

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

NICHOLAS ALAHVERDIAN	:	
Plaintiff,	:	
	:	
v.	:	Civ. Act. No.
	:	1:11-cv-00075-ML-DLM
RHODE ISLAND DEPARTMENT OF	:	
CHILDREN, YOUTH AND FAMILIES,	:	SECOND AMENDED COMPLAINT
STATE OF FLORIDA AGENCY FOR HEALTH	:	AND JURY DEMAND
CARE ADMINISTRATION,	:	
STATE OF NEBRASKA DEPARTMENT OF	:	
HEALTH AND HUMAN SERVICES,	:	
UNIVERSAL HEALTH SERVICES,	:	
FATHER FLANAGAN'S BOYS' HOME,	:	
FAMILY RESOURCES COMMUNITY ACTION,	:	
JAMMAT HOUSING AND COMMUNITY	:	
DEVELOPMENT CORPORATION,	:	
COMMUNITIES FOR PEOPLE, INC.,	:	
COMMUNITY SOLUTIONS, INC.,	:	
DONALD L. CARCIERI,	:	
JEREMIAH S. JEREMIAH,	:	
JAY G. LINDGREN,	:	
THOMAS L. DWYER,	:	
JORGE GARCIA,	:	
PATRICIA MARTINEZ,	:	
KEVIN AUCOIN,	:	
MICHAEL S. BURK,	:	
LINDA ESSEX,	:	
KATHLEEN A. LETOURNEAU,	:	
RONALD RAZZA,	:	
ELLEN BALASCO,	:	
JOEY JACOBS,	:	
VALENTINE J. PETER,	:	
MATTHEW PETER,	:	
KATHERINE DINGES,	:	
DANIEL DALY,	:	
DOUGLAS SPELLMAN,	:	
Defendants.	:	

SECOND AMENDED COMPLAINT

PARTIES

1. Plaintiff Nicholas Alahverdian resides in Rhode Island.

2. Defendant Rhode Island Department of Children, Youth, and Families was intrinsically and constitutionally responsible for ensuring the protection, safety, and well-being of Plaintiff at all times relevant to this complaint. DCYF is responsible for all child protective services, child welfare services, and child placement services in the State of Rhode Island. Pursuant to section 42-72-1 of the Rhode Island General Laws, DCYF and its director are to assure that all programs and services operate in conformity with constitutional, statutory, and regulatory requirements. The main office is located at 101 Friendship Street Providence, Rhode Island 02903.
3. Defendant State of Florida Agency for Health Care Administration was responsible for the protection, safety, and well-being of Plaintiff while he was at Premier Behavioral Solutions (previously known as Ramsay Youth Services and Charter Behavioral Health), also known as Manatee Palms Youth Services, which was a subsidiary of Psychiatric Solutions, Inc., and is now owned by Universal Health Services. ACHA maintains its main office at 2727 Mahan Drive Tallahassee, Florida 32308.
4. Defendant State of Nebraska Department of Health and Human Services was responsible for the protection, safety, and well-being of Plaintiff while he was at Boys Town and Boys Town Residential Treatment Center. DHHS maintains its main office at 301 Centennial Mall South Lincoln, Nebraska.

5. Defendant Universal Health Services is a for-profit, NASDAQ-listed corporation that has acquired Premier Behavioral Solution (previously known as Ramsay Youth Services and Charter Behavioral Health), Psychiatric Solutions, and other associated entities relevant to this claim. UHS has its main office at 367 South Gulph Road King of Prussia, Pennsylvania.
6. Defendant Father Flanagan's Boys' Home, d/b/a Boys Town, also known as Boys Town Residential Treatment Center, is a Nebraska-based organization located in Boys Town, Nebraska.
7. Defendant Family Resources Community Action is a Woonsocket-based organization with its main office located at 245 Main Street Woonsocket, Rhode Island.
8. Defendant Jammatt Housing and Community Development Corp. d/b/a Turning the Corner a.k.a Muslim Boys Management is a Providence-based organization located at 801 Elmwood Avenue Providence, Rhode Island.
9. Defendant Communities for People, Inc. is an organization based in Boston with its main office located at 418 Commonwealth Avenue Boston, Massachusetts.
10. Defendant Community Solutions, Inc. is an organization based in Connecticut with its main office located at 4 Griffin Road North Suite 1008 Windsor, Connecticut.
11. Defendant Donald L. Carcieri was Governor of Rhode Island at all times relative to incidents in this complaint. He is sued individually and in his official capacity.

12. Defendant Jeremiah S. Jeremiah was Chief Judge of the Family Court at all times relative to incidents in this complaint. He is sued individually and in his official capacity.
13. Defendant Jay G. Lindgren was Director of DCYF for a portion of the time relative to incidents in this complaint. He is sued individually and in his official capacity.
14. Defendant Thomas L. Dwyer was the assistant director of DCYF for a portion of the time relative to incidents in this complaint. He is sued individually and in his official capacity.
15. Defendant Jorge Garcia was the assistant director of DCYF for a portion of the time relative to incidents in this complaint. He is sued individually and in his official capacity.
16. Defendant Patricia Martinez was Director of DCYF for a portion of the time relative to incidents in this complaint. She is sued individually and in her official capacity.
17. Defendant Kevin Aucoin, JD, was chief legal counsel for DCYF at all times relevant to incidents listed in this complaint. He is sued individually and in his official capacity.
18. Defendant Michael S. Burk was legislative liaison and assistant to the director of DCYF at all times relevant to incidents listed in this complaint. He is sued individually and in his official capacity.
19. Defendant Linda Essex was an administrator at DCYF at all times relevant to incidents listed in this complaint. She is sued individually and in her official capacity.

20. Defendant Kathleen A. Letourneau was an administrator at DCYF at all times relevant to incidents listed in this complaint. She is sued individually and in her official capacity.
21. Defendant Ronald Razza was a supervisor at DCYF at all times relevant to incidents listed in this complaint. He is sued individually and in his official capacity.
22. Defendant Ellen Balasco, JD, was a staff attorney in the Rhode Island office of the Court Appointed Special Advocate at all times relevant to incidents listed in this complaint. She is sued individually and in her official capacity.
23. Defendant Joey Jacobs was chief executive officer at Psychiatric Solutions, Inc. at all times relevant to incidents listed in this complaint.
24. Defendant Rev. Valentine J. Peter was chief executive officer at Father Flanagan's Boys' Home at all times relevant to incidents listed in this complaint.
25. Defendant Matthew Peter was a therapist at Boys Town Residential Treatment Center at all times relevant to incidents listed in this complaint.
26. Defendant Katherine Dinges was director of the Boys Town Residential Treatment Center at all times relevant to incidents listed in this complaint.
27. Defendant Daniel L. Daly, PhD was assistant director at Father Flanagan's Boys' Home at all times relevant to incidents listed in this complaint.

28. Defendant Douglas Spellman, MD, was medical director at Boys Town Residential Treatment Center at all times relevant to incidents listed in this complaint.

JURISDICTION AND VENUE

29. This Honorable Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343. This action is also brought pursuant to 42 U.S.C. § 1983 to redress violations of the United States Constitution, the Constitution of the State of Rhode Island, federal statutory entitlements, state statutory entitlements, and common law.

30. Venue is proper here pursuant to 28 U.S.C. § 1391(b). The claims arise in this district.

31. In addition, this Honorable Court has supplemental jurisdiction under 28 U.S.C. § 1367 over any claims based upon state law.

FACTUAL ALLEGATIONS

32. In the year 2002, Plaintiff was employed by the Rhode Island House of Representatives as a Page and a Legislative Aide.

33. Simultaneously, Plaintiff was in the care of Defendant Rhode Island Department of Children, Youth and Families (hereinafter referred to as "DCYF") due to his inept and alcoholic parents.

34. Plaintiff began to be placed in different temporary shelters under DCYF's night-to-night program. DCYF had institutionalized a practice of placing children in its custody in night-to-night placement in violation of the Plaintiff's constitutional rights to be free from harm and enjoy equal protection of the law. Night-to-night placement is the practice of placing a child, for any length of time, in a

DCYF placement facility; congregate care facility; or foster home, which is utilized as an "emergency shelter equivalent placement" as defined by DCYF policy Number 700.0140; or any other facility and/or placement for a reason other than its intended purpose. Defendant's failure to provide the preventive services mandated by Sections 627 and 671(a)(15) of the Adoption Assistance and Child Welfare Act deprived Plaintiff of the privileges and immunities secured by United States laws.

35. From March 2002 through June 2003, Plaintiff constantly and repetitively experienced physical and sexual assault upon his person at temporary shelters operated by Defendants Family Resources, Jammatt, Communities for People, and Community Solutions. These assaults were perpetrated by employees and clients of the temporary shelters under DCYF's night-to-night program.
36. State legislators Speaker John Harwood, Rep. William Murphy, Rep. Gordon Fox, Rep. Paul Moura, Rep. Anastasia Williams, Rep. René Menard, Rep. Joanne Giannini, Rep. Eileen Naughton, Rep. Paul V. Sherlock, Rep. David N. Cicilline, Rep. Thomas Slater, Rep. Scott Guthrie, Rep. Carol Mumford, Rep. Peter Kilmartin, Rep. Peter Palumbo, Rep. Brian Coogan, and Rep. Frank Montanaro, among others, and legislative staff including Frank Anzeveno and Nadine Frazier noticed the wounds and heard the stories of the nightly terror that ensued in the night-to-night shelters.

37. Plaintiff took a leave of absence from his employment with the Rhode Island House of Representatives and began to lobby for safer DCYF placements and other issues.
38. Plaintiff appeared in a *Providence Journal* photo essay with Rep. Paul Moura, Sen. John Tassoni, and Rep. Frank Montanaro, at which point Defendant Lindgren sent emails that ridiculed the appearance. Emails were seen by Rep. Gordon Fox and Rep. Steven Costantino.
39. Plaintiff appeared in an article in *The Providence Journal* published in 2002 that unfavorably reviewed Defendant DCYF's night-to-night program.
40. Defendant Burk unsuccessfully attempted to persuade the House Majority Whip Rep. René Menard to instruct Plaintiff to stay away from the State House because the negative publicity being directed at DCYF as a result of Plaintiff's lobbying efforts was detrimental to the acquisition of the discovery of a safe placement for the Plaintiff.
41. Several emails blasting the lobbying activities of the Plaintiff were sent from Defendant Lindgren. These emails were reviewed by state legislators Rep. Gordon Fox, Rep. Paul Moura, and Rep. Steven Costantino.
42. Defendant Carcieri was approached by plaintiff at a campaign event at Providence College when Defendant Carcieri was running for Governor. Defendant Carcieri was made aware of the torture and assaults occurring in DCYF placements. Defendant Carcieri committed

to eliminating abuse and negligence if elected Governor. Defendant Carcieri reported no abuse and/or neglect to any state agencies.

43. Defendants Lindgren, Dwyer, Aucoin, Burk, and Garcia were approached by Plaintiff, who advised that DCYF shelters and group homes were unsafe and that assaultive behavior and torture was a regularity. Defendants Lindgren, Dwyer, Aucoin, Burk, and Garcia failed to report any abuse and/or neglect, repetitively placed Plaintiff in facilities previously indicated as abusive and/or negligent, and failed to correct the situation.

44. Defendant Balasco was approached by Plaintiff with regards to the abuse and negligence ensuing in DCYF placements. Defendant Balasco did not report torture, abuse and/or negligence, nor did she advocate for a safer placement for Plaintiff. Defendant failed to advocate for or act in the best interests of her client, the Plaintiff.

45. Defendants Lindgren, Dwyer, Aucoin, Burk, Garcia, Family Resources, Jammatt, Jeremiah, Communities for People, and Community Solutions were repetitively asked by Plaintiff to allow Plaintiff to receive a free and appropriate education. Plaintiff was denied access to receive a free and appropriate education.

46. Defendants Jeremiah, Lindgren, Dwyer, and Carcieri were continually approached by Plaintiff, who requested a safe, permanent placement, free of assault, negligence, negligent hiring, and any other unethical or unlawful conduct. Defendants failed to report torture, abuse and/or negligence, and failed to ensure a safe, permanent

placement free of torture, assault, negligence, negligent hiring, and any other unethical or unlawful conduct.

47. Defendant Jeremiah instructs Defendant DCYF to send Plaintiff to an out-of-state placement as soon as possible.
48. Defendants Essex and Letourneau had the responsibility of researching placements. Defendants Essex and Letourneau knew that Defendant Father Flanagan's Boys' Home had a record of abuse and/or negligence. Plaintiff was sent to be under the care of Defendant Father Flanagan's Boys' Home, who was supervised by Defendant State of Nebraska Department of Health and Human Services.
49. Employees and clients of Defendant Father Flanagan's Boys' Home torture, beat, assault, and neglect Plaintiff constantly, maliciously, and knowingly. Defendant Father Flanagan's Boys' Home prohibited Plaintiff from access to the courts, or contact with anyone outside the facility.
50. Defendant State of Nebraska Department of Health and Human Services knew of the torture, abuse, unlawful restraints, and negligence; and does nothing to stop said torture; nor do Defendants Rhode Island Department of Children Youth, and Families, Essex, Letourneau, Carcieri, Jeremiah, Dwyer, Aucoin, Martinez, Razza, Balasco, Burk, Lindgren, V. Peter, M. Peter, Dinges, Daly, or Spellman lawfully report the abuse, torture, and negligence to law enforcement or otherwise any person who could help Plaintiff.
51. Defendant Jeremiah, without objection by Defendant Balasco, then sends Plaintiff to Florida to the care of Defendant Universal Health

Services, under the monitoring of Defendant Florida Agency for Health Care Administration. Defendant's Florida facility had a Florida grand jury indictment issued against them for abuse and negligence; and had fired several staff persons for rape and physical assault. Plaintiff was sent regardless of the record of the facility.

52. Defendants Essex and Letourneau had the responsibility of researching placements. Defendants Essex and Letourneau knew that Defendant Universal Health Services had a record of abuse and/or negligence, and that there was a grand jury indictment issued against the facility for abuse and negligence. Defendant Jeremiah knowingly and recklessly sent Plaintiff to Florida; no objections were made by Defendants Carcieri, Lindgren, Dwyer, Garcia, Martinez, Aucoin, Burk, Essex, Letourneau, Razza, or Balasco.

53. Employees and clients of Defendant Universal Health Services and Jacobs torture, beat, assault, and neglect Plaintiff constantly, maliciously, and knowingly. Defendant Universal Health Services prohibited Plaintiff from access to the courts, or contact with anyone outside the facility.

54. Defendants Jeremiah, Carcieri, Lindgren, Dwyer, Garcia, Martinez, Burk, Essex, Letourneau, Razza, Balasco, Jacobs, and Florida Agency for Health Care of Administration knowingly, recklessly, and maliciously failed to report to law enforcement any instances of torture, abuse, and/or negligence, or the prohibition of access to the courts or an attorney.

55. Defendant State of Florida Agency for Health Care Administration knows of the torture, abuse, and negligence; and does nothing to stop said torture; nor do Defendants Rhode Island Department of Children Youth, and Families, Essex, Letourneau, Carcieri, Jeremiah, Dwyer, Aucoin, Martinez, Razza, Balasco, Burk, Lindgren or Jacobs lawfully report the abuse, torture, unlawful restraints, and negligence to law enforcement or otherwise any person who could help Plaintiff.
56. Within the first month, Plaintiff is raped by a staff member more than once; and physically assaulted everyday. Said staff member admits to the rape and the confession is published in the local newspaper. One assaultive staff member was witnessed by a nurse, who was terminated. Other assaultive employees were hired, most directly from high school and highly untrained. Plaintiff is not removed from the facility.
57. Plaintiff is visited by a DCYF Social Worker and Defendant Balasco. Defendant Balasco sees abuse, negligence, and torture, and fails to act in the interest of the Plaintiff; nor is any relief provided by any of the Defendants.
58. As a direct and proximate result of said acts of defendants, Plaintiff suffered (and suffers) from violations of federal and state entitlements, violations of the United States Constitution and the Constitution of the State of Rhode Island, depression, physical pain and suffering, emotional trauma and suffering, and loss of life.

COUNT 1

59. Plaintiff hereby incorporates foregoing paragraphs.
60. Plaintiff claims damages for the injuries set forth above under 42 U.S.C. § 1983 against all defendants for violation of Plaintiff's constitutional rights.

COUNT 2

61. Plaintiff hereby incorporates foregoing paragraphs.
62. All defendants had a duty under the 14th Amendment to the Constitution of the United States to protect Plaintiff from harm when they took Plaintiff into custody.
63. The foregoing actions and inactions of Defendants deprived Plaintiff of life, liberty, and property without due process of law, and denied Plaintiff the equal protection of the law.
64. Plaintiff claims damages for the injuries set forth above.

COUNT 3

65. Plaintiff hereby incorporates foregoing paragraphs.
66. At all relevant times, all of the Defendants were responsible to train their employees. Defendants recklessly and with indifference to constitutional rights, failed to adequately train their employees who were involved in the care of the Plaintiff, in various matters including but not limited to how to deal with disabled persons.
67. Plaintiff was deprived of his constitutional rights and injured as a direct and proximate result of said failure by defendants.

COUNT 4

68. Plaintiff hereby incorporates foregoing paragraphs.

69. At all relevant times, Defendants Jeremiah and Balasco had the authority yet failed to issue a warrant for any offense by any person against the Plaintiff as set forth in R.I. Gen. Laws 14-1-15.
70. Plaintiff was deprived of his constitutional rights and injured as a direct and proximate result of said failure by defendants.

COUNT 5

71. Plaintiff hereby incorporates foregoing paragraphs.
72. At all relevant times, Defendants Lindgren and Jeremiah had the responsibility yet failed to authorize the provision of suitable treatment... and care for the Plaintiff in the least restrictive and community-based setting pursuant to R.I. Gen. Laws 14-1-36.2.
73. Plaintiff was deprived of his constitutional rights and injured as a direct and proximate result of said failure by defendants.

COUNT 6

74. Plaintiff hereby incorporates foregoing paragraphs.
75. At all relevant times, Defendant Jeremiah had the responsibility yet failed to deny approval for the out-of-state placements of the Plaintiff because there were (1) suitable in-state facilities available for the placement of the Plaintiff; and (2) the proposed placement was not in the best interest of the Plaintiff pursuant to R.I. Gen. Laws 14-1-65.
76. Plaintiff was deprived of his constitutional rights and injured as a direct and proximate result of said failure by defendant.

COUNT 7

77. Plaintiff hereby incorporates foregoing paragraphs.

78. At all relevant times, Defendants Essex and Letourneau had the responsibility yet failed to deny approval of the inappropriate out-of-state placements that had records of abuse and/or negligence pursuant to R.I. Gen. Laws 40-15-1 et seq.

79. Plaintiff was deprived of his constitutional rights and injured as a direct and proximate result of said failure by defendants.

COUNT 8

80. Plaintiff hereby incorporates foregoing paragraphs.

81. At all relevant times, all defendants had the responsibility yet failed to protect the Plaintiff who was affected through injury and neglect. All defendants had the responsibility yet failed to provide a nurturing and safe environment for the Plaintiff. All defendants had the requirement, yet failed to report known or suspected child abuse and neglect for the investigation of those reports, and provisions of service to the Plaintiff, pursuant to R.I. Gen. Laws 40-11-1 et seq.

82. Plaintiff was deprived of his constitutional rights and injured as a direct and proximate result of said failure by defendants.

COUNT 9

83. Plaintiff hereby incorporates foregoing paragraphs.

84. At all relevant times, defendants DCYF, Lindgren, Aucoin, Dwyer, Garcia, Burk, Essex, Letourneau, Razza and Martinez had the responsibility yet failed to examine programs and services for the purpose of identifying program inefficiencies and unmet needs of the Plaintiff pursuant to R.I. Gen. Laws 40-72-1 et seq. Further,

defendants had an obligation yet failed to meet the needs of the Plaintiff, provide the Plaintiff a safe environment, and set the standards for social services and facilities, pursuant to R.I. Gen Laws 42-72-2.

85. Plaintiff was deprived of his constitutional rights and injured as a direct and proximate result of said failure by defendants.

COUNT 10

86. Plaintiff hereby incorporates foregoing paragraphs.

87. At all relevant times, each and every defendant had the responsibility yet failed to protect the the personal property and civil rights of the Plaintiff, provide humane and dignified treatment to the Plaintiff with full respect for the Plaintiff's personal dignity and right to privacy, pursuant to R.I. Gen. Laws 42-72-15.

88. Further, pursuant to R.I. Gen. Laws 42-72-15, each and every defendant had the responsibility yet failed to ensure that the Plaintiff was permitted to communicate with any individual, group, or agency consistent with the Plaintiff's treatment objectives; provide the Plaintiff with writing materials and postage, and allow the Plaintiff to make or receive telephone calls to or from the Plaintiff's attorneys, guardians ad litem, special advocates or the child advocate at any reasonable time.

89. Plaintiff was deprived of his constitutional rights and injured as a direct and proximate result of said failure by the defendants.

COUNT 11

90. Plaintiff hereby incorporates foregoing paragraphs.
91. Defendants DCYF, Lindgren, Aucoin, Dwyer, Garcia, Burk, Essex, Letourneau, Razza and Martinez had the responsibility yet failed to protect the health, safety and well being of the Plaintiff, by not appropriately monitoring and licensing child care providers to that end.
92. Plaintiff was deprived of his constitutional rights and injured as a direct and proximate result of said failure by the defendants.

COUNT 12

93. Plaintiff incorporates foregoing paragraphs.
94. Plaintiff claims damages for negligence.
95. At all relevant times, all defendants and their employees and agents had the duty to prevent abuse and negligence upon the Plaintiff.
96. Defendants and their employees and agents are and were obliged to insure they comply with laws regarding reporting and preventing abuse and neglect.
97. Defendants and their employees and agents have a duty to exercise reasonable care in supervising the care of the Plaintiff, to insure that it was not abusive or negligent.
98. Defendants and their employees and agents breached that duty by failing to prevent the abusive and/or negligent care; as well as failing to remove Plaintiff from abusive facilities.
99. As a direct and proximate result of the actions and inactions of each defendant, Plaintiff suffered injuries as aforesaid.

COUNT 13

100. Plaintiff incorporates foregoing paragraphs.

101. Plaintiff claims damages for the injuries set forth above under 42 U.S.C. § 1985 against each Defendant for the violation of conspiring to interfere with Plaintiff's civil rights.

COUNT 14

102. Plaintiff hereby incorporates foregoing paragraphs.

103. Plaintiff claims damages for the injuries set forth above under 42 U.S.C. § 1986 against each defendant for having knowledge of the wrongs conspired to be committed.

COUNT 15

104. Plaintiff hereby incorporates foregoing paragraphs.

105. Defendants DCYF, Jeremiah, Lindgren, Carcieri, Dwyer, Garcia, Martinez, Aucoin, Burk, Essex, Letourneau, and Razza acted in a manner that deprived Plaintiff of constitutionally protected interests, entitlements arising from R.I. Gen. Laws §§ 42-72-4(b) (14) to suitable treatment and care in the least restrictive placement within the Plaintiff's community; 42-72-5(b) (7) to placement in a home or facility that is licensed, approved, monitored and evaluated by DCYF; 42-72-5(b) (22) and 42-72-15(o) to receive a free and appropriate education in accordance with state and federal laws and to be enrolled in a school program; 42-72.9-1 to freedom from abuse, corporal punishment, involuntary seclusion, or any physical or chemical restraints that are not medically necessary or used as a means of coercion, discipline, convenience or retaliation.

106. Plaintiff was deprived of his constitutional rights and injured as a direct and proximate result of said failure by defendants.

COUNT 16

107. Plaintiff hereby incorporates foregoing paragraphs.

108. At all relevant times, all defendants and their employees and agents had the responsibility yet failed to ensure that Plaintiff had access to the courts. All defendants maliciously denied Plaintiff the benefit of court proceedings. All defendants denied Plaintiff the benefit of counsel who truly would advocate for Plaintiff rather than advocating for interests of defendants.

109. Plaintiff was deprived of his constitutional rights and injured as a direct and proximate result of said failure by defendants.

COUNT 17

110. Plaintiff hereby incorporates foregoing paragraphs.

111. At all relevant times, Defendant Balasco was the appointed CASA attorney for Plaintiff. Defendant Balasco had a high duty to investigate the laws and facts surrounding Plaintiff's situation and to advocate positions in court that furthered Plaintiff's interests and welfare. At all times relevant, Defendant Balasco was fully aware of the tortious acts being committed against Plaintiff by Defendants DCYF, Florida ACHA, Nebraska DHHS, Boys Town, Manatee Palms (Universal Health Services), Family Resources, Jammatt, Communities for People, and Community Solutions, as Plaintiff repeatedly told Defendant Balasco of the abuses and begged Balasco to take the necessary steps to protect him.

112. Contrary to her duty to properly and competently represent Plaintiff's interests, Defendant Balasco advocated solely for the interests of Defendants, successfully convincing the court to place Plaintiff in the custody of those she had been made aware were abusive and to send him and keep him away from Rhode Island. Defendant did everything possible to ensure Plaintiff's continued vulnerability at the hands of Defendants, and did absolutely nothing to protect her client. Defendant Balasco was only interested in furthering her standing with other Defendants, and thereby undermined any potential for Plaintiff's protection in the court.
113. As a direct and proximate result of Defendants' negligence, Plaintiff suffered all of the damages set forth herein, supra.

COUNT 18

114. Plaintiff hereby incorporates foregoing paragraphs.
115. At all times relevant herein, all Defendants were acting with authority from the Interstate Compact on the Placement of Children (ICPC). Defendants Rev. Peter and Joey Jacobs financially benefited from Defendant Nebraska DHHS and Florida ACHA negligently failing to evaluate either of their facilities for abuse and neglect. At all times relevant herein, Defendants Florida ACHA and Nebraska DHHS had a duty to properly supervise the facilities owned and/or operated by Defendants Jacobs and Peter and ensure that Plaintiff was not being abused or tortured by the employees of Defendants Peter or Jacobs. Thus, Nebraska DHHS and Florida ACHA breached that duty and allowed Defendants Peter and Jacobs to conduct their tortious activity

uninterrupted. Defendants Peter and Jacobs were more concerned with increasing profits and preventing disclosure of abuse or torture than it was with ensuring that their victim, the Plaintiff, was adequately cared for. Defendants ACHA and DHHS shut down facilities attended by Plaintiff a few years after Plaintiff departed because the abuse and negligence, identical to what he experienced, was finally discovered.

116. Defendants Peter, Jacobs, Florida ACHA, and Nebraska DHHS are vicariously liable for the torts of its employees as set forth herein under the doctrine of respondeat superior, and is thus liable for all damages suffered by Plaintiff as a result of Defendants' acts and omissions set forth herein.

117. As a direct and proximate result of Defendants' negligence, Plaintiff suffered all of the damages set forth herein, supra.

COUNT 19

118. Plaintiff hereby incorporates foregoing paragraphs.

119. Plaintiff was/is at all times relevant to this matter, a qualified individual with a disability as defined in the Americans with Disabilities Act. Plaintiff had impairments such as depression and post-traumatic stress disorder that substantially limited one or more major life activities, including but not limited to thinking, concentrating, and interacting with others, and controlling his behavior.

120. All Defendants knowingly and consistently discriminated against Plaintiff, who is considered mentally disabled, and failed to provide him with reasonable accommodations.
121. By failing to provide an individualized assessment of his mental health needs and treatment requirements as an individual with mental illness, and by placing Plaintiff in two locked facilities in two different states, Defendants have denied Plaintiff the benefits of services, programs, and activities, including school, recreation, exercise, and mental health services, thus discriminating against Plaintiff on the basis of his disability in violation of 42 U.S.C. § 12132. Discrimination resulted in Plaintiff not receiving mental health services sufficient to counteract the effects that abusive and negligent facilities had on him which is distinct from the impact it had on DCYF youth who are not mentally ill.
122. In placing Plaintiff, a youth with mental illness, in a disciplinarily, psychologically, and logistically isolating situation with little-to-no real world relevancy and prohibiting him from contacting the outside world and thus segregating him from even already segregated DCYF youth, Defendants have failed to furnish a reasonable accommodation to Plaintiff as a person with disabilities. Defendants punished Plaintiff, a person with mental illness, for disability related conduct. Defendants deprived Plaintiff, an individual with mental illness of access to adequate mental health services by placing him in inappropriate facilities in segregation.

123. As a direct and proximate result of Defendants' negligence, Plaintiff suffered all of the damages set forth herein, supra.

COUNT 20

124. Plaintiff hereby incorporates foregoing paragraphs.

125. All Defendants violated Plaintiff's rights under the Individuals with Disabilities Education Improvement Act (IDEA), 20 U.S.C. § 1400, et seq., by failing to provide Plaintiff with access to a free and appropriate public education. See 20 U.S.C., § 20 U.S.C. § 1400 (1) (A), 1401(a) (18). See 20 U.S.C. § 1401(8) and 20 U.S.C. § 1451(b) (6).

126. As a direct and proximate result of Defendants' negligence, Plaintiff suffered all of the damages set forth herein, supra.

COUNT 21

127. Plaintiff hereby incorporates foregoing paragraphs.

128. All Defendants violated the Privileges and Immunities Clause because of their failure to plan for the Plaintiff's transition from DCYF custody to independent living as required by Sections 675(1) and 677 of the Adoption Assistance and Child Welfare Act.

129. As a direct and proximate result of Defendants' negligence, Plaintiff suffered all of the damages set forth herein, supra.

COUNT 22

130. Defendants DCYF, State of Nebraska DHHS, and State of Florida AHCA, and their employees and agents; including Defendants Lindgren, Burk, Dwyer, Garcia, Essex, Letourneau, and Martinez failed to adequately assess facilities that the Plaintiff was placed in. Defendants

failed to acknowledge the failure to provide adequate staffing, supervision of employees, background screening of employees, the performance of safety evaluations, termination of staff with criminal records, and conduct competency evaluations to meet the needs of the Plaintiff.

131. Plaintiff was deprived of his constitutional rights and injured as a direct and proximate result of said failure by defendants.

COUNT 23

132. Defendants Father Flanagan's Boys' Home, Nebraska DHHS, Florida ACHA, DCYF, Lindgren, Garcia, Martinez, Burk, Dwyer, Essex, Letourneau, and Razza had the duty to assess facilities for their compliance with and enforce 42 C.F.R. § 483.356 et seq, Protection of Residents; 42 C.F.R. § 483.358(g) Orders for the Use of Restraint or Seclusion; 42 C.F.R. § 483.368 Application of Time Out; 42 C.F.R. § 483.374(b) Facility Reporting; and 42 C.F.R. 483.376(f) Education and Training. Employees were not trained with respect to the interest of the plaintiff in the aforesaid federal regulations. Further, employees that had criminal records were negligently hired and retained.

133. Plaintiff was deprived of his constitutional rights and injured as a direct and proximate result of said failures by defendants.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Nicholas Alahverdian requests an order and judgment from the court:

- (a) awarding plaintiff full compensatory damages on his claims in an amount to be determined at trial, but not less than \$100 million;
- (b) assessing appropriate punitive damages in an amount sufficient to punish defendants for their conduct and to set an example to deter others from similar conduct;
- (c) awarding plaintiff pre- and post-judgment interest;
- (d) awarding plaintiff the costs and expenses of suit and attorney's fees; and
- (e) granting such other relief as may be just and appropriate.

JURY DEMAND

Plaintiff demands trial by jury of his claims, as well as of all issues presented in this complaint.

Dated: Providence, Rhode Island

April 7, 2011

Respectfully submitted,

Nicholas Alahverdian
Plaintiff