



THIS IS A MAJOR JURY MATTER

SCHATZ, STEINBERG & KLAYMAN

BY: Sean M. Fulmer, Esquire
Attorney I.D. No. 309245
By: Jonathan D. Rosenau, Esquire
Attorney I.D. No. 314288
1500 John F. Kennedy Boulevard
Suite 1300
Philadelphia, PA 19102
(215)845-0250

Attorney for Plaintiff

PHILLIP AUGUSTINE	:	COURT OF COMMON PLEAS
8325 Forrest Avenue	:	PHILADELPHIA COUNTY
Philadelphia, PA 19150,	:	
Plaintiff,	:	
	:	
v.	:	NO.
	:	
NORTHEAST TREATMENT	:	
2205 Bridge Street	:	
Philadelphia, PA 19137,	:	
and	:	
NORTHEAST TREATMENT	:	
CENTERS, INC.,	:	
7520 State Road, Suite E	:	
Philadelphia, PA 19136,	:	
and	:	
DENISE WEATHERS	:	
7520 State Road, Suite E	:	
Philadelphia, PA 19136,	:	
and	:	
RUSSELL COLLINS	:	
7520 State Road, Suite E	:	
Philadelphia, PA 19136,	:	
Defendants.	:	

CIVIL ACTION COMPLAINT
2M – Medical Malpractice

Case ID: 230101392

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
1101 Market Street
11th Floor
Philadelphia, PA 19107-2911
215-238-1701**

AVISO

La han demandado a usted en la corte. Si usted quiere defensora de estas demandas expuestas en la paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas or 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 notificación. Además, la corte puede decidir a favor del demandante y requiere que usted compla 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 ABODAGO INMEDIATAMENTE. SI NO TIENE ABODAGO O SINO 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.

**Philadelphia Bar Assoc.Lawyer Referral &
Information Service
1101 Market Street
11th Floor
Philadelphia, PA 19107-2911
215-238-1701**

CIVIL ACTION COMPLAINT
2M – Medical Malpractice

1. Plaintiff, Phillip Augustine, is an adult individual, residing at the above-captioned address.

2. Defendant, Northeast Treatment, is, based on information and belief, a corporate entity registered and existing under the laws of the Commonwealth of Pennsylvania with a registered place of business located at the above captioned address.

3. Defendant, Northeast Treatment Centers, Inc., is, based on information and belief, a corporate entity registered and existing under the laws of the Commonwealth of Pennsylvania with a registered place of business located at the above captioned address.

4. Defendant, Denise Weathers, is, based on information and belief, an adult individual who maintains a business address located at the above captioned address.

5. It is believed and therefore averred that at all times material hereto, Defendant Denise Weathers was the employee, agent, servant or ostensible agent, employee or servant of Defendant Northeast Treatment and/or Defendant Northeast Treatment Centers, Inc.

6. Defendant, Russell Collins, is, based on information and belief, an adult individual who maintains a business address located at the above captioned address.

7. It is believed and therefore averred that at all times material hereto, Defendant Russell Collins was the employee, agent, servant or ostensible agent, employee or servant of Defendant Northeast Treatment and/or Defendant Northeast Treatment Centers, Inc.

8. Defendants Northeast Treatment, Northeast Treatment Centers, Inc., Denise Weathers, and Russell Collins are hereinafter referred to as “Defendants” unless specifically referred to otherwise individually.

9. At all times material hereto, Defendants Northeast Treatment and Northeast

Treatment Centers, Inc., were engaged in the practice of medicine, caring for persons dealing with addiction treatment, trauma, or other psychological and/or psycho-social disorders and mental health treatment, and offered inpatient services to members of the public who were brought for admission and/or admitted to their respective facilities.

10. As such, Defendants Northeast Treatment and Northeast Treatment Centers, Inc., as well as all of their employees, agents, servants or ostensible agents, such as Defendants Denise Weathers and Russell Collins, were obliged to bring to bear in the practice of their profession, the professional skills, knowledge and care which they possessed, or purported to possess, and to pursue their profession in accordance with reasonably safe and acceptable standards of medicine, in general, and addiction treatment, trauma treatment, psychological treatment, and psycho-social treatment, and mental-health treatment, in particular.

11. At all times material hereto, a physician/patient relationship existed between Defendants, Denise Weathers, Russell Collins, Northeast Treatment, and Northeast Treatment Centers, Inc., and Plaintiff, Phillip Augustine.

12. Plaintiff is asserting a professional liability claim against Defendants, Denise Weathers, Russell Collins, Northeast Treatment, and Northeast Treatment Centers, Inc.

13. Consequently, Defendants, Northeast Treatment and Northeast Treatment Centers, Inc. are vicariously liable for any and all negligent acts and/or omissions committed by any and all persons, as well as any other real and/or ostensible agents, servants, and/or employees of their medical facilities who rendered medical care and/or failed to render the proper medical care to Plaintiff under and by virtue of the laws of agency of the Commonwealth of Pennsylvania, during Plaintiff's admission and expected in-patient stay which was to begin on November 1, 2021.

14. On November 1, 2021, at approximately 10:00 p.m., Plaintiff, then 31 years old,

was taken by his mother to Defendants Northeast Treatment and Northeast Treatment Centers, Inc. facility located at 499 N 5th Street, Philadelphia, PA 19123 to be admitted for treatment and in-patient care.

15. Defendants Denise Weathers and Russell Collins assisted Plaintiff and his mother, completed the intake and admission documents, and instructed Plaintiff's mother to leave the facility leaving Plaintiff in their professional care as Plaintiff was admitted upon completion of the intake forms.

16. Defendants noted that Plaintiff was "delusional" at the time of his intake and admission.

17. Defendants admitted Plaintiff to their facility beginning November 1, 2021, the same day he arrived.

18. Plaintiff was assigned a room at Defendants' facility.

19. After being admitted, and while still under the care, supervision, control, and custody of the Defendants, Defendants allowed Plaintiff to leave their facility shortly after 12:00 a.m. on November 2, 2021.

20. Defendants did not notify the Plaintiff's mother, family, or any other emergency contact on the intake forms or admission forms that Plaintiff had left.

21. Defendants did not notify any government authority or agency that Plaintiff had left their facility in a "delusional" state.

22. Defendants made no effort to secure and/or locate Plaintiff while in this "delusional" state.

23. On November 2, 2021, at approximately 12:34 a.m., Plaintiff, as a pedestrian, was struck by a tractor-trailer on Interstate 95 Northbound at Mile Marker 21.3

24. As a result, Plaintiff sustained severe and permanent injuries, including, but not limited to, cervical fractures, rib fractures, scapula fractures, kidney lacerations, metatarsal fractures, devascularization of left kidney, pancreatic laceration requiring a laparotomy, and permanent scarring over his body.

25. Had Defendants retained Plaintiff at their facility as agreed and scheduled after being assigned a room and admitted, the aforementioned accident would not have occurred.

26. This accident was caused solely from the negligence and carelessness of Defendants and was in no manner whatsoever due to any act of negligence on the part of Plaintiff.

COUNT I – MEDICAL NEGLIGENCE
PHILLIP AUGUSTINE V. DEFENDANTS NORTHEAST TREATMENT, NORTHEAST
TREATMENT CENTERS, INC., DENISE WEATHERS, AND RUSSELL COLLINS

27. Plaintiff, Phillip Augustine, hereby incorporates the preceding paragraphs as if same were set forth at length herein.

28. Defendants, Northeast Treatment, Northeast Treatment Centers, Inc., Denise Weathers, and Russell Collins, failed to properly treat, exercise due care and conform to the standards of reasonable and adequate medical care and treatment during Plaintiff's intake, admission, and care administered on November 1, 2022.

29. The negligence of Defendants, Northeast Treatment, Northeast Treatment Centers, Inc., Denise Weathers, and Russell Collins includes, but is not limited to, the following:

- a. failure to properly diagnose and treat Plaintiff's condition;
- b. failure to obtain adequate and necessary medical and other consultations;
- c. utilization of substandard admission and/or screening techniques in the admission and retention of Plaintiff;
- d. utilization of substandard intake techniques in the admission and retention of Plaintiff;
- e. failure to properly train employees in intake techniques used in the medical field;
- f. failure to properly train employees on admission techniques used in the medical field;

- g. failure to have policies and procedures in place regarding intake and admission of persons presenting for medical treatment;
- h. failing to have policies and procedures in place to protect, treat, monitor, and/or detain a patient after the completion of intake forms;
- i. failing to have policies and procedures in place to protect, treat, monitor, and/or detain a patient after being assigned a room;
- j. failing to ensure that all employees, agents, servants, and ostensible servants were able to implement the intake, admission, and retention policies and/or procedures;
- k. hiring and/or retaining employees who were not competent to perform the necessary functions of the intake, admission, and or/screening process of patients, such as Plaintiff;
- l. negligently supervising employees, agents, servants or ostensible servants who were responsible for the intake, admission, and or/screening process of patients, such as Plaintiff;
- m. failing to notify government and/or legal authorities when Plaintiff left and/or was instructed to leave the medical facility after admission;
- n. failure to notify Plaintiff's emergency contact and/or next of kin after Plaintiff left the medical facility;
- o. failure to make any effort to restrain, restrict, or otherwise prevent Plaintiff from leaving the medical facility after intake and/or admission;
- p. failure to treat Plaintiff's condition with appropriate medications for the appropriate course of time;
- q. failure to properly possess adequate medical skills, knowledge, experience and techniques for the proper treatment of Plaintiff's presenting condition;
- r. failure to properly possess adequate medical skills, knowledge, experience and techniques to determine the cause of Plaintiff's conditions;
- s. failure to properly conform to accepted standards of medical practice and care in the diagnosis, treatment and medical management of Plaintiff;
- t. failure to properly conform to accepted standards of medical care in allowing a person known to be suffering from psychological and/or mental disorders to leave after being admitted to an in-patient facility

30. Due to all foregoing, Plaintiff suffered severe, permanent, and disabling personal injuries to the bones, muscles, nerves, tendons, tissues, discs, and blood vessels of his body as well as severe emotional upset, any and all of which are or may be permanent and all of which caused him great physical pain and mental anguish, with respect to the following, including but not limited to: cervical fractures, rib fractures, scapula fractures, kidney lacerations, metatarsal fractures, devascularization of left kidney, pancreatic laceration requiring a laparotomy, and permanent scarring over his body, internal injuries of an unknown nature, severe aches, pains, mental anxiety

and anguish, severe shock to his entire nervous system, exacerbation of all known and unknown pre-existing medical conditions, if any, and other injuries that will represent a permanent and substantial impairment of Plaintiff's bodily functioning that substantially impairs Plaintiff's ability to perform his daily life activities, and the full extent of which is not yet known.

31. As a further result of the said accident, Plaintiff has suffered severe pain, mental anguish, humiliation, and embarrassment and he will continue to suffer same for an indefinite period of time in the future.

32. As a further result of the said accident, Plaintiff has and will probably in the future, be obliged to receive and undergo medical attention, which was or will be reasonable and necessary arising from the aforesaid accident and will otherwise incur various expenditures for the injuries he has suffered.

33. As a further result of the said accident, Plaintiff has incurred medical expenses that were reasonable, necessary, and causally related to the aforesaid accident as a result of the injuries he sustained in this accident.

34. As a further result of the said accident, Plaintiff has been unable to attend to his daily chores, duties, and occupations, and he will be unable to do so for an indefinite time in the future, all to his great financial detriment and loss.

35. As a further result of the said accident, Plaintiff has and will suffer severe loss of his earnings and/or impairment of his earning capacity.

WHEREFORE, Plaintiff, Phillip Augustine, demands judgment in his favor and against Defendants Northeast Treatment, Northeast Treatment Centers, Inc., Denise Weathers, and Russell Collins, for a sum in excess of Fifty Thousand Dollars (\$50,000.00), together with interest and costs of suit.

COUNT II – VICARIOUS NEGLIGENCE
PHILLIP AUGUSTINE V. NORTHEAST TREATMENT AND NORTHEAST
TREATMENT CENTERS, INC.

36. Plaintiff, Phillip Augustine, hereby incorporates the preceding paragraphs as if same were set forth at length herein.

37. The vicarious negligence of Defendants, Northeast Treatment and Northeast Treatment Centers, Inc., includes, but is not limited to, the following:

- a. failure to properly diagnose and treat Plaintiff's condition;
- b. failure to obtain adequate and necessary medical and other consultations;
- c. utilization of substandard admission and/or screening techniques in the admission and retention of Plaintiff;
- d. utilization of substandard intake techniques in the admission and retention of Plaintiff;
- e. failure to properly train employees in intake techniques used in the medical field;
- f. failure to properly train employees on admission techniques used in the medical field;
- g. failure to have policies and procedures in place regarding intake and admission of persons presenting for medical treatment;
- h. failing to ensure that all employees, agents, servants, and ostensible servants were able to implement the intake, admission, and retention policies and/or procedures;
- i. hiring and/or retaining employees who were not competent to perform the necessary functions of the intake, admission, and or/screening process of patients, such as Plaintiff;
- j. negligently supervising employees, agents,. Servants or ostensible servants who were responsible for the intake, admission, and or/screening process of patients, such as Plaintiff;
- k. failing to notify government and/or legal authorities when Plaintiff left and/or was instructed to leave the medical facility after admission;
- l. failure to notify Plaintiff's emergency contact and/or next of kin after Plaintiff left the medical facility;
- m. failure to make any effort to restrain, restrict, or otherwise prevent Plaintiff from leaving the medical facility after intake and/or admission;
- n. failure to treat Plaintiff's condition with appropriate medications for the appropriate course of time;
- o. failure to properly possess adequate medical skills, knowledge, experience and techniques for the proper treatment of Plaintiff's presenting condition;
- p. failure to properly possess adequate medical skills, knowledge, experience and techniques to determine the cause of Plaintiff's conditions;
- q. failure to properly conform to accepted standards of medical practice and care in the diagnosis, treatment and medical management of Plaintiff;

- r. failure to properly conform to accepted standards of medical care in allowing a person known to be suffering from psychological and/or mental disorders to leave after being admitted to an in-patient facility

38. Due to all foregoing, Plaintiff suffered severe, permanent, and disabling personal injuries to the bones, muscles, nerves, tendons, tissues, discs, and blood vessels of his body as well as severe emotional upset, any and all of which are or may be permanent and all of which caused him great physical pain and mental anguish, with respect to the following, including but not limited to: cervical fractures, rib fractures, scapula fractures, kidney lacerations, metatarsal fractures, devascularization of left kidney, pancreatic laceration requiring a laparotomy, and permanent scarring over his body, internal injuries of an unknown nature, severe aches, pains, mental anxiety and anguish, severe shock to his entire nervous system, exacerbation of all known and unknown pre-existing medical conditions, if any, and other injuries that will represent a permanent and substantial impairment of Plaintiff's bodily functioning that substantially impairs Plaintiff's ability to perform his daily life activities, and the full extent of which is not yet known.

39. As a further result of the said accident, Plaintiff has suffered severe pain, mental anguish, humiliation, and embarrassment and he will continue to suffer same for an indefinite period of time in the future.

40. As a further result of the said accident, Plaintiff has and will probably in the future, be obliged to receive and undergo medical attention, which was or will be reasonable and necessary arising from the aforesaid accident and will otherwise incur various expenditures for the injuries he has suffered.

41. As a further result of the said accident, Plaintiff has incurred medical expenses that were reasonable, necessary, and causally related to the aforesaid accident as a result of the injuries he sustained in this accident.

42. As a further result of the said accident, Plaintiff has been unable to attend to his daily chores, duties, and occupations, and he will be unable to do so for an indefinite time in the future, all to his great financial detriment and loss.

43. As a further result of the said accident, Plaintiff has and will suffer severe loss of his earnings and/or impairment of his earning capacity.

WHEREFORE, Plaintiff, Phillip Augustine, demands judgment in his favor and against Defendants Northeast Treatment, Northeast Treatment Centers, Inc., Denise Weathers, and Russell Collins, for a sum in excess of Fifty Thousand Dollars (\$50,000.00), together with interest and costs of suit.

SCHATZ, STEINBERG & KLAYMAN

By: /s/ Jonathan D. Rosenau
Jonathan D. Rosenau (PA ID 314288)
Attorney for Plaintiff

Date: January 16, 2023

VERIFICATION

The Undersigned, having read the attached Complaint verifies that the within pleading is based on information furnished to counsel, and which information has been gathered by counsel in the course of investigating this claim. The language of the Complaint is that of counsel and not of signer. Signer verifies that he has read the within Complaint and that it is true and correct to the best of the signer's knowledge, information and belief. To the extent that the contents of the pleading are that of counsel, verifier has relied upon counsel in taking this Verification. This Verification is made subject to the Penalties of 18 Pa. C.S.A. § 4904, relating to unsworn falsification to authorities.



Phillip Augustine (Jan 14, 2023 10:23 EST)

PHILLIP AUGUSTINE