.--

(1) A mandated reporter **shall immediately** make an oral report of suspected child abuse to the department via the Statewide toll-free telephone number under section 6332 (relating to establishment of Statewide toll-free telephone number) or a written report using electronic technologies under section 6305 (relating to electronic reporting).

(2) A mandated reporter making an oral report under paragraph (1) of suspected child abuse **shall also make a written report**, which may be submitted electronically, within 48 hours to the department or county agency assigned to the case in a manner and format prescribed by the department.

Id. § 6313(a)(1),(2) (emphasis added).

79. At all relevant times, Pennsylvania’s Child Protective Services Law further provided:

A person or official required to report cases of suspected child abuse may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. **Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county agency** at the time the written report is sent or within 48 hours after a report is made by electronic technologies or as soon thereafter as possible.

Id. § 6314 (emphasis added).

80. Nurse Practitioner O’Hare did not make an oral report to the Pennsylvania Department of Human Services.

81. Nurse Practitioner O’Hare did not make a written report to the Pennsylvania Department of Human Services.

82. Nurse Practitioner O’Hare did not send a summary or report of the photographs she took to the Pennsylvania Department of Human Services.

83. Nurse Practitioner O’Hare asked Biological Mom to go to the Children’s Hospital of Philadelphia (“CHOP”) emergency department (or “CHOP ED”) via car.

84. On December 29, 2017 at approximately 1247 hours, Biological Mom arrived at the CHOP ED with A.A.E.

85. At that time, a CHOP healthcare provider documented, in part, “The pt has an unknown purplish lesion on her left side. The medical team stated this lesion is a finding that they rarely see. The medical team also stated this is the first sign they see before pts present with more significant injuries.”

86. At that time, a CHOP healthcare provider documented, in part, “SW assessed and spoke to DHS and [A.A.E.] has been cleared for discharge.”

87. On information and belief, Biological Mom did not take A.A.E. to another scheduled appointment with any healthcare provider after December 29, 2017.

88. At all material times, Defendant Tabor was retained by DHS to provide in-home safety and/or case management services to Minor-Plaintiff A.A.E.

7. December 30, 2017 Pennsylvania Model Risk Assessment

89. On December 30, 2017, DHS completed a “Pennsylvania Model Risk Assessment” for Biological Mother, Biological Father, Z.G., and A.A.E.

90. The Pennsylvania Model Risk Assessment completed December 30, 2017 rated Biological Mother and Biological Father as having “M - Moderate Risk” for “Prior Abuse / Neglect.” (At the time, “M” was the “Highest Risk Factor” for this category.)

91. The Pennsylvania Model Risk Assessment completed December 30, 2017 further rated Biological Mother and Biological Father as having “M - Moderate Risk” for “Alcohol / Substance Abuse.” (At the time, “M” was the “Highest Risk Factor” for this category.)

92. The Pennsylvania Model Risk Assessment completed December 30, 2017 further documented, in part, “Case children are all vulnerable because of age and needs a responsible adult to meet there basic and safety needs.”

93. The Pennsylvania Model Risk Assessment completed December 30, 2017 further documented, in part, “There are several reports with case family on different children.”

94. The Pennsylvania Model Risk Assessment completed December 30, 2017 further documented, in part, “There is a prior indicated report of abuse /neglect on [S.N.]”

95. The Pennsylvania Model Risk Assessment completed December 30, 2017 further documented, in part, “Case mother and father are young and is [sic] not making the most appropriate decisions with case family.”

96. The Pennsylvania Model Risk Assessment completed December 30, 2017 further documented, in part, “[C]ase parents both appear to have some diminished capacities.”

97. The Pennsylvania Model Risk Assessment completed December 30, 2017 further documented, in part, “all household adults have full access to case children.”

98. In the “PRIOR ABUSE /NEGLECT NARRATIVE,” the Pennsylvania Model Risk Assessment completed December 30, 2017 further documented, in part, “[C]ase parents have.”

99. The Pennsylvania Model Risk Assessment completed December 30, 2017 further documented, in part, “At the time of workers second visit with the family both case children appeared to be safe with a plan. Cua will need to provide family with weekly safety visits.” (emphasis added).

100. On information and belief, Supervisor Tessein did not review the Pennsylvania Model Risk Assessment dated December 30, 2017.

101. On information and belief, Administrator Wilson did not review the Pennsylvania Model Risk Assessment dated December 30, 2017.

F. JANUARY 2018

102. As stated above, from December 19, 2017 to January 19, 2018, there is no documented contact by anyone from Tabor with Biological Mom or A.A.E.

103. From December 19, 2017 to January 19, 2018, there is no documentation that anyone from Tabor attempted to contact or visit Biological Mom or A.A.E.

1. January 20, 2018 Unannounced Tabor Home Visit

104. There is no documentation that anyone from Defendant Tabor performed a weekly safety visit for A.A.E. as required in the Pennsylvania Model Risk Assessment completed December 30, 2017.

105. On January 20, 2018, Tabor Case Worker Jonathan Eyan (or “CW Eyan”) made an announced home visit to see A.A.E. at 5517 Beaumont Street, Philadelphia, Pennsylvania 19143.

106. At all material times, CW Eyan provided in-home safety and/or case management services to A.A.E. on behalf of Defendant Tabor.

107. At this time, CW Eyan documented “On behalf of: Cobb, Samyra.”

108. At this time, CW Eyan’s supervisor was Nikeya Tessein (or “Supervisor Tessein”).

109. Also at this time, CW Eyan’s administrator was Sarah Wilson (or “Administrator Wilson”).

110. At this time, CW Eyan documented, in part, “Mother’s SCP goals are as follows:
2. Mother will attend medical appointments.”

111. At this time, CW Eyan did not document any inquiry as to A.A.E.’s December 22 or 29 medical appointments.

112. At this time, CW Eyan did not document any inquiry into A.A.E.’s medical concerns.

113. At this time, there is no documentation that CW Eyan completed a Basic Health Information form for A.A.E. at this time as required by DHS.

114. At this time, there is no documentation that CW Eyan attempted to obtain the names or contact information for A.A.E.’s healthcare providers.

115. At this time there is no documentation that CW Eyan attempted to contact A.A.E.'s healthcare providers.

116. On information and belief, CW Eyan did not review any documentation of CW Satchell's December 18, 2017 announced home visit prior to January 20, 2018.

117. On information and belief, CW Eyan did not discuss CW Satchell's December 18, 2017 announced home visit with CW Satchell prior to January 20, 2018.

118. On information and belief, CW Eyan did not review the Pennsylvania Model Risk Assessment dated December 30, 2017.

119. On information and belief, CW Eyan did not complete a Basic Health Information form for A.A.E. at this time as required by DHS.

120. On information and belief, CW Eyan did not obtain written consent from Biological Mother to obtain physical health information for A.A.E. at this time as required by DHS.

121. On information and belief, CW Eyan did not take any action to further Biological Mother's SCP goals of attending medical appointments.

G. FEBRUARY 2018

122. From January 21 to February 21, 2018, there is no documented safety visit for A.A.E.

123. From January 21 to February 21, 2018, there is no documentation that anyone from Defendant Tabor saw, or otherwise visited, A.A.E.

1. February 5, 2018 Ongoing CUA Service Conference

124. On or about February 5, 2018, an "Ongoing CUA Service Conference" (or "Feb. 5 Conference") was held for A.A.E. at 57 East Armat Street, Philadelphia, Pennsylvania 19144.

125. An "Ongoing CUA Service Conference Summary Report" created and completed February 5, 2018 provides, in part, that Biological Mother participated in the Feb. 5 Conference

by phone; that Supervisor Tessein participated by phone; and that Tabor Case Worker Samyra Cobb (or “CW Cobb”) was “physically present.”

126. At all material times, CW Cobb provided in-home safety and/or case management services to A.A.E. on behalf of Defendant Tabor.

127. At this time, there is no documentation that CW Cobb made any inquiry as to A.A.E.’s December 22 or 29 medical appointments.

128. At this time, there is no documentation that CW Cobb made any inquiry into A.A.E.’s medical concerns.

129. At this time, there is no documentation that CW Cobb attempted to obtain the names or contact information for A.A.E.’s healthcare providers.

130. At this time there is no documentation that CW Cobb attempted to contact A.A.E.’s healthcare providers.

131. On information and belief, CW Cobb did not review any documentation of CW Satchell’s December 18, 2017 announced home visit prior to February 5, 2018.

132. On information and belief, CW Cobb did not discuss CW Satchell’s December 18, 2017 announced home visit with CW Satchell prior to February 5, 2018.

133. On information and belief, CW Cobb did not review any documentation of CW Eyan’s January 20, 2018 announced home visit prior to February 5, 2018.

134. On information and belief, CW Cobb did not discuss CW Eyan’s January 20, 2018 announced home visit with CW Eyan prior to February 5, 2018.

135. On information and belief, CW Cobb did not review the Pennsylvania Model Risk Assessment dated December 30, 2017.

2. February 22, 2018 Tabor Announced Home Visit

136. On February 22, 2018, CW Cobb made an announced home visit to see A.A.E. at 5517 Beaumont Street, Philadelphia, Pennsylvania 19143.

137. At this time, there is no documentation that CW Cobb made any inquiry as to A.A.E.'s December 22 or 29 medical appointments.

138. At this time, there is no documentation that CW Cobb completed a Basic Health Information form for A.A.E. at this time as required by DHS.

139. At this time, there is no documentation that CW Cobb made any inquiry into A.A.E.'s medical concerns.

140. At this time, there is no documentation that CW Cobb attempted to obtain the names or contact information for A.A.E.'s healthcare providers.

141. At this time there is no documentation that CW Cobb attempted to contact A.A.E.'s healthcare providers.

142. On information and belief, CW Cobb did not review any documentation of CW Satchell's December 18, 2017 announced home visit prior to February 22, 2018.

143. On information and belief, CW Cobb did not discuss CW Satchell's December 18, 2017 announced home visit with CW Satchell prior to February 22, 2018.

144. On information and belief, CW Cobb did not review any documentation of CW Eyan's January 20, 2018 announced home visit prior to February 22, 2018.

145. On information and belief, CW Cobb did not discuss CW Eyan's January 20, 2018 announced home visit with CW Eyan prior to February 22, 2018.

H. MARCH 2018

146. From February 23 to March 15, 2018, there is no documented safety visit for A.A.E.

147. From February 23 to March 15, 2018, there is no documentation that anyone from Tabor attempted to contact or visit Biological Mom or A.A.E.

148. From February 23 to March 25, 2018, there is no documentation that anyone from Defendant Tabor saw, or otherwise visited, A.A.E.

149. On March 16, 2018, CW Cobb documented an attempted home visit to see A.A.E. at 5517 Beaumont Street, Philadelphia, Pennsylvania 19143.

150. On March 19, 2018, CW Cobb documented an attempted visit to see A.A.E. at 5517 Beaumont Street, Philadelphia, Pennsylvania 19143.

151. On March 22, 2018, CW Cobb documented an attempted visit to see A.A.E. at 5517 Beaumont Street, Philadelphia, Pennsylvania 19143.

152. On March 22, 2018, CW Cobb documented an attempted visit to see Biological Father at 1520 N. 59th Street, Philadelphia, Pennsylvania 19151.

1. March 26, 2018 Tabor Announced Home Visit

153. On March 26, 2018, CW Cobb made an announced home visit to see A.A.E. at 5517 Beaumont Street, Philadelphia, Pennsylvania 19143.

154. At this time, there is no documentation that CW Cobb made any inquiry as to A.A.E.'s December 22 or 29 medical appointments.

155. At this time, there is no documentation that CW Cobb made any inquiry into A.A.E.'s medical concerns.

156. At this time, there is no documentation that CW Cobb completed a Basic Health Information form for A.A.E. at this time as required by DHS.

157. At this time, there is no documentation that CW Cobb attempted to obtain the names or contact information for A.A.E.'s healthcare providers.

158. At this time there is no documentation that CW Cobb attempted to contact A.A.E.'s healthcare providers.

159. On information and belief, CW Cobb did not review any documentation of CW Satchell's December 18, 2017 announced home visit prior to March 26, 2018.

160. On information and belief, CW Cobb did not discuss CW Satchell's December 18, 2017 announced home visit with CW Satchell prior to March 26, 2018.

161. On information and belief, CW Cobb did not review any documentation of CW Eyan's January 20, 2018 announced home visit prior to March 26, 2018.

162. On information and belief, CW Cobb did not discuss CW Eyan's January 20, 2018 announced home visit with CW Eyan prior to March 26, 2018.

I. APRIL 2018

163. From March 27 to April 8, 2018, there is no documented safety visit for A.A.E.

164. From March 27 to April 8, 2018, there is no documentation that anyone from Defendant Tabor saw, or otherwise visited, A.A.E.

165. From March 27 to April 8, 2018, there is no documentation that anyone from Tabor attempted to contact or visit Biological Mom or A.A.E.

1. April 9, 2018 Tabor Unannounced Home Visit

166. On April 9, 2018, CW Cobb made an unannounced home visit to see A.A.E. at 5517 Beaumont Street, Philadelphia, Pennsylvania 19143.

167. At this time, there is no documentation that CW Cobb made any inquiry as to A.A.E.'s December 22 or 29 medical appointments.

168. At this time, there is no documentation that CW Cobb made any inquiry into A.A.E.'s medical concerns.

169. At this time, there is no documentation that CW Cobb completed a Basic Health Information form for A.A.E. at this time as required by DHS.

170. At this time, there is no documentation that CW Cobb attempted to obtain the names or contact information for A.A.E.'s healthcare providers.

171. At this time there is no documentation that CW Cobb attempted to contact A.A.E.'s healthcare providers.

172. On information and belief, CW Cobb did not review any documentation of CW Satchell's December 18, 2017 announced home visit prior to April 9, 2018.

173. On information and belief, CW Cobb did not discuss CW Satchell's December 18, 2017 announced home visit with CW Satchell prior to April 9, 2018.

174. On information and belief, CW Cobb did not review any documentation of CW Eyan's January 20, 2018 announced home visit prior to April 9, 2018.

175. On information and belief, CW Cobb did not discuss CW Eyan's January 20, 2018 announced home visit with CW Eyan prior to April 9, 2018.

176. At this time, CW Cobb documented, in part, "There were no additional safety concerns [sic] observed in the home. The children were safe."

177. At this time, CW Cobb also documented, in part, "Other planned activities or concerns to include next scheduled contact: NCD 5/2/18."

2. April 12, 2018: A.A.E. Arrives at CHOP ED with Catastrophic Injuries

178. On April 12, 2018, Biological Mother brought A.A.E. to the CHOP ED.

179. The CHOP medical records document, in part, as follows:

On 04/12/2018, the mother brought the 4-month-old victim child to as the child was not eating, was uncharacteristically lethargic, and was sleeping all day. A Computerized Tomography (CT) scan was performed which indicated that the child had a skull fracture. Multiple

tests and other studies were completed to determine if the child had other injuries. It was learned that the child also suffered a diffuse hypoxic ischemic brain injury and bilateral retinal hemorrhages. The ischemic brain injury indicated that there was a prolonged delay in seeking medical care for the child. The child was also given an initial and follow-up skeletal survey which revealed that the child suffered multiple healing fractures particularly to the rib section and clavicle. The child was admitted to the Pediatric Intensive Care unit (PICU) at for ongoing medical treatment and stabilization. The child was placed on a ventilator and a feeding tube was inserted. The child was also placed in a cervical collar to prevent mobility.”

180. A.A.E. was admitted to CHOP from April 12 to May 8, 2018.

3. April 17, 2018 Tabor Hospital Visit

181. On April 17, 2018, CW Cobb made a hospital visit to CHOP.

182. At that time, CW Cobb documented, in part, as follows:

[CW Cobb] inquired to the SCAN team about the status of the baby. The info was very vague as everyday [sic] is an observation. **The team was very clear in explaining that her injuries could not have been caused by dropping her, falling on her or any of the otehr [sic] excuses but in fact, they are in conjunction of being physically abused for an ongoing period of time.**

Apr. 17, 2018 CW Cobb SPN for In-Home, Home of Origin Visit or Reunification Resource Visit (emphasis added).

183. CW Cobb further documented, in part, “The team indicated that the baby’s quality of life does not look good and if in fact she survives she will need services becuase [sic] she would not develop like a normal child.”

4. April 17, 2018 DHS Telephone Call

184. On April 17, 2018, a DHS investigator documented her call with A.A.E.’s CHOP healthcare providers, in part, as follows:

SWSM spoke with SW-[REDACTED] via phone for an update on VC-[A.A.E.]. VC had a skeletal survey today and additional injuries were found. VC also suffered a right rib fracture along with right upper arm fractures. VC have bleeding behind her eyes, and additional skull

fractures they are healing. According to the attending doctor these are violent injuries that occurred [sic] over a period of time and not just one event. VC have extensive brain injury. Hospital will attempt to remove breathing tube tomorrow. VC will suffer significant [sic] brain damage due to lack of oxygen for a period of time. SW and attending doctor stated that these injuries are of abuse, no accident.

Apr. 17, 2018 DHS SPN for In-Home, Home of Origin Visit or Reunification Resource Visit (emphasis added).

5. April 19, 2018 Tabor Authorization for Release/Obtain Information

185. On April 19, 2018, Defendant Tabor obtained an “Authorization for Release/Obtain Information” for A.A.E.’s CHOP Cobbs Creek records.

186. On information and belief, Defendant Tabor did not obtain an “Authorization for Release/Obtain Information” for A.A.E.’s CHOP Cobbs Creek records prior to April 19, 2018.

6. April 24, 2018 DHS Telephone Call

187. On April 24, 2018, a DHS investigator documented her call with A.A.E.’s CHOP healthcare providers, in part, as follows:

Over all [sic] prognosis, VC will have life long [sic] issues due to brain injuries. VC needs a G-tube due to never being able to eat, or swallow on her own. VC was suppose [sic] to be evaluated for inpatient rehab however VC will not be an [sic] candidate due to not having any goals to reach.

Apr. 24, 2018 DHS SPN for In-Home, Home of Origin Visit or Reunification Resource Visit (emphasis added).

J. MAY 2018 TO PRESENT

188. On or about May 11, 2018, Bethanna replaced Defendant Tabor as A.A.E.’s CUA.

189. On June 20, 2018, DHS sent Biological Mother a letter providing, in part, “the report of suspected child abuse [for A.A.E.] has been determined by the Philadelphia Department of Human Services to be ‘Indicated.’”

190. On June 20, 2018, DHS sent Biological Father a letter providing, in part, “the report of suspected child abuse [for A.A.E.] has been determined by the Philadelphia Department of Human Services to be ‘Indicated.’”

191. On July 3, 2018, Biological Mother was arrested and charged with attempted murder, aggravated and simple assault, and endangering the welfare of a child as to A.A.E.

192. On October 2, 2018, the Family Court of Philadelphia, Juvenile Division, terminated Biological Mother’s parental rights and duties as to A.A.E.

193. On December 12, 2018, the Family Court of Philadelphia, Juvenile Division, terminated Biological Father’s parental rights and duties as to A.A.E.

194. At present, Biological Mother is incarcerated at State Correctional Institution Muncy.

K. CHOP’S NEGLIGENT AND RECKLESS CONDUCT

195. Nurse Practitioner O’Hare’s material failure to make an oral and written report to the Pennsylvania Department of Human Services pursuant to Pennsylvania’s Child Protective Services Law resulted in the near-fatal injuries to A.A.E.

196. Had Nurse Practitioner O’Hare made an oral report to the Pennsylvania Department of Human Services, as Pennsylvania’s Child Protective Services Law required, Tabor would have been notified of the suspected abuse.

197. Had Nurse Practitioner O’Hare made an oral report to the Pennsylvania Department of Human Services, as Pennsylvania’s Child Protective Services Law required, the Pennsylvania Department of Human Services, DHS, and/or Tabor would have taken further action for the protection of A.A.E.

198. Had Nurse Practitioner O'Hare made a written report to the Pennsylvania Department of Human Services, as Pennsylvania's Child Protective Services Law required, Tabor would have been notified of the suspected abuse.

199. Had Nurse Practitioner O'Hare made a written report to the Pennsylvania Department of Human Services, as Pennsylvania's Child Protective Services Law required, the Pennsylvania Department of Human Services, DHS, and/or Tabor would have taken further action for the protection of A.A.E.

200. Had Nurse Practitioner O'Hare sent a summary or report of the photographs she took to the Pennsylvania Department of Human Services, as Pennsylvania's Child Protective Services Law required, Tabor would have been notified of the suspected abuse.

201. Had Nurse Practitioner O'Hare sent a summary or report of the photographs she took to the Pennsylvania Department of Human Services, as Pennsylvania's Child Protective Services Law required, the Pennsylvania Department of Human Services, DHS, and/or Tabor would have taken further action for the protection of A.A.E.

202. But for the acts and omissions of Nurse Practitioner O'Hare, Minor-Plaintiff A.A.E. would not have suffered near-fatal injuries on April 12, 2018.

L. TABOR'S NEGLIGENT AND RECKLESS CONDUCT

203. At all material times hereto, Defendant Tabor's failure to monitor, supervise, inquire, and otherwise take protective action pursuant to DHS's Community Umbrella Agency Practice Guidelines resulted in the near-fatal injuries to A.A.E.

204. At all material times, Defendant Tabor was aware that A.A.E.'s older sibling S.N. had been removed from Biological Mom's care because of threats to S.N.'s safety.

205. At all material times, Defendant Tabor was aware that A.A.E.'s older sibling S.N. had been removed from Biological Mom's care because of S.N.'s unexplained leg fracture.

206. At all material times, Defendant Tabor was aware that Biological Father was residing in Biological Mother's home.

207. In reckless disregard to A.A.E.'s safety and wellbeing, Defendant Tabor took no steps to remove A.A.E. from Biological Mom's home, despite having actual knowledge of the threat to A.A.E.'s safety by allowing her to remain in the care of Biological Mom.

208. But for the acts and omissions of Defendant Tabor and its employees, agents, and/or servants, Minor-Plaintiff A.A.E. would not have suffered near-fatal injuries on April 12, 2018.

M. A.A.E.'S INJURIES

209. The negligence and recklessness of all defendants directly and proximately caused A.A.E. to suffer the following:

- a. closed fracture of the right humerus;
- b. skull fractures;
- c. diffuse hypoxic injury;
- d. retinal hemorrhages;
- e. subdural hemorrhage;
- f. diffuse bihemispheric brain injury;
- g. non-accidental diffuse axonal brain injury;
- h. anoxic brain injury;
- i. altered mental status;
- j. eye deviation;
- k. repeated seizures;
- l. lethargy;
- m. poor feeding;
- n. sleep-disordered breathing;

- o. impaired active range of motion (or “*AROM*”);
- p. impaired strength;
- q. impaired muscle tone;
- r. impaired coordination;
- s. impaired mobility;
- t. impaired cognition; and
- u. impaired vision.

210. The negligence and recklessness of Defendant Tabor and its actual, apparent, and/or ostensible agents, servants, and employees as identified and/or described herein, directly and proximately caused Minor-Plaintiff A.A.E. to undergo the following procedures:

- a. electroencephalography;
- b. right eye vitrectomy;
- c. surgical laparoscopy with gastrostomy; and
- d. multiple gastrostomy tube replacements.

211. As a direct and proximate result of the negligence and recklessness of Defendant Tabor and its agents, servants and employees as identified and/or described herein, it “is very unlikely [A.A.E.] will be able to walk, read or live independently....”

212. As a direct and proximate result of the negligence and recklessness of Defendant Tabor and its agents, servants and employees as identified and/or described herein, Minor-Plaintiff A.A.E. has incurred in the past, and will continue to incur in the future, substantial medical and medically related expenses for medicine, hospitalizations, medical and surgical care, diagnostic testing, home support, and other usual, customary and necessary care to attend to, treat, attempt to alleviate and/or minimize her medical conditions.

213. The injuries to Minor-Plaintiff A.A.E. were caused solely by the negligence of Defendant Tabor and its agents, servants and employees as identified and/or described herein, as set forth more fully herein, and were not caused or contributed thereto by any negligence on the part of Minor-Plaintiff A.A.E.

COUNT I - NEGLIGENCE
MINOR-PLAINTIFF A.A.E. v. DEFENDANTS TABOR COMMUNITY PARTNERS,
TABOR CHILDREN'S SERVICES, INC., and TABOR SERVICES, INC.

214. The previous paragraphs are incorporated by reference as though set forth fully herein.

215. The negligence and recklessness of Defendants Tabor Community Partners, Tabor Children's Services, Inc., and Tabor Services, Inc., individually and by and through their employees, servants, and/or agents, actual or apparent, including, but not limited to, case managers, case workers, social workers, supervisors, administrators and directors, consisted of the following:

- a. Failing to timely visit and inspect Biological Mother's home;
- b. Failing to timely perform safety visits for A.A.E.;
- c. Failing to monitor pursuant to DHS's Community Umbrella Agency Practice Guidelines;
- d. Failing to supervise pursuant to DHS's Community Umbrella Agency Practice Guidelines;
- e. Failing to inquire pursuant to DHS's Community Umbrella Agency Practice Guidelines;
- f. Failing to take protective action pursuant to DHS's Community Umbrella Agency Practice Guidelines;
- g. Failing to perform a minimum weekly visit to Biological Mother's home;
- h. Failing to obtain A.A.E.'s pertinent medical history pursuant to DHS's Community Umbrella Agency Practice Guidelines;

- i. Failing to complete the Basic Health Information form for A.A.E. pursuant to DHS's Community Umbrella Agency Practice Guidelines;
- j. Failing to timely complete the Basic Health Information form for A.A.E. pursuant to DHS's Community Umbrella Agency Practice Guidelines;
- k. Failing to timely obtain an "Authorization for Release/Obtain Information" for A.A.E.'s medical records pursuant to DHS's Community Umbrella Agency Practice Guidelines;
- l. Failing to ensure that A.A.E. attended all medical appointments pursuant to DHS's Community Umbrella Agency Practice Guidelines;
- m. Failing to ensure that A.A.E. received ongoing physical examinations as outlined by the American Academy of Pediatrics pursuant to DHS's Community Umbrella Agency Practice Guidelines;
- n. Failing to review the review the Pennsylvania Model Risk Assessment dated December 30, 2017;
- o. Failing to inquire into A.A.E.'s medical concerns;
- p. Failing to inquire into A.A.E.'s December 22 or 29 medical appointments;
- q. Failing to obtain the names or contact information for A.A.E.'s healthcare providers;
- r. Failing to contact A.A.E.'s healthcare providers;
- s. Failing to review documentation of prior home visits;
- t. Failing to communicate with case workers who performed prior home visits;
- u. Failing to further Biological Mother's SCP goals of attending medical appointments;
- v. Failing to remove A.A.E. from Biological Mom's home, despite having actual knowledge of the threat to A.A.E.'s safety;
- w. Failing to properly train their agents to provide in-home safety and case management services to A.A.E.;
- x. Failing to properly train their agents in the enforcement of DHS's Community Umbrella Agency Practice Guidelines;
- y. Failing to properly train their agents in the enforcement of Tabor policies and procedures regarding in-home safety and case management services;

- z. Failing to have Tabor policies and procedures regarding in-home safety and case management services;
- aa. Negligently and recklessly hiring and enabling untrained agents to provide in-home safety and case management services to A.A.E.; and
- bb. Failing to evaluate A.A.E.'s physical and mental well-being.

216. As a direct result of the negligence and recklessness of defendants as set forth above, Minor-Plaintiff was caused to suffer the above injuries.

COUNT II - NEGLIGENCE
MINOR-PLAINTIFF A.A.E. v. DEFENDANT CHILDREN'S HOSPITAL OF
PHILADELPHIA DERIVATIVELY AND VICARIOUSLY FOR THE CONDUCT OF
ITS AGENT, SERVANT, AND/OR EMPLOYEE GERALDINE O'HARE, MSN, CRNP

217. The previous paragraphs are incorporated by reference as though set forth fully herein.

218. Defendant CHOP, acting through its authorized agents, servants, workmen, and employees as identified and/or described herein, undertook and/or assumed a duty to render reasonable, proper, adequate, and appropriate medical care to A.A.E. and to avoid harm to her, which duty has been breached by CHOP.

219. The negligence and recklessness of Defendant CHOP, by and through Nurse Practitioner O'Hare, consisted of the following:

- a. Failing to make an oral report of suspected child abuse of a patient with a known family history of child abuse to the Pennsylvania Department of Human Services;
- b. Failing to make a written report of suspected child abuse of a patient with a known family history of child abuse to the Pennsylvania Department of Human Services;
- c. Failing to ensure that a written report of suspected child abuse of a patient with a known family history of child abuse was sent to the Pennsylvania Department of Human Services;
- d. Failing to send a summary or report of photographs taken concerning suspected child abuse of a patient with a known family history of child abuse to the Pennsylvania Department of Human Services;

- e. Failing to ensure that a summary or report of photographs taken concerning suspected child abuse of a patient with a known family history of child abuse was sent to the Pennsylvania Department of Human Services;
- f. Failing to provide adequate care to A.A.E. at Children's Hospital Cobbs Creek on December 29, 2017; and
- g. Failing to exercise due care under the circumstances.

220. As a direct result of the negligence and recklessness of defendant as set forth above, Minor-Plaintiff was caused to suffer the above injuries.

**COUNT II – NEGLIGENCE PER SE
MINOR-PLAINTIFF A.A.E. v. DEFENDANT CHILDREN'S HOSPITAL OF
PHILADELPHIA DERIVATIVELY AND VICARIOUSLY FOR THE CONDUCT OF
ITS AGENT, SERVANT, AND/OR EMPLOYEE GERALDINE O'HARE, MSN, CRNP**

221. The previous paragraphs are incorporated by reference as though set forth fully herein.

222. Defendant CHOP, acting through Nurse Practitioner O'Hare, violated Pennsylvania's Child Protective Services Law, 23 Pa. C.S. §§ 6301 *et seq.* (in effect at the time of this incident), by failing to report suspected child abuse on or after December 29, 2017.

223. Defendant CHOP, acting through Nurse Practitioner O'Hare, violated 23 Pa. C.S. § 6311 of the Child Protective Services Law, when Nurse Practitioner O'Hare failed to report suspected physical abuse of A.A.E.

224. The purpose of 23 Pa. C.S. § 6311 is to protect minor individuals like, A.A.E. from physical and sexual abuse.

225. Defendant CHOP, acting through Nurse Practitioner O'Hare, further violated 23 Pa. C.S. § 6313 of the Child Protective Services Law, when Nurse Practitioner O'Hare failed to report suspected physical abuse of A.A.E.

226. The purpose of 23 Pa. C.S. § 6313 is to protect minor individuals like, A.A.E. from physical and sexual abuse.

227. Defendant CHOP, acting through Nurse Practitioner O'Hare, further violated 23 Pa. C.S. § 6314 of the Child Protective Services Law, when Nurse Practitioner O'Hare failed to send a summary or report of the December 29, 2017 photographs she took of A.A.E. at CHOP Cobbs Creek.

228. The purpose of 23 Pa. C.S. § 6314 is to protect minor individuals like, A.A.E. from physical and sexual abuse.

229. Defendant CHOP failed to comply with Pennsylvania's Child Protective Services Law in one or more of the following respects:

- a. Failing to make a report of suspected child abuse despite having reasonable cause to suspect that A.A.E. was a victim of child abuse;
- b. Failing to make an oral report to the Pennsylvania Department of Human Services;
- c. Failing to make a written report to the Pennsylvania Department of Human Services;
- d. Failing to send a summary or report of the December 29, 2017 photographs she took of A.A.E. at CHOP Cobbs Creek to the Pennsylvania Department of Human Services; and
- e. Failing to make a report of suspected child abuse, as required of a "mandated reporter."

230. As a direct result of the wrongful conduct of defendant as set forth above, A.A.E. was caused to suffer the above injuries.

V. CLAIM FOR RELIEF

As a direct and proximate result of Defendants' negligence and recklessness as set forth herein, Minor-Plaintiff A.A.E. was caused to suffer the injuries as described above.

WHEREFORE, Plaintiff respectfully demands compensatory damages against all Defendants for sums in excess of the local arbitration limits, exclusive of interest, prejudgment interest and costs.

Respectfully submitted,
KLINE & SPECTER, P.C.

BY: *David Williams*

Date: August 25, 2021

SHANIN SPECTER, ESQUIRE
DAVID C. WILLIAMS, ESQUIRE
AARON L. DUNBAR, ESQUIRE
Attorneys for Plaintiff

EXHIBIT A

KLINE & SPECTER, P.C.

By: SHANIN SPECTER, ESQ.

DAVID C. WILLIAMS, ESQ.

AARON L. DUNBAR, ESQ.

shanin.specter@klinespecter.com/I.D. No. 40928

david.williams@klinespecter.com/ I.D. No. 308745

aaron.dunbar@klinespecter.com/I.D. 317773

1525 Locust Street, Nineteenth Floor

Philadelphia, PA 19102

215-772-1000 phone/215-792-5508 fax

Attorneys for Plaintiff

**A.A.E., by her Adoptive Parent and Legal
Guardian, A.E.**

Plaintiff,

v.

**TABOR COMMUNITY PARTNERS, TABOR
CHILDREN'S SERVICES, INC., and TABOR
SERVICES, INC.**

Defendants.

**COURT OF COMMON PLEAS
PHILADELPHIA COUNTY**

APRIL TERM, 2020

NO.: 000517

JURY TRIAL DEMANDED

**CERTIFICATE OF MERIT AS TO DEFENDANT
CHILDREN'S HOSPITAL OF PHILADELPHIA**

I, David C. Williams, Esquire, certify that:

- an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;
AND/OR
- the claim that this defendant deviated from an acceptable professional standard is based on allegations that other licensed professionals for whom this defendant is responsible deviated from an acceptable professional standard and an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or

knowledge exercised or exhibited by the other licensed professionals in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

- ☐ expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against this defendant.

Respectfully submitted,

KLINE & SPECTER, P.C.

Date: August 25, 2021

By: *David Williams*
DAVID C. WILLIAMS, ESQUIRE
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I, David C. Williams, Esquire, hereby certify that the Stipulation to Amend Complaint was served upon the following via electronic notification and e-mail:

Suzanne M. Utke, Esquire
**WEBER GALLAGHER SIMPSON
STAPLETON FIRES & NEWBY LLP**
2000 Market Street, Suite 1300
Philadelphia, PA 19103

*Counsel for Defendants: Tabor Community Partners,
Tabor Children's Services, Inc. and Tabor Services, Inc.*

KLINE & SPECTER, P.C.

By: *David Williams*
DAVID C. WILLIAMS, ESQUIRE
Attorney for Plaintiff

Date: August 25, 2021