

KLINE & SPECTER, P.C.

By: NADEEM A. BEZAR, ESQUIRE
NATHAN N. ORIAN, ESQUIRE
Atty. ID. Nos.: 63577/330459

1525 Locust Street, 14th Floor
Philadelphia, PA 19102
(215) 772-1000



WILLIAM A. CALANDRA, ESQUIRE,	:	COURT OF COMMON PLEAS
Administrator of the Estate of M.W., a minor	:	PHILADELPHIA COUNTY
100 South Broad Street, Suite 1419	:	JURY TRIAL DEMANDED
Philadelphia, PA 19002	:	
	:	
<i>Plaintiff,</i>	:	CIVIL DIVISION
	:	JUNE TERM, 2022
v.	:	
	:	
NORTHEAST TREATMENT CENTERS, INC.	:	NO.: 00348
499 N. 5th Street	:	
Suite A	:	
Philadelphia, PA 19123	:	
	:	
and	:	
	:	
NET TREATMENT SERVICES, INC.	:	
d/b/a/ NET COMMUNITY CARE	:	
499 N. 5th Street	:	
Suite A	:	
Philadelphia, PA 19123	:	
	:	
and	:	
	:	
CHILDREN'S CHOICE, INC.	:	
1 Winding Drive, Suite 102	:	
Philadelphia, PA 19131	:	
	:	
	:	
<i>Defendants.</i>	:	

NOTICE

NOTICE TO DEFEND

ADVISO

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

Le han demandado en corte. Si usted quiere defenderse contra las demandas nombradas en las paginas siguientes, tiene veinte (20) dias a partir de recibir esta demanda y notificacion para entablar personalmente o por un abogado una comparecencia escrita y tambien para entablar con la corte en forma escrita sus defensas y objeciones a las demandas contra usted. Sea avisado que si usted no se defiende, el caso puede continuar sin usted y la corte puede incorporar un juicio contra usted sin previo aviso para conseguir el dinero demandado en el pleito o para conseguir cualquier otra demanda o alivio solicitados por el demandante. Usted puede perder dinero o propiedad u otros derechos importantes para usted.

USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE ABOGADO (O NO

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

THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYERS REFERENCE SERVICE
One Reading Center
Philadelphia, PA 19107
(215) 238-6333, TTY(215) 451-6197

TIENE DINERO SUFICIENTE PARA PAGAR A UN ABOGADO), VAYA EN PERSONA O LLAME POR TELEFONO LA OFICINA NOMBRADA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL. ESTA OFICINA PUEDE PROPORCIONARLE LA INFORMACION SOBRE CONTRATAR A UN ABOGADO.

SI USTED NO TIENE DINERO SUFICIENTE PARA PAGAR A UN ABOGADO, ESTA OFICINA PUEDE PROPORCIONARLE INFORMACION SOBRE AGENCIAS QUE OFRECEN SERVICIOS LEGALES A PERSONAS QUE CUMPLEN LOS REQUISITOS PARA UN HONORARIO REDUCIDO O NINGUN HONORARIO.

SERVICIO de REFERENCIA LEGAL
Uno Reading Centro
Filadelfia, PA 19107
Telefono: (215) 238-6333, TTY(215) 451-6197

KLINE & SPECTER, P.C.

By: NADEEM A. BEZAR, ESQUIRE
NATHAN N. ORIAN, ESQUIRE
Atty. ID. Nos.: 63577/330459
1525 Locust Street, 14th Floor
Philadelphia, PA 19102
(215) 772-1000

Attorneys for Plaintiff

WILLIAM A. CALANDRA, ESQUIRE,	:	COURT OF COMMON PLEAS
Administrator of the Estate of M.W., a minor	:	PHILADELPHIA COUNTY
100 South Broad Street, Suite 1419	:	JURY TRIAL DEMANDED
Philadelphia, PA 19002	:	
	:	
<i>Plaintiff,</i>	:	CIVIL DIVISION
v.	:	JUNE TERM, 2022
	:	
	:	
NORTHEAST TREATMENT CENTERS, INC.	:	NO.: 00348
499 N. 5th Street	:	
Suite A	:	
Philadelphia, PA 19123	:	
	:	
and	:	
	:	
	:	
NET TREATMENT SERVICES, INC.	:	
d/b/a/ NET COMMUNITY CARE	:	
499 N. 5th Street	:	
Suite A	:	
Philadelphia, PA 19123	:	
	:	
and	:	
	:	
	:	
CHILDREN'S CHOICE, INC.	:	
1 Winding Drive, Suite 102	:	
Philadelphia, PA 19131	:	
	:	
	:	
<i>Defendants.</i>	:	

FIRST AMENDED COMPLAINT

THE PARTIES

1. Minor-Decedent M.W., born February 25, 2020, died at only five-months-old on August 03, 2020, as the result of Defendants' negligence, as described more fully herein.
2. William A. Calandra, Esquire, is an adult individual who is a citizen of the Commonwealth of Pennsylvania and maintains a law office at 100 South Broad St., Suite 1419,

Philadelphia, Pennsylvania 19002. Mr. Calandra was appointed the Administrator of the Estate for Minor-Decedent M.W.

3. Defendant Northeast Treatment Centers, Inc. (hereinafter referred to as “NET”) is a non-profit 501(c)(3) corporation existing under and by virtue of the laws of the Commonwealth of Pennsylvania with a registered office address 499 N. 5th Street, Suite A, Philadelphia, Pennsylvania 19123. Defendant NET regularly conducts business in Philadelphia County, Pennsylvania.

4. Defendant NET Treatment Services, Inc. (hereinafter referred to as “NTSI”) is a non-profit 501(c)(3) corporation existing under and by virtue of the laws of the Commonwealth of Pennsylvania with a registered office address 499 N. 5th Street, Suite A, Philadelphia, Pennsylvania 19123. Defendant NTSI regularly conducts business in Philadelphia County, Pennsylvania.

5. At all material times hereto, Defendant NET was a parent entity, parent corporation, associated or affiliated corporation, member corporation and/or subsidiary corporation of Defendant NTSI.

6. At all material times hereto, Defendant NTSI was a parent entity, parent corporation, associated or affiliated corporation, member corporation and/or subsidiary corporation of Defendant NET.

7. Defendant Children’s Choice, Inc. (hereinafter referred to as “Children’s Choice”) is a non-profit 501(c)(3) corporation existing under and by virtue of the laws of the Commonwealth of Pennsylvania with a registered office address 1 Winding Drive, Suite 102, Philadelphia, Pennsylvania 19131. Defendant Children’s Choice regularly conducts business in Philadelphia County, Pennsylvania.

8. At all material times hereto, Defendant NET was acting by and through its employees, servants, and/or actual or apparent agents including but not limited to caseworkers, social workers, supervisors, therapists, and counselors to provide services to Minor-Decedent M.W. Accordingly, Defendant NET is liable for the acts and/or admissions of its employees, servants, and/or actual or apparent agents, including but not limited to caseworkers, social workers, supervisors, therapists, and counselors which occurred in the course of providing services to Minor-Decedent M.W. under theories of agency, master-servant, *respondeat superior*, and/or right of control.

9. At all material times hereto, Defendant NTSI was acting by and through its employees, servants, and/or actual or apparent agents including but not limited to caseworkers, social workers, supervisors, therapists, and counselors to provide services to Minor-Decedent M.W. Accordingly, Defendant NTSI is liable for the acts and/or admissions of its employees, servants, and/or actual or apparent agents, including but not limited to caseworkers, social workers, supervisors, therapists, and counselors which occurred in the course of defendants providing services to Minor-Decedent M.W. under theories of agency, master-servant, *respondeat superior*, and/or right of control.

10. At all material times hereto, Defendant Children's Choice was acting by and through its employees, servants, and/or actual or apparent agents including but not limited to caseworkers, social workers, supervisors, therapists, and counselors to provide services to Minor-Decedent M.W. Accordingly, Defendant Children's Choice is liable for the acts and/or admissions of its employees, servants, and/or actual or apparent agents, including but not limited to caseworkers, social workers, supervisors, therapists, and counselors which occurred in the course of defendants providing services to Minor-Decedent M.W. under theories of agency, master-servant, *respondeat superior*, and/or right of control.

11. There may be other employees or agents of Defendant NET, of Defendant NTSI, and/or of Defendant Children's Choice with responsibilities for the care and safety of Minor-Decedent M.W., whose actions and/or omissions contributed to the injuries and damages suffered by Minor-Decedent M.W. The identities of such persons will be discerned through discovery and such persons will be joined as defendants, if and when appropriate.

STATEMENT OF FACTS

12. The proceeding paragraphs are hereby incorporated by reference as if fully set forth herein.

13. The City of Philadelphia established the Department of Human Services, Children and Youth Division (hereinafter "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.

14. Under the 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 NET, NTSI, and/or Children's Choice to provide services to children.

15. At all material times hereto, Defendants NET, NTSI, and/or Children's Choice were retained by DHS to provide services to Minor-Decedent M.W.

16. In November 2019, Minor-Decedent M.W.'s family became known to DHS due to concerns of abuse and neglect in his parents' home.

17. On November 12, 2019, DHS referred the family for Community Umbrella Agency ("CUA") services through Defendants NET and NTSI (collectively, "NETC").

18. NETC was retained to provide In-Home Services ("IHS") to ensure the safety and well-being of all children in the family.

19. On February 25, 2020, Minor-Decedent M.W. was born at the Temple University Hospital in Philadelphia, Pennsylvania.

20. NETC was aware that Minor-Decedent M.W. was medically fragile. The child was born prematurely, weighed just two-pounds and five-ounces, and tested positive for Phencyclidine (PCP).

21. Minor-Decedent M.W. was eventually discharged from the hospital. Based on information and belief, M.W. was still medically fragile but, with proper care, he was capable of living a long life.

22. Minor-Decedent M.W. required specialized medical care for his health issues—he had breathing issues and required a feeding tube.

23. Defendant Children’s Choice was retained to provide foster care services to Minor-Decedent M.W.

24. Based on information and belief, NETC and Children’s Choice were aware that Minor-Decedent M.W.’s feeding tube fell out when not appropriately monitored.

25. Defendants NETC and Children’s Choice had to train caregivers in the proper medical care for Minor-Decent M.W., prior to placing him in a foster home.

26. Initially, NETC placed Minor-Decedent M.W. in a medically appropriate foster home run by Children’s Choice.

27. However, in July 2020, NETC stunningly allowed Minor-Decedent M.W. to be moved to a home that was not capable of caring for his medical needs.

28. Children’s Choice approved Minor-Decedent M.W.’s move to a home that was not capable of caring for his medical needs.

29. Based on information and belief, Minor-Decedent was moved to a respite home.

30. Respite homes are temporary placements for children in the child welfare system for instances when a primary caregiver cannot provide care.

31. Defendants Children's Choice and NETC had to ensure that respite homes were properly trained, screened, and approved before providing services to children. The process of training, screening, and approval is even more stringent in cases where a child has elevated medical needs, like Minor-Decedent M.W.

32. Minor-Decedent M.W. was moved to a respite home that was not properly trained, screened, or approved for his medical needs.

33. Without proper medical oversight, M.W. died on August 03, 2020, at just five-months-old.

34. Defendants NETC and Children's Choice knew or should have known that Minor-Decedent M.W. required constant medical supervision.

35. Defendants NETC and Children's Choice failed to adequately communicate Minor-Decedent M.W.'s medical requirements to each adult responsible for his care.

36. Defendants NETC and Children's Choice did not properly investigate and reinvestigate, Minor-Decedent M.W.'s foster homes.

37. Defendants NETC and Children's Choice did not ensure that Minor-Decedent M.W. had proper medical care.

38. Defendants NETC and Children's Choice did not ensure that Minor-Decedent M.W. was **always** placed in trained medical foster homes.

39. Defendants NETC and Children's Choice failed to train Minor-Decedent M.W.'s caregivers on his medical needs.

40. Defendants NETC and Children's Choice failed to monitor, supervise, and investigate Minor-Decedent M.W. living situations.

41. Defendants NETC and Children's Choice's actions allowed Minor-Decedent M.W. to be in the physical custody of individuals who were unable to care for him.

42. Defendants NETC's failed to initiate Minor-Decedent M.W.'s removal from inappropriate and medically unequipped caregivers.

43. Defendants NETC and Children's Choice failed to communicate with each other about Minor-Decedent M.W.

44. Defendants NETC and Children's Choice failed to communicate with DHS about Minor-Decedent M.W.

45. Despite actual and/or constructive knowledge of the dangers to M.W. if he was not properly supervised, Defendants NETC and Children's Choice failed to take actions to ensure his supervision by medically trained and certified caregivers.

46. Based on information and belief, NETC failed to follow CUA visitation guidelines.

47. By their negligent performance of CUA services and IHS duties, Defendants NETC allowed for the circumstances that caused M.W.'s death.

48. But for the acts and omissions of Defendants NETC, Children's Choice, and their agents, including caseworkers, social workers, supervisors, therapists, and counselors Minor-Decedent M.W. would not have died.

49. The aforementioned incidents were caused solely and exclusively by the negligence of Defendants NETC and Children's Choice, individually, and by and through their employees and/or agents. In no manner was it due to any fact or failure to act on the part of Minor-Decedent M.W.

COUNT I – NEGLIGENCE

WILLIAM A. CALANDRA, ESQ. Administrator of the Estate of

M.W., DECEASED v. DEFENDANTS NORTHEAST TREATMENT CENTERS, INC.
and NET TREATMENT SERVICES, INC.

50. The proceeding paragraphs are hereby incorporated by reference as if fully set forth herein.

51. The negligence of Defendants NETC, individually and by and through their employees, servants, and/or agents, actual or apparent, including, but not limited to, caseworkers, social workers, supervisors, therapists, and counselors consisted of the following:

- a. Failing to properly investigate, evaluate, and reevaluate the fitness of the foster homes providing services to Minor-Decedent M.W.;
- b. Failing to maintain adequate supervision and inspection of the foster homes during M.W.'s life;
- c. Failing to act on identified safety threats;
- d. Failing to properly train, manage, and supervise their employees as to the appropriate policies to be followed in providing In-Home Services;
- e. Failing to provide a proper safety plan for M.W.'s medical needs;
- f. Failing to adequately communicate with M.W.'s caregivers about his medical requirements;
- g. Failing to communicate sufficiently with Defendant Children's Choice;
- h. Failing to properly train Minor-Decedent M.W.'s caregivers on his specific medical needs;
- i. Failing to ensure each home where M.W. resided was properly medically certified and/or trained;
- j. Failing to ensure that Minor-Decedent had appropriate caregiver supervision;
- k. Failing to appropriately supervise Minor-Decedent M.W.'s caregivers;
- l. Failing to appropriately instruct caregivers on medical care required by Minor-Decedent M.W.;
- m. Negligently providing In-Home Services;
- n. Failing to follow CUA Guidelines in delivery of services to Minor-Decedent;

- o. Failing to properly monitor and/or supervise the actions of any subordinate employees or agents of Defendants NETC for whom they bear supervisory responsibilities and whose actions or inactions contributed to M.W.'s death;
- p. Failing to identify and act upon dangerous living conditions that created harm to Minor-Decedent M.W.;
- q. Failing to oversee the training, screening, and approval of respite care providers for Minor-Decedent M.W.;
- r. Negligently allowing Minor-Decedent to be moved to a respite caregiver that was not properly trained or approved for his specific medical needs;
- s. Failing to notify county, state, and federal authorities that Minor-Decedent M.W. was in a dangerous home—that was not able to meet his medical needs;
- t. Failing to notify county, state, and federal authorities that Minor-Decedent M.W. was in a home that was not in compliance with the rules, policies, practices, and/or procedures established by DHS;
- u. Negligently allowing Minor-Decedent M.W. to be placed in a home that was not medically appropriate;
- v. Failing to remove Minor-Decedent from the inappropriate and dangerous home;
- w. Failing to properly inspect M.W.'s foster homes during his life;
- x. Failing to take immediate steps to protect Minor-Decedent while in the residence of a caregiver who was unable to provide appropriate medical supervision;
- y. Failing to evaluate Minor-Decedent's physical wellbeing while in their care;
- z. Failing to prevent M.W.'s death; and
- aa. Violating the principles of the Restatement (Second) of Torts § 323.

52. As a direct result of Defendants NETC's negligence, Minor-Decedent M.W. lost his life at only five-months of age.

WHEREFORE, Plaintiff demands judgment in his favor and against Defendants NETC and demands compensatory damages in excess of Fifty Thousand (\$50,000.00) Dollars exclusive of prejudgment interest, costs, and damages for pre-judgment delay.

COUNT II – NEGLIGENCE

WILLIAM A. CALANDRA, ESQ. Administrator of the Estate of
M.W., DECEASED v. DEFENDANT CHILDREN'S CHOICE, INC.

53. The proceeding paragraphs are hereby incorporated by reference as if fully set forth herein.

54. At all times material hereto, Defendant Children's Choice had a duty to act in accordance with the standard of care required of foster family care agencies per Title 55 Chapter 3700.64 of the Pennsylvania Code and under the Child Protective Services Law, 23 Pa. C.S. § 6344.

55. At a minimum, Title 55 Chapter 3700.64 and 23 Pa. C.S. § 6344 requires that a foster agency shall consider the following when assessing the ability of applicants for approval as foster parents:

(i) The ability to provide care, nurturing and supervision to children.

(ii) Mental and emotional well-being. If there is a question regarding the mental or emotional stability of a family member which might have a negative effect on a foster child, the foster family care agency shall require a psychological evaluation of that person before approving the foster family home.

(iii) Supportive community ties with family, friends, neighbors.

(iv) Existing family relationships, attitudes, and expectations regarding the applicant's own children and parent/child relationships, especially as they might affect a foster child.

(v) Ability of the applicant to accept a foster child's relationship with his own parents.

(vi) The applicant's ability to care for children with special needs.

(vii) Number and characteristics of foster children best suited to the foster family.

(viii) Ability of the applicant to work in partnership with a foster family care agency.

56. Defendant Children's Choice failed to ensure that each foster home was able to care for Minor-Decedent M.W.'s special medical needs.

57. Further, the negligence of Defendant Children's Choice, individually and by and through their employees, servants, and/or agents, actual or apparent, including, but not limited to, caseworkers, social workers, supervisors, therapists, and counselors consisted of the following:

- a. Failing to properly investigate, evaluate, and reevaluate the fitness of the foster homes providing services to Minor-Decedent M.W.;
- b. Failing to maintain adequate supervision and inspection of the foster homes during M.W.'s life;
- c. Failing to act on identified safety threats;
- d. Failing to properly train, manage, and supervise their employees as to the appropriate policies to be followed in providing foster care services;
- e. Failing to provide a proper safety plan for M.W.'s medical needs;
- f. Failing to adequately communicate with M.W.'s caregivers about his medical requirements;
- g. Failing to adequately communicate with Defendants NETC about Minor-Decedent M.W.;
- h. Failing to sufficiently consult with Defendants NETC prior to moving Minor-Decedent M.W. to new caregivers and homes;
- i. Failing to sufficiently consult with DHS prior to moving Minor-Decedent M.W. to new caregivers and homes;
- j. Failing to properly train Minor-Decedent M.W.'s caregivers on his specific medical needs;
- k. Failing to ensure each home where M.W. resided was properly medically certified and/or trained;
- l. Failing to implement safe policies and procedures that approved the homes where Minor-Decedent resided;
- m. Failing to ensure that Minor-Decedent had appropriate caregiver supervision;

- n. Failing to appropriately supervise Minor-Decedent M.W.'s caregivers;
- o. Failing to appropriately instruct caregivers on medical care required by Minor-Decedent M.W.;
- p. Negligently allowing Minor-Decedent M.W. to be moved to a home that was unequipped to care for his medical needs;
- q. Failing to oversee the training, screening, and approval of respite care providers for Minor-Decedent M.W.;
- r. Negligently allowing Minor-Decedent to be moved to a respite caregiver that was not properly trained or approved for his specific medical needs;
- s. Failing to properly monitor and/or supervise the actions of any subordinate employees or agents of Defendant Children's Choice for whom they bear supervisory responsibilities and whose actions or inactions contributed to M.W.'s death;
- t. Failing to identify and act upon dangerous living conditions that created harm to Minor-Decedent M.W.;
- u. Failing to notify county, state, and federal authorities that Minor-Decedent M.W. was in a dangerous home—that was not able to meet his medical needs;
- v. Failing to notify county, state, and federal authorities that Minor-Decedent M.W. was in a home that was not in compliance with the rules, policies, practices, and/or procedures established by DHS;
- w. Failing to remove Minor-Decedent from the inappropriate and dangerous home;
- x. Failing to properly inspect M.W.'s foster homes during his life;
- y. Failing to take immediate steps to protect Minor-Decedent while in the residence of a caregiver who was unable to provide appropriate medical supervision;
- z. Failing to evaluate Minor-Decedent's physical wellbeing while in their care;
- aa. Failing to prevent M.W.'s death; and
- bb. Violating the principles of the Restatement (Second) of Torts § 323.

58. As a direct result of Children Choice's negligence, Minor-Decedent M.W. lost his life at only five-months of age.

WHEREFORE, Plaintiff demands judgment in his favor and against Defendant Children's Choice and demands compensatory damages in excess of Fifty Thousand (\$50,000.00) Dollars exclusive of prejudgment interest, costs, and damages for pre-judgment delay.

COUNT III – WRONGFUL DEATH

**WILLIAM A. CALANDRA, ESQ. Administrator of the Estate of
M.W., MINOR, DECEASED v. DEFENDANTS NORTHEAST TREATMENT
CENTERS, INC., NET TREATMENT SERVICES, INC., and CHILDREN'S
CHOICE, INC.**

59. The proceeding paragraphs are hereby incorporated by reference as if fully set forth herein.

60. As a result of the negligence of Defendants NETC, Children's Choice, and their agents, servants and/or employees, Minor-Decedent M.W. died on August 03, 2020.

61. Plaintiff William A. Calandra, Esquire, was appointed Administrator of the Estate of M.W. in Philadelphia County, Pennsylvania.

62. Plaintiff William A. Calandra, Esquire, as Administrator of the Estate of M.W. a minor, deceased, brings this action on behalf of the Wrongful Death beneficiaries of M.W., in accordance with the Pennsylvania Wrongful Death Act, 42 Pa.C.S. § 8301.

63. Plaintiff William A. Calandra, Esquire, on behalf of the beneficiaries of the Estate of M.W., claims all damages recoverable under the Wrongful Death Act, including the pecuniary value of the support, services, and comfort that the decedent would have provided his family had he lived as well for reimbursement of medical expenses, funeral expenses, and other expenses incurred in connection with his death.

64. As a direct and proximate result of Defendants NETC and Children's Choice's negligence as set forth above, M.W.'s Wrongful Death beneficiaries suffered, are suffering, and will, for an indefinite period of time in the future, suffer damages, injuries, and losses including,

but not limited to, a loss of financial support, and the beneficiaries have been wrongfully deprived of the contributions they would have received from him, including monies which he would have provided for items such as clothing, food, shelter, medical care, education, entertainment, recreation, and gifts.

65. As a direct and proximate result of Defendants' negligence as set forth above, M.W.'s beneficiaries have been caused to incur and pay various expenses for funeral and other expenses related to his death, for which Plaintiff is entitled to compensation.

WHEREFORE Plaintiff demands judgment in his favor and against Defendants NETC and Children's Choice and demands compensatory damages in excess of Fifty Thousand (\$50,000.00) Dollars exclusive of prejudgment interest, costs, and damages for pre-judgment delay.

COUNT IV – SURVIVAL ACT

WILLIAM A. CALANDRA, ESQ. Administrator of the Estate of
M.W., MINOR DECEASED v. DEFENDANTS NORTHEAST TREATMENT CENTERS,
INC., NET TREATMENT SERVICES, INC., and CHILDREN'S CHOICE, INC.

66. The proceeding paragraphs are hereby incorporated by reference as if fully set forth herein.

67. Plaintiff William A. Calandra, Esquire, as Administrator of the Estate of M.W., a minor, deceased, also brings this action on behalf of the said Decedent's Estate in accordance with the Pennsylvania Judiciary Act, 42 Pa.C.S. § 8302, known as the Survival Statute.

68. All persons entitled to share in the Estate are the survivors of the Decedent in accordance with the Survival Statute, 42 Pa.C.S. § 8302.

69. As a direct and proximate cause of Defendants NETC and Children's Choice's negligence as set forth above, M.W. suffered extreme pain and suffering, for which Plaintiff makes this claim.

70. As a direct and proximate cause of Defendants NETC and Children's Choice's negligence as set forth above, M.W. suffered extreme mental anguish.

71. As a direct and proximate cause of Defendants NETC and Children's Choice's negligence as set forth above, M.W. was caused to sustain serious, disabling, and permanent injuries and death.

72. Plaintiff William A. Calandra, Esquire, as Administrator of the Estate of M.W. claims on behalf of the Decedent's Estate all damages recoverable under the Survival Act, including damages for the conscious pain and suffering undergone by Decedent as the result of Defendants NETC and Children's Choice's negligence up to and including the time of his death; the net amount of money the Decedent would have earned between the date of his death and today and the amount of money Decedent would have earned between today and the end of his life expectancy.

WHEREFORE Plaintiff demands judgment in his favor and against Defendants NETC and Children's Choice and demands compensatory damages in excess of Fifty Thousand (\$50,000.00) Dollars exclusive of prejudgment interest, costs, and damages for pre-judgment delay.

KLINE & SPECTER, P.C.

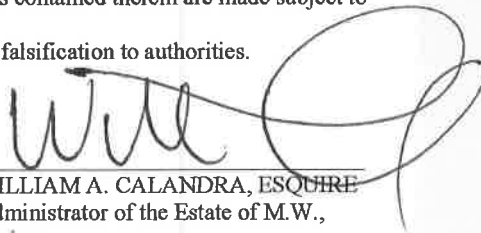


NADEEM A. BEZAR, ESQUIRE
NATHAN N. ORIAN, ESQUIRE
Attorneys for Plaintiff

VERIFICATION

I, William A. Calandra, Esquire, hereby state that I am the Administer of the Estate of M.W., a minor, and I am authorized to take this Verification. I hereby verify that I have reviewed the foregoing *First Amended Complaint*, which was prepared with the assistance of counsel, and that while I do not have personal knowledge of all of the facts and representations therein, the averments appear to be true and correct to the best of my knowledge, information, and belief.

The undersigned understands that the statements contained therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read 'W. Calandra', with a large, stylized flourish extending to the right.

WILLIAM A. CALANDRA, ESQUIRE
Administrator of the Estate of M.W.,
a minor.