

CAUSE NO. D-1-GN-19-003064JOY CURETON,
Plaintiff,

v.

SIGNATURE HEALTHCARE SERVICES,
LLC and GEORGETOWN BEHAVIORAL
HEALTH INSTITUTE, LLC
Defendants.

§ IN THE DISTRICT COURT

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NO. _____

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OF TRAVIS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff, Joy Cureton ("Cureton" or "Plaintiff"), files this Original Petition against Defendant Georgetown Behavioral Health Institute, LLC and Signature Healthcare Services, LLC (collectively "GBHI" or "Defendants"), alleging violations of the Texas Health & Safety Code § 161.134 and would show as follows:

I. PARTIES

1. Plaintiff Joy Cureton is an individual currently residing in Killeen, Texas.
2. Plaintiff intends to conduct discovery under Level 2 of the Texas Rules of Civil Procedure.
3. Plaintiff seeks monetary relief over \$200,000 but not more than \$1,000,000.
4. Defendant Signature Healthcare Services, LLC is a foreign corporation that can be served through its registered agent, Northwest Registered Agent, LLC at 700 Lavaca Street, Ste. 1401, Austin, TX 78701.
5. Defendant Georgetown Behavioral Health Institute, LLC is an active domestic for-profit corporation which is authorized to do business in Texas and is doing business in Texas. Process may be served by serving Defendant's registered agent, Joe Rodriguez, at 3101 S. Austin Ave., Georgetown, TX 78626.

II. JURISDICTION

6. Jurisdiction is appropriate because Signature Healthcare Services does business in Texas, Georgetown Behavioral Health is a domestic corporation, and the acts giving rise to this petition occurred in the State of Texas.

7. This Court has subject matter jurisdiction because Plaintiff's damages are in excess of the minimal jurisdictional limits of the Court and within the maximum jurisdictional limits of the Court.

III. VENUE

8. Venue is proper in the Travis County District Court pursuant to Texas Health & Safety Code § 161.134(g) because Travis is a county in which Defendants conduct business where:

- a. GBHI regularly works with health care providers who are located in Travis, County, Texas;
- b. GBHI regularly receives patients who live and work in Travis County, Texas;
- c. GBHI regularly shuttles patients back and forth in its van to Travis County, Texas;
- d. GBHI employees regularly work with and treat patients at GBHI who live in Travis County, Texas;
- e. Those patients regularly return to Travis County, Texas after treatment;
- f. GBHI actively recruits employees in Travis County, Texas;
- g. GBHI regularly transfers patients in a GBHI van to the ARCH in Travis County, Texas;
- h. GBHI regularly markets for patients who live in Travis County, Texas;
- i. GBHI regularly receives patients from St. David's Hospital in Travis County, Texas;

- j. GBHI regularly transports patients to St. David's Hospital in the GBHI van, in Travis County, Texas;
- k. GBHI regularly transfers patients to and from Travis County Integral Care in Travis County, Texas; and
- l. The GBHI entity itself is registered in Travis County, Texas.

IV. FACTUAL ALLEGATIONS

- 9. Defendants are profit-seeking entities.
- 10. Defendants provide mental health hospitalization services to vulnerable individuals in crisis.
- 11. Defendants first hired Joy Cureton in May of 2015.
- 12. Defendants' patients received comfort and service because of Cureton's dedication to Defendants and to patient care.
- 13. Defendants employed Cureton as a technician in patient care and later as a discharge planning coordinator.
- 14. Cureton exhibited good job performance during her time as an employee at Defendants.
- 15. Defendants praised Cureton for her positive job performance during her time as an employee.
- 16. Defendants never gave Cureton a negative performance review or put Cureton on a performance improvement plan during her time as an employee.
- 17. In or around May 2016, Cureton became aware that there was a strange taste to the water in Defendants' ice machines.
- 18. Cureton was eleven weeks pregnant at the time and was drinking water pursuant to her doctor's orders.

19. Defendants' dietary staff told Cureton that this strange taste was because the location was on top of a cave.
20. On or around June 1, 2016, Cureton became aware that the weird taste in the water was due to Defendants' failure to keep mold from growing in its ice machines.
21. Cureton immediately went to the doctor to determine whether her unborn child was safe after the mold consumption.
22. Cureton reported the mold issues to Defendants. Shortly after that, Defendants removed all the ice machines.
23. In or around November 2017, Defendants experienced an unrelated flood in the hospital.
24. Instead of shutting the facility down entirely for remediation, Defendants only shut down half of the facility.
25. The office Defendants had for Cureton was carpeted.
26. Shortly after the flood, Cureton began experiencing migraines and severe allergy-like symptoms in her carpeted office due to mold.
27. Cureton went to the doctor to treat for these migraine and allergy symptoms.
28. Other employees, including Kenneth, the Director of Medical Records, experienced the same symptoms and attributed them to the mold.
29. In 2018, Director of Clinical Services Nicola Seahorn supervised Cureton.
30. In 2018, Chief Executive Officer Lisa Salter supervised Seahorn.
31. In or around mid-May 2018, Cureton made a good faith report of misconduct by Defendants' permanent and temporary staff against patients to Seahorn.
32. In or around September 2018, Cureton became aware of an incident regarding a patient named Patient "A" (Patient's name is protected).

33. Cureton became aware that Patient “A” had been mistreated by Defendants’ staff, which caused Patient “A” to suffer seizures.
34. Cureton became aware that Patient “A” had been sent to the ICU because of mistreatment by Defendants’ staff and that Patient “A” would now require a caretaker for the rest of his life.
35. Cureton also became aware of an incident regarding an Extended Observation Unit patient named Patient “B” (Patient’s name is protected).
36. Cureton became aware that Defendants’ staff dropped Patient “B” off at the wrong location where Patient “B” was then sexually assaulted.
37. On or around September 27, 2018, Cureton recorded a conversation with Rebecca, the court liaison for GBHI, detailing the issues with mold in the facility and patient mistreatment.
38. Cureton later sent this recording to Seahorn because Cureton did not know what to do with the recording and expected Seahorn would take appropriate steps with the recording. Seahorn gave the recording to her attorney, Colin Walsh.
39. On or around September 28, 2018, Cureton filed an official report in good faith with the Joint Commission alerting it to the misconduct by Defendants’ permanent and temporary staff against patients.
40. Cureton also made a good faith report to her superiors about the presence of mold in Defendants’ facilities and possible mold contact to the patients, alerting the Joint Commission to her concerns of patient safety.
41. On or around October 10, 2018, Defendants, for the first time, placed Cureton on a “Q15,” which was a plan that required her to record what she was doing every 15 minutes of the workday.
42. Cureton did as she was instructed, but Defendants never collected the information.
43. Defendants placed Cureton on the Q15 to retaliate against her for her reporting.

44. Shortly after, Defendants placed Cureton on another Q15. Defendants collected this Q15 report, but never discussed the report with Cureton.
45. Cureton was never formally reprimanded or told why she was placed on these two Q15s.
46. In or around October to November 2018, Cureton became aware of a variety of incidents regarding Defendants' staff mistreating patients leading the patients to punch walls and break bones.
47. On December 12, 2018, the Joint Commission informed Cureton that it would follow-up with Defendants regarding Cureton's report.
48. Defendants failed to take appropriate remedial action to address the patient care and misconduct problems raised by Cureton's reports.
49. On December 14, 2018, Seahorn's attorney, Colin Walsh, sent the recording Cureton forwarded to Defendants' attorneys, Tracy Wolf and Jeffrey Ranen.
50. Defendants were made aware shortly thereafter of the recording, the fact that Cureton made reports, and the substance of the reports.
51. On or around January 17, 2019, Defendants' Human Resources Department ("HR") pulled Cureton aside and informed her that her position was allegedly eliminated.
52. Defendants' HR department also informed Cureton that there was an open position in medical records and offered it to her. Cureton accepted the position in medical records.
53. Cureton discussed the position with the woman in charge of medical records who was happy Cureton accepted the position.
54. The very next day, on or around January 18, 2019, Cureton reported to medical records for a description of her new position. At that time, Defendants informed her that she no longer had a job with Defendants in any capacity.

55. Defendants' HR department informed Cureton that they "spoke too soon" and the medical records position was no longer available to Cureton.
56. Defendants' HR department informed Cureton that the CEO and CFO decided there was no position for Cureton in the hospital.
57. Cureton asked Defendants' HR department if she could speak to the CEO and CFO about this decision and although Defendants' HR department agreed, Cureton was not permitted to do so and was instead directed back to HR.
58. Defendants' decision kept the CEO and CFO from hearing that Cureton's mold-related headaches and symptoms persisted through January of 2019.
59. Defendants fired Cureton on January 19, 2019.
60. Cureton packed up her belongings and Defendants had her escorted off the premises.
61. Defendants fired Plaintiff for her reporting and complaining about unsafe conditions for the patients to her supervisors, other administrators and executives at Defendants, and the Joint Commission.

V. CAUSE OF ACTION: RETALIATION IN VIOLATION OF THE TEXAS HEALTH & SAFETY CODE

62. Plaintiff adopts and incorporates herein by reference all preceding paragraphs.
63. Defendant is a hospital, mental health facility, or treatment facility as defined by Texas Health & Safety Code § 161.131 and Texas Mental Health Code § 571.003.
64. Defendant suspended or terminated the employment of or disciplined or otherwise discriminated against Plaintiff for reporting in good faith to Plaintiff's supervisor, an administrator of Defendant, a state regulatory agency, or a law enforcement agency a violation of law, including a violation of this chapter, a rule adopted under this chapter, or a rule of another agency.

65. Defendant placed Cureton on Q15s following her reports.
66. Defendant also terminated Plaintiff's employment on or before the 60th day after the date on which Plaintiff made a good faith report.
67. Defendant's conduct violated Texas Health & Safety Code § 161.134.
68. This lawsuit is filed before the 180th day after the date the alleged violation occurred or was discovered by the Plaintiff through the use of reasonable diligence.

VI. DAMAGES

69. As a result of Defendant's unlawful conduct, Plaintiff has suffered economic and actual damages, including past and future lost income, back wages, interest on back pay and front pay, future wages or front pay, lost earnings in the past and future, lost benefits under the contract or employment relationship, employment benefits in the past, and employment benefits in the future. Plaintiff has also incurred other actual damages as a result of Defendant's unlawful conduct, including but not limited to past and future pecuniary losses, emotional pain and suffering, inconvenience, mental anguish, loss of earning capacity, loss of enjoyment of life, injury to professional standing, injury to character and reputation, and other pecuniary and non-pecuniary losses.

VII. COMPENSATORY DAMAGES

70. Plaintiff additionally brings suit for compensatory damages, including emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, injury to professional standing, injury to character and reputation, injury to credit standing, job search expenses, lost earning capacity in the past and future, and other pecuniary and non-pecuniary losses.

VIII. EXEMPLARY DAMAGES

71. The conduct committed by Defendant against Plaintiff is the type of conduct demonstrating malice or reckless indifference to the rights of the Plaintiff. Therefore, Plaintiff additionally brings suit for exemplary damages.

IX. ATTORNEY'S FEES AND EXPERT FEES

72. Plaintiff seeks all reasonable and necessary attorneys' fees in this case, including preparation and trial of this lawsuit, post-trial, pre-appeal legal services, and any appeals. Plaintiff additionally brings suit for expert fees.

X. DEMAND FOR JURY TRIAL

73. Plaintiff demands a trial by jury of all the issues in this case and tenders herewith the requisite jury fee.

XI. REQUEST FOR DISCLOSURE

74. Pursuant to Texas Rule of Civil Procedure 194, Plaintiff requests that Defendant disclose, within 50 days of the service of this request, the information or material described in Rule 194.2.

XII. PRAYER FOR RELIEF

75. WHEREFORE, cause having been shown, Plaintiff prays for, on trial of this just cause, judgment against Defendant as follows:

- a. All actual damages, including but not limited to past and future lost wages, past and future lost benefits, lost benefits of contract, consequential damages, reinstatement of lost fringe benefits or seniority rights;
- b. Mental anguish / compensatory damages;
- c. Exemplary / punitive damages;

- d. Pre-judgment and post-judgment interest as allowed by law;
- e. Court costs and expenses, and litigation expenses, including but not limited to the expenses for any expert witnesses;
- f. Equitable relief, including reinstatement, front pay;
- g. Attorneys' fees; and
- h. Any such further relief as the Court deems proper and just under the circumstances.

Respectfully Submitted,
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