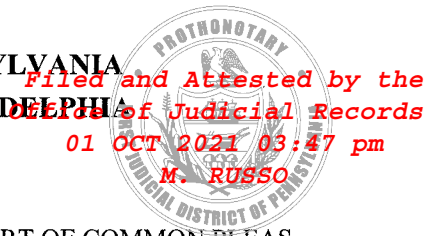


**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA**



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

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

Plaintiffs,

v.

Tabor Community Partners,
Tabor Children's Services, Inc., and
Tabor Services, Inc.

APRIL TERM, 2020

NO. 0517

Defendants,

v.

Courtney Logan, and
Russell Watson,

Additional Defendants.

NOTICE TO DEFEND

NOTICE

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

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

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

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta ascantar 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. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

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

Asociacion De Licenciados
De Filadelfia
Servicio De Referencia E
Informacion Legal
One Reading Center
Filadelfia, Pennsylvania 19107
(215) 238-6333
TTY (215) 451-6197

WEBER GALLAGHER SIMPSON
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**Attorneys for Defendants,
Tabor Community Partners,
Tabor Children's Services, Inc.,
and Tabor Services, Inc.**

A.A.E., by her Adoptive Parent	:	COURT OF COMMON PLEAS
and Legal Guardian, A.E.	:	PHILADELPHIA COUNTY
	:	
Plaintiffs,	:	APRIL TERM, 2020
	:	
vs.	:	NO. 0517
	:	
TABOR COMMUNITY PARTNERS,	:	
TABOR CHILDREN'S SERVICES, INC., and	:	
TABOR SERVICES, INC.	:	
	:	
Defendants,	:	
	:	
vs.	:	
	:	
COURTNEY LOGAN, AND	:	
RUSSELL WATSON,	:	
	:	
Additional Defendants.	:	

**JOINDER COMPLAINT OF DEFENDANTS / JOINDER PLAINTIFFS,
TABOR COMMUNITY PARTNERS, TABOR CHILDREN'S SERVICES, INC.,
and TABOR SERVICES, INC., AGAINST ADDITIONAL DEFENDANTS,
COURTNEY LOGAN AND RUSSELL WATSON**

Defendants/ Joinder Plaintiffs, Tabor Community Partners, Tabor Children's Services, Inc., and Tabor Services, Inc., by and through their counsel at Weber Gallagher Simpson Stapleton Fires & Newby, LLP, hereby pleads this Joinder Complaint against Additional Defendants, Courtney Logan and Russell Watson, and in support of therefore, aver as follows:

THE PARTIES

1. Defendant, Tabor Community Partners (hereinafter “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.

2. Defendant, Tabor Children’s Services, Inc. (hereinafter “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.

3. Defendant, Tabor Services, Inc. (hereinafter “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.

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

5. Additional Defendant, Courtney Logan, is an individual who is currently incarcerated at State Correction Institution Muncy, P.O. Box 180, Route 405 Muncy, PA 17756.

6. Additional Defendant, Russell Watson, is an individual who presently resides at 1520 N 59th Street, Philadelphia, PA 19151.

VENUE AND JURISDICTION

7. Jurisdiction and venue are proper in this Honorable Court as the Additional Defendants reside and regularly conduct business in Philadelphia, Pennsylvania.

PROCEDURAL HISTORY

8. On April 13, 2020, Plaintiff, A.A.E., by her Adoptive Parent and Legal Guardian, A.E. commenced an action against Defendants, Tabor Community Partners, Tabor Children’s Services, Inc., and Tabor Services, Inc.

9. Specifically, Plaintiffs' complaint is sounded in a claim of negligence against the Tabor Defendants, with all such allegations denied by the Tabor Defendants.

10. Without admitting any of the averments advanced in Plaintiffs' Complaint, Tabor Defendants incorporate herein by reference all of the factual averments advanced in paragraphs 13 through 176 of the Plaintiffs' Complaint.

FACTUAL BACKGROUND

11. Plaintiff was born on December 9, 2017, to Additional Defendants, Courtney Logan and Russell Watson, biologic parents.

12. At the time of delivery and Plaintiffs' birth, Courtney Logan tested positive for marijuana and the Department of Human Services (hereinafter "DHS") was contacted.

13. DHS appointed Defendant, TCP, a Community Umbrella Agency (hereinafter "CUA"), to assist with the oversight of Plaintiff.

14. Plaintiffs' biological father is Additional Defendant, Russell Watson.

15. On December 15, 2017, Plaintiff was seen at Children's Hospital of Philadelphia, Primary Care - Cobbs Creek for her first office visit at 6 days of age. Based upon information and belief, her physical examination was performed by Geraldine O'Hare, CRNP.

16. On December 15, 2017, the Progress Notes acknowledge that this family had DHS involved for the children, stating: "currently DHS involved (toddler brother had a leg fracture when dad rolled over on him in bed at seven months old, brother with GM up in Chestnut Hill.)"

17. On December 22, 2017, Geraldine O'Hare, CRNP, again acknowledged that DHS followed this family by stating: "Family Disruption - DHS remains involved with family."

18. On December 29, 2017, at 20 days old, Plaintiff was seen at Children's Hospital of Philadelphia, Primary Care - Cobbs Creek and again seen by Geraldine O'Hare, CRNP. During this visit, "abnormal bruising" on the Plaintiffs' lower back was noted, describing the bruising and the actions taken as follows: "Bruising appears consistent with a thumbprint, will send to CHOP ED for immediate eval, r/o bleeding disorder vs physical abuse. SCAN team at CHOP notified, report call to CHOP ED and Charge Nurse. Discussed with mother need to take minor Plaintiff to CHOP now via car to rule out bleeding disorder or abuse. Mom verbalized that it would take her about 30 min. to get to CHOP."

19. On December 29, 2017, Courtney Logan presented to the Emergency Department of Children's Hospital of Philadelphia for a SCAN (Suspected Child Abuse and Neglect) evaluation. The Social Worker reported that the infant Plaintiff had a "2 cm ecchymotic lesion on left flank. The pts mother stated she does not [know] how the bruise happened and said it may have happened while changing the pts clothes or diaper."

20. At the Emergency Department of Children's Hospital of Philadelphia, Plaintiff was seen by numerous caregivers and suspected abuse was noted by Sathyseelan Subramaniam, MD, a Resident under the supervision of the Attending, Mercedes M. Blackstone, MD. Specifically, Dr. Subramaniam stated "Though this [meaning the lesion] could be accidental, no known h/o trauma and we do have concern b/c bio brother had a femus fx at 7mos necessitating removal from home."

21. The infant was then discharged to the home under the care of the biologic parents suspected of the abuse causing bruising to the infant's back.

22. Courtney Logan and Russell Watson failed to return to the Pediatrician's Office for a well-baby check of the infant Plaintiff at two months of age, and in fact, never returned to that Pediatrician's Office with the Plaintiff.

23. At the request of DHS, Tabor Community Partners was contracted to provide monitoring of the family for purposes of evaluating the health, safety, and welfare of the children in the home, including Plaintiff.

24. On numerous occasions, for announced, scheduled visits, the family was not at the residence when the Caseworker arrived.

25. On numerous occasions, both for announced and unannounced visits, Courtney Logan and/or Russell Watson refused to answer the door to permit the Caseworkers in the home for their evaluation.

26. On or about April 9, 2018, Caseworker Cobb was permitted entry into the home and permitted to observe the children.

27. On or about April 9, 2018, infant Plaintiff was alert, calm, observed to be held by her mother and no concerning issues were found.

28. On April 12, 2018, Plaintiff was brought to the Children's Hospital of Philadelphia Emergency Department by Courtney Logan because Plaintiff had not been eating since the day before and had been sleeping since April 11, 2018.

29. Upon evaluation, Plaintiff was found to have substantial, life-threatening injuries consistent with physical abuse including acute brain injuries, acute eye injuries, and skeletal injuries inflicted over time.

30. The CHOP Emergency Department noted that Plaintiff presented with an "altered mental state x 1 day and has subsequently been found to have extensive diffuse hypoxic injury, SDH (subdural hemorrhage) along the convexities and in posterior fossa, bilateral parietal skull fractures, cervical ligamentous injury, buckle fracture of the proximal R humerus, proximal L humerus metaphyseal fracture, healing posterior medial R 7th – 9th and L 8th – 9th rib fractures, questionable healing L clavicle fracture and diffuse hemorrhagic injury to bilateral retina (including large macula schisis cavities, and sub-hyaloid, intraretinal, subretinal hemorrhage) with no reported mechanism concerning for NAT."

31. Plaintiff was admitted to CHOP from April 12, 2018 to May 8, 2018.

32. Courtney Logan was subsequently charged with attempted murder, endangering the welfare of a child, simple assault, recklessly endangering another person, and aggravated assault.

33. On March 22, 2019, Courtney Logan pled guilty to one count of Endangering the Welfare of a Child.

34. At her guilty plea hearing, Courtney Logan admitted that she delayed seeking medical care for Plaintiff.

35. Courtney Logan's parental rights were terminated on October 2, 2018 and Russell Watson's parental rights were terminated on December 12, 2018.

36. On May 24, 2019, Courtney Logan was sentenced to 3 ½ to 7 years in prison where she remains at this time.

37. At her sentencing hearing, Courtney Logan through her attorney explained that Plaintiffs' biological father, Russell Watson caused the injuries.

38. Russell Watson was found living in the home of the Plaintiff on multiple occasions during the time in which the abuse would have taken place, despite a previous order requiring that he live elsewhere and only have supervised contact with the children.

39. Additionally, through her attorney, Courtney Logan explained that she did not tell the police that Russell Watson was in the house because it was in violation of her lease to have any other adults living in the house and she was afraid to lose her home.

COUNT ONE
TABOR v. COURTNEY LOGAN
ASSAULT, BATTERY, INTENTIONAL MEDICAL NEGLIGENCE

40. Joinder Plaintiffs, Tabor, hereby adopt and incorporate by reference paragraphs 1 through 39 as if fully set forth at length herein.

41. Without admitting any of the averments advanced in Plaintiffs' Complaint, Tabor Joinder Plaintiffs adopt and incorporate by reference all of the factual averments advanced in the Complaint.

42. If the averments of Plaintiffs' Complaint are true, either in whole or in part, then Plaintiffs' injuries, damages, and/or losses, if any were a direct and proximate result of the negligence, carelessness, recklessness, and/or other liability-producing conduct of Courtney Logan including assault and battery on the infant Plaintiff.

43. If the averments of Plaintiffs' Complaint are true, either in whole or in part, then Plaintiffs' injuries, damages, and/or losses, if any were a direct and proximate result of the negligence, carelessness, recklessness, and/or other liability-producing conduct of Courtney Logan including intentional medical neglect for failing to seek medical treatment for minor Plaintiff knowing that the infant was injured.

44. To the extent that Additional Defendant, Courtney Logan, avers that the assaults and battery causing injuries to the minor Plaintiff were caused by others, is hereby averred that Courtney Logan's failure to seek medical attention for minor Plaintiffs' injuries were the direct and proximate cause of additional injuries to the child, including but not limited to:

- a. Failure to report the suspected abuse of the newborn infant Plaintiff to authorities;
- b. Failure to provide supervision necessary to preserve the health, safety, and/or welfare of the infant Plaintiff;
- c. Failure to bring the infant Plaintiff to the Emergency Department of CHOP or call EMS until April 12, 2018; by that point, almost twenty-four hours had passed

even though the infant Plaintiff had not eaten all day, slept all day, and slept most of the day prior, on April 11, 2018; and

- d. Failure to ensure the health and safety of the infant Plaintiff from the hands of further abuse by the infant Plaintiffs' biological father, Russell Watson.

45. To the extent that any liability is assigned to Tabor as Joinder Plaintiffs on the claims set forth in Plaintiffs' Complaint, which liability is specifically denied, then Courtney Logan is solely liable, jointly liable, and/or liable over to the Tabor Joinder Plaintiffs in the full amount of any such damages.

WHEREFORE, Joinder Plaintiffs, Tabor Community Partners, Tabor Children's Services, Inc., and Tabor Services, Inc. deny all liability and respectfully request judgment be entered in their favor, and against Additional Defendants, Courtney Logan and Russell Watson, together with costs and fees, or, in the alternative that Additional Defendants, Courtney Logan and Russell Watson be held solely liable and/or jointly liable to minor Plaintiff, and/or liable over to Tabor as Joinder Plaintiffs on the cause of action as set forth in Plaintiff's Complaint, any liability on the part of Tabor as Joinder Plaintiffs being expressly denied.

COUNT TWO

TABOR v. RUSSELL WATSON

ASSAULT, BATTERY, INTENTIONAL MEDICAL NEGLIGENCE

46. Joinder Plaintiffs, Tabor, hereby adopt and incorporate by reference paragraphs 1 through 45 as if fully set forth at length herein.

47. Without admitting any of the averments advanced in Plaintiffs' Complaint, Tabor Joinder Plaintiffs adopt and incorporate by reference all of the factual averments advanced in the Complaint.

48. If the averments of Plaintiffs' Complaint are true, either in whole or in part, then Plaintiffs' injuries, damages, and/or losses, if any were a direct and proximate result of the

negligence, carelessness, recklessness, and/or other liability-producing conduct of Russell Watson including assault and battery on the infant Plaintiff.

49. If the averments of Plaintiffs' Complaint are true, either in whole or in part, then Plaintiffs' injuries, damages, and/or losses, if any were a direct and proximate result of the negligence, carelessness, recklessness, and/or other liability-producing conduct of Russell Watson including intentional medical neglect for failing to seek medical treatment for minor Plaintiff knowing that the infant was injured.

50. To the extent that Additional Defendant, Russell Watson, avers that the assaults and battery causing injuries to the minor Plaintiff were caused by others, is hereby averred that Russell Watson's failure to seek medical attention for minor Plaintiffs' injuries were the direct and proximate cause of additional injuries to the child, including but not limited to:

- a. Failure to report the suspected abuse of the newborn infant Plaintiff to authorities;
- b. Failure to provide supervision necessary to preserve the health, safety, and/or welfare of the infant Plaintiff;
- c. Failure to bring the infant Plaintiff to the Emergency Department of CHOP or call EMS until April 12, 2018; by that point, almost twenty-four hours had passed even though the infant Plaintiff had not eaten all day, slept all day, and slept most of the day prior, on April 11, 2018; and
- d. Failure to ensure the health and safety of the infant Plaintiff from the hands of further abuse by the infant Plaintiffs' biological mother, Courtney Logan.

51. To the extent that any liability is assigned to Tabor as Joinder Plaintiffs on the claims set forth in Plaintiffs' Complaint, which liability is specifically denied, then Russell Watson is solely liable, jointly liable, and/or liable over to the Tabor Joinder Plaintiffs in the full amount of any such damages.

WHEREFORE, Joinder Plaintiffs, Tabor Community Partners, Tabor Children's Services, Inc., and Tabor Services, Inc. deny all liability and respectfully request judgment be entered in their favor, and against Additional Defendants, Courtney Logan and Russell Watson,

together with costs and fees, or, in the alternative that Additional Defendants, Courtney Logan and Russell Watson be held solely liable and/or jointly liable to minor Plaintiff, and/or liable over to Tabor as Joinder Plaintiffs on the cause of action as set forth in Plaintiffs' Amended Complaint, any liability on the part of Tabor as Joinder Plaintiffs being expressly denied.

**WEBER GALLAGHER SIMPSON
STAPLETON FIRES & NEWBY, LLP**

By: *Suzanne M. Utke / es*
SUZANNE M. UTKE, ESQUIRE
Attorney for Defendants,
Tabor Community Partners,
Tabor Children's Services, Inc., and
Tabor Services, Inc.

Date: September 30, 2021

VERIFICATION

I, Karen Coleman, am the President and CEO of Tabor Services, Inc., and I am authorized to make this verification on its behalf. I verify that the **Joinder Complaint of Tabor Community Partners, Tabor Children's Services, Inc., and Tabor Services, Inc., against Additional Defendants, Courtney Logan and Russell Watson** was prepared with the assistance and advice of counsel and is true and correct to the best of my knowledge, information, and belief at this time with the information currently in our possession. I understand that false statements herein are made subject to the penalties of 18 Pa.CS §4904 relating to unsworn falsification to authorities.

A handwritten signature in cursive script that reads "Karen Coleman". The signature is written in dark ink and is positioned above the printed name.

Karen Coleman

Date: 9/30/2021