

**IN THE FEDERAL DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

SCOTT FERRIS, JODI FERRIS, and)
A.F., a minor, by her parents,)

Plaintiffs)

v.)

MILTON S. HERSHEY MEDICAL)
CENTER; CAITLIN J. MALLIS,)
M.D., IAN M. PAUL, M.D., and)
COLIN MACNEILL, M.D.,)
physicians; JANE DOE, R.N., JANET)
DOE, R.N., registered nurses; JOHN)
ROE and JANE ROE, hospital staff)
members; JANET ROE and JACK)
ROE, risk management personnel,)
personally and in their official)
capacity; OFFICER RIAN BELL,)
Derry Township Police Officer, and)
ANGELICA LOPEZ-HEAGY, a)
social worker, in their individual)
capacity;)

Defendants)

CIVIL ACTION:
NO. 1:12-cv-00442

Hon. John E. Jones III

FIRST AMENDED COMPLAINT

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT

INTRODUCTION

This is a civil action commenced pursuant to 42 U.S.C. § 1983 to redress the deprivation by the Defendants of rights secured to Plaintiffs under the Fourteenth Amendment to the United States Constitution which occurred when the Defendants

took custody of the Plaintiffs' daughter A.F. without lawful authority.

Because of the illegal and unconstitutional actions of the Hershey S. Milton Medical Center, its physicians, nurses, and staff, and social worker Angelica Lopez-Heagy, Plaintiffs Scott and Jodi Ferris's daughter, A.F., was removed from their custody for the first few days of her life. In fact, the Ferrises were forced to spend the first night of her life huddled up in their car in the parking lot across the street from the hospital, all because the hospital would not answer her parents' questions about A.F.'s medical treatment.

JURISDICTION AND VENUE

1. The Plaintiffs, Scott and Jodi Ferris, individually and as parents and next friends of A.F., born 2010, who reside in Dauphin County at a confidential address with a mailing address of P.O. Box 2465 #198, Harrisburg PA 17105, bring this civil rights lawsuit pursuant to 42 U.S.C. § 1983 to redress the deprivation by the Defendants under color of state law of rights secured to them under the Fourteenth Amendment to the United States Constitution.

2. Jurisdiction over the first and second causes of action is conferred on this court by 28 U.S.C. § 1343(3) and 1343(4), which provides for original jurisdiction in this court over all suits brought pursuant to 42 U.S.C. § 1983. Jurisdiction is also conferred on this court by 28 U.S.C. § 1331(a) because the cause of action arises under the Constitution and laws of the United States.

3. Jurisdiction over the third cause of action is conferred on this court by 28 U.S.C. § 1367(a), which provides this court with supplemental jurisdiction over all claims which are so related to the claims in the first and second causes of action that they form part of the same case or controversy under Article III of the United States Constitution. Supplemental jurisdiction over this claim is appropriate because the claims stated in the third cause of action arise from the same nucleus of operative facts as the claims over which this court has original jurisdiction.

4. Venue properly lies in this Court pursuant to 28 U.S.C. § 1391 in that all of the parties reside in this federal district.

PARTIES

5. Scott and Jodi Ferris are citizens of the United States who reside in Williamstown, Pennsylvania.

6. Scott and Jodi Ferris are the parents of A.F.

7. Defendant Milton S. Hershey Medical Center is a state institution and federal fund recipient with an address of 500 University Drive, Hershey, Dauphin County, Pennsylvania, 17033.

8. Upon information and belief, Defendant Caitlin J. Mallis, M.D., was at all pertinent times herein an employee of Defendant Hershey Medical Center and

was at all pertinent times herein on or about its business in the course and scope of her employment.

9. Upon information and belief, Defendant Ian M. Paul, M.D., is an employee of Defendant Hershey Medical Center and was at all pertinent times herein on or about its business in the course and scope of his employment.

10. Upon information and belief, Defendant Colin MacNeill, M.D., is an employee of Defendant Hershey Medical Center and was at all pertinent times herein on or about its business in the course and scope of his employment.

11. Upon information and belief, Defendant Nurse Jane Doe is an employee of Defendant Hershey Medical Center and was at all pertinent times herein on or about its business in the course and scope of her employment.

12. Upon information and belief, Defendant Nurse Janet Doe is an employee of Defendant Hershey Medical Center and was at all pertinent times herein on or about its business in the course and scope of her employment.

13. Upon information and belief, Defendant Hospital Staff John Roe is an employee of Defendant Hershey Medical Center and was at all pertinent times herein on or about its business in the course and scope of his employment.

14. Upon information and belief, Defendant Hospital Staff Jane Roe is an employee of Defendant Hershey Medical Center and was at all pertinent times herein on or about its business in the course and scope of her employment.

15. Upon information and belief, Defendant Risk Management Personnel Jack Roe is an employee of Defendant Hershey Medical Center and was at all pertinent times herein on or about its business in the course and scope of his employment.

16. Upon information and belief, Defendant Officer Rian Bell is an employee of the Derry Township Police Department and was at all pertinent times herein on or about its business in the course and scope of his employment

17. Upon information and belief, Defendant Social Worker Angelica Lopez-Heagy is an employee of Defendant Dauphin County Social Services for Children and Youth and was at all pertinent times herein on or about its business in the course and scope of her employment.

FACTS

18. On Monday, June 21, 2010, Jodi Ferris was almost nine months pregnant.

19. Jodi and her husband Scott went to a prenatal appointment with Certified Professional Midwife Dhyana Heller.

20. Although Scott and Jodi wanted to use Heller as their midwife to attend the birth, they needed some extra time to make financial arrangements.

21. Heller offered to consult by phone if they were unable to find another midwife and if Jodi went into labor at home.

22. By 7:00 a.m. on Sunday, June 27, Jodi's labor contractions had intensified to the point that she asked Scott to call Midwife Heller.

23. Heller told Scott that based on Jodi's condition, it appeared to her that she might not be able to get to the Ferris' house before the birth.

24. Heller discussed options with the Ferrises, including whether to drive to the hospital, call an ambulance, or have an unattended birth at home.

25. Heller encouraged Scott and Jodi to make the decision quickly for themselves.

26. There are four hospitals in the area, all about one hour from the Ferrises' house: Penn State Hershey Medical Center; PinnacleHealth – Harrisburg Pennsylvania Hospital & Healthcare System; Sunbury Community Hospital; and Schuylkill Medical Center – South Jackson Street

27. Jodi called 911 and asked for an ambulance to be sent.

28. The ambulance took Jodi to Hershey Medical Center.

29. Just after the ambulance stopped at the emergency room door of Hershey Medical Center, Jodi's daughter A.F. was born in the ambulance.

30. While Jodi and A.F. were being transported by stretcher into the hospital, Jodi kept asking questions as to how the baby was doing.

31. There were at least six hospital staff persons surrounding Jodi.

32. The hospital staff never answered Jodi's questions.

33. Dr. Colin MacNeill came into the room and obtained some basic medical history from Jodi.

34. Dr. Colin MacNeill expressed hostility toward using midwives and/or home deliveries.

35. Defendant Nurse Jane Doe approached Jodi with a hypodermic needle.

36. When Jodi asked her what the needle was, Nurse Jane Doe said, "It's just a shot."

37. Jodi again asked her what the shot was, and Nurse Jane Doe said, "It's just to help."

38. Jodi asked a third time what the shot was, and Nurse Jane Doe said, "It's for the placenta."

39. Jodi asked a fourth time what the shot was, and Nurse Jane Doe stuck the needle in Jodi's left arm and injected her.

40. Only then did Nurse Jane Doe say, "Oh, it's just oxytocin."

41. After Nurse Jane Doe had injected the medication needle in Jodi's arm, another staff person asked Jodi, "You aren't allergic to that, are you?"

42. Jodi again tried to obtain information on her daughter's condition, but no one would answer her questions.

43. Defendant Nurse Jane Doe and another nurse then grabbed Jodi's left arm and started to insert an IV.

44. Jodi asked, "Why do I need an IV?"

45. Defendant Nurse Jane Doe stated, "You don't. Now hold still so I can get this in you."

46. Jodi removed her arm from their grasp and informed the nurses that she did not want an IV if she did not need it.

47. Defendant Nurse Jane Doe ignored Jodi and grabbed her arm again.

48. Jodi again asked why she needed an IV.

49. Defendant Nurse Jane Doe stated, "Just in case."

50. Jodi asked, "In case of what?"

51. Jane Doe stated, "In case you need surgery."

52. Jodi asked why she would need surgery.

53. Jane Doe stated, "You don't need surgery. Now give me your arm."

54. Defendant Nurse Jane Doe stated that Jodi had to have the IV inserted "because hospital policy requires it, regardless of the patient's wishes."

55. Jane Doe repeatedly told Jodi they had no reason at all to expect that she would need an IV, but insisted they had to follow hospital policy, regardless of her wishes.

56. Jodi told both Jane Doe and the other attending nurse, "I told you no. I don't want an IV unless I need one."

57. Jodi asked what the baby's APGAR scores were, but no one would tell her.

58. Defendant Hospital staff John Roe took the baby out of the room.

59. When Jodi asked where the baby was being taken, John Roe would not tell her, instead saying, "She's in good hands. You'll be able to see her soon."

60. Defendant Nurse Janet Roe told Jodi that the baby should be ready to go home soon.

61. Defendant Doctor Caitlin Mallis told Jodi at 10:30 a.m. that the baby was doing really well and that the nurses would bring the baby to her soon.

62. Dr. Mallis said that the baby's APGAR score right then would be "9."

63. Defendant Doctor Colin MacNeill then told Jodi that the baby was "very sick" and would have to stay in the hospital.

64. Dr. MacNeill again expressed hostility toward midwives and said, "Too many people think they know what they're doing."

65. When the hospital staff brought the baby to Jodi at 11:40 a.m., Defendant Hospital Staff Member Jane Roe said, "The baby is doing good. She will be able to go home in no time."

66. Several hours later, however, Defendant Hospital Staff Member John Roe told them that the baby was going to have to stay in the hospital for 48-72 hours for observation.

67. John Roe would not answer Scott and Jodi's questions as to why the baby needed to stay.

68. John Roe told Jodi that the baby was fine and healthy.

69. John Roe told Jodi that "the law requires us to keep the baby for 48 hours."

70. When Jodi asked for the statute requiring this, John Roe told Jodi, "You'll have to get that from Risk Management."

71. John Roe told Jodi that "Risk Management wants the baby to stay admitted."

72. Defendant Risk Management Member Janet Roe told Jodi, "The baby is healthy and I do not anticipate any health problems with her over the next 48-72 hours, and so the baby cannot be discharged because we need to keep her for observation, as it is unsafe for her to leave the hospital."

73. Defendant Risk Management Member Jack Roe told Jodi it was "Risk Management policy" to keep "babies like this" for 48 to 72 hours.

74. Jack Roe never explained what he meant by "babies like this."

75. Jack Roe said that the Risk Management policy was not about managing the risk of medically at risk patients, but managing the risks that the hospital might get sued if they discharged a healthy baby where something goes wrong after discharge.

76. The hospital staff, upon request, provided Scott and Jodi with its policy for discharge after 24 hours and agreed to work with them to get the baby discharged in 24 hours, told the Ferrises that they would be moved to a new room in the nursery area, and that Scott and Jodi could stay with the baby throughout the night.

77. From this point on, the hospital had a nurse in Jodi's room continually.

78. Upon information and belief, the nurse was present to ensure that neither Jodi nor A.F. could leave the hospital room.

79. At one point the "guard" nurse wanted to use the restroom, so another nurse came to take her place.

80. Jodi asked if they would please post their "guard" nurse out in the hallway so the family could have some privacy regarding their discussions with Risk Management over whether they could take A.F. home within 24 hours.

81. The "guard" nurse asked another nurse about waiting outside the door. After a few seconds, the stand-in nurse was stationed in the hallway directly outside the door.

82. When Jodi opened the room door to ask hospital staff about the procedures for the 24-hour stay in the nursery, including if the older children could stay with the family, the "guard" nurse physically blocked her from exiting the room, even though Scott had the baby inside the room at the time. Jodi was

physically stopped from entering the hallway, and had to ask her question from the doorway.

83. These “guard” nurses would not answer Scott’s or Jodi’s questions about A.F.’s treatment in the nursery.

84. The hospital staff eventually told Jodi that older children were not allowed to stay the night in the nursery, then demanded Jodi retreat from the doorway back into the room stating she wasn’t “allowed” to be out of the room.

85. The “guard” nurses refused to let Jodi leave the room, even if A.F. stayed with Scott, despite Jodi’s desire to leave and get her older children food.

86. After Jodi’s continued discussion with Risk Management, it was obvious to Scott and Jodi that the hospital staff did not intend to honor their agreement to discharge A.F. within 24 hours, although no Defendant could give Jodi a medically-necessary reason to keep her in the hospital.

87. Upon information and belief, a defendant at Hershey Medical Center contacted Dauphin County Social Services with the intent and expectation of preventing Jodi from leaving the hospital with A.F.

88. Upon information and belief, the medical defendants also intended or reasonably knew that the social worker would either persuade Jodi to comply with their demands for treating A.F., whether or not medically necessary, or would take custody of the child from Jodi and Scott.

89. Once the medical defendants contacted the social worker, it was reasonably foreseeable that the social worker would take steps that would lead to taking legal custody of A.F. from Scott and Jodi.

90. Between 3:00 and 4:00 P.M., Defendant social worker Angelica Lopez-Heagy came into Jodi's room.

91. The social worker told Jodi that she was there to conduct an investigation.

92. Jodi asked to see the social worker's I.D. badge and a copy of the allegations.

93. Defendant social worker told Jodi that she could not tell her what the allegations were until her investigation was complete.

94. Jodi insisted that she wanted to see a copy of the allegations.

95. Defendant social worker told Jodi that she did not have a copy of the allegations, and that even if she did, it would be "against the law for me to show them to you."

96. Jodi told the social worker that she was not comfortable speaking with the social worker if she did not know the allegations.

97. The social worker told Jodi, "Since you're not going to cooperate, I'll just go and call the police and we can take custody of the baby."

98. Jodi informed the social worker that she was willing to cooperate.

99. The social worker then gave a vague description of allegations that Jodi was “refusing to provide medical treatment.”

100. The social worker did not specify which “medical treatment” Jodi had refused to provide.

101. The social worker claimed that Jodi had refused to allow a vitamin K shot to be administered to her daughter.

102. Jodi had never been asked about a vitamin K shot.

103. Jodi had heard hospital staff in the ER talking about already having administered a vitamin K shot to A.F.

104. After the social worker arrived, hospital staff continued to have a presence in the room.

105. The social worker and the hospital nurses and risk management personnel took turns questioning Jodi.

106. Several times, after Jodi answered the social worker’s or hospital staff’s questions, the social worker and hospital staff would go out of the room to “talk.”

107. Upon information and belief, the social worker and hospital staff were discussing the perceived need to take custody of A.F.

108. Neither the social worker nor the hospital staff gave specific examples of medically-necessary treatment that Scott and Jodi refused.

109. None of the procedures that were discussed by the social worker and medical staff with Jodi required emergency seizure of the child for medical reasons. The hospital intermittently acknowledged that the medical procedures they were demanding were “standard procedure” and not medically necessary.

110. Scott reluctantly left the hospital to feed and care for the older children, and leave them with relatives.

111. The hospital staff agreed to test the baby for Group B Strep before the lab closed at 6:00 P.M before administering treatment for GBS to A.F.

112. The hospital staff told Jodi that they would not release the baby for 72 hours because “her GBS status is unknown.”

113. A few minutes later, the hospital staff claimed that the lab was going to close in a few minutes, and that they could have done the test earlier in the day, but hadn’t thought of it.

114. Defendant Doctor Caitlin Mallis stated that she would still agree to discharge in 24 hours if Jodi would allow the hospital to check the baby’s white blood cell count.

115. Jodi agreed to this check.

116. The hospital staff claimed just before 6:00 p.m. that they needed to give the baby a shot for Hepatitis B.

117. Jodi declined the HepB shot. Hospital staff insisted the shot must be given because it was “standard procedure” but acknowledged there was no medical reason for the shot unless Jodi had Hepatitis B. The hospital staff stated they did not want to be “sued” if Jodi had lied to them about being Hepatitis B negative.

118. Jodi affirmed she was negative for Hepatitis B, offered to sign a release, and offered to allow the hospital to test her for Hepatitis B.

119. However, the hospital staff agreed to take a blood sample from Jodi to test for Hepatitis B.

120. The hospital staff then refused to take a sample from Jodi, claiming that she had already checked out of the hospital.

121. Jodi offered to have the test done at another hospital that evening.

122. The social worker then stated that if Jodi left the hospital, she would consider that to be abandonment and call the police to take custody.

123. No blood sample was ever actually taken from Jodi by the hospital staff.

124. The social worker and hospital staff conferred in the hallway.

125. The social worker came back into the room and stated that this was an unusual case because “there is no neglect or abuse,” but that she still had to

investigate and had to have Scott and Jodi sign a safety plan because of the call made to their office.

126. The social worker asked Jodi if there were any religious beliefs that were influencing her decision to refuse necessary medical treatment for her daughter.

127. Jodi denied that she had refused medical treatment, except for the HepB shot, which was not necessary unless Jodi tested positive.

128. Jodi explained that their decision not to have the HepB shot was a religiously motivated decision. The social worker began questioning Jodi about her religious beliefs. Jodi (who by this point was physically exhausted from not having eaten or slept since the birth) asked that the social worker direct her religious questions to Scott when he returned.

129. The social worker said that if Jodi would not talk to her, she would call the police and have them take custody of the baby.

130. The social worker stated that she was going to require Jodi to sign a safety treatment plan agreeing to everything that the hospital staff was going to do to the baby, and if Jodi did not sign it, she would call the police to have them take custody of the baby. . She demanded to know if Jodi would agree to sign the safety plan.

131. Jodi asked to see a copy of the safety plan.

132. The social worker stated “they” had not written the safety plan yet.

133. Jodi stated that she could not agree to sign or not sign a safety plan she had not read. Jodi said she would not be comfortable signing anything if she didn’t understand the potential legal implications without talking to an attorney first.

134. The social worker said that the hospital staff was working on a list of procedures they wanted done. When Jodi asked what the procedures were, the social worker said Jodi would be required to consent to “whatever the hospital wanted” and that if Jodi did not sign it she would call the police and have them take custody of the baby.

135. Jodi stated she would not agree to sign any plan consenting to procedures without knowing what the procedures were.

136. Jodi then asked if she could at least wait until her husband returned later that evening to review the safety plan.

137. The social worker said, “No, I’ve been here three hours working on this case, and I’m not waiting any longer. If he’s back by the time we get it written up, I’ll let him read it, otherwise, if you don’t sign the safety plan, I’m calling the police and having them take custody of the baby.”

138. The social worker then left the room.

139. Upon information and belief, the social worker followed through with her plan to collaborate with the hospital staff to write up a list of the hospital's desired treatment plan.

140. Upon information and belief, the staff of Hershey Medical Center participated in development of the safety plan.

141. Upon information and belief, the hospital staff and the social worker were cooperating with each other at this point.

142. Upon information and belief, the social worker contacted Officer Rian Bell, a law enforcement officer with the Derry Township Police Department.

143. Upon information and belief, the social worker asked Officer Bell to take emergency custody of A.F., without prior judicial authorization.

144. Upon information and belief, based on the allegations of the social worker, Officer Bell concluded that "there are reasonable grounds to believe the child [A.F.] is suffering from illness or injury, or is in imminent danger from her surroundings, and that her removal is necessary."

145. Upon information and belief, Officer Bell then released emergency custody of A.F. to Defendant Lopez for further placement.

146. Upon information and belief, neither Officer Bell nor Defendant social worker received prior judicial approval before taking custody of A.F.

147. Defendant social worker then returned to the room with Officer Bell, Officer Clements, and several hospital staff.

148. The social worker said that she was taking custody of A.F. because Jodi would not sign the safety plan.

149. Jodi told the social worker she had never seen a copy of the safety plan, and that she needed to see it before signing it. Only after the police had been summoned and custody had been removed, did the social worker provide a copy of the safety plan to Jodi.

150. When Jodi asked for a pen to sign it, the social worker said, “That window has closed.”

151. Jodi pleaded with the officers not to take the baby.

152. The officers told her there was nothing they could do.

153. The social worker said she wasn’t going to wait any longer.

154. The officers told Jodi to give A.F. to the nurse, who was present in the hospital room.

155. Defendant Nurse Janet Doe removed A.F. from Jodi’s arms.

156. The nurse and all other hospital staff in the room left with A.F., but the social worker and police officers remained.

157. The social worker told Jodi that there would be a hearing the next morning to determine whether they would get A.F. back. The social worker then left the room.

158. Upon information and belief, the social worker then authorized the hospital to administer the HepB shot, even though the blood test that the hospital staff had agreed to do first was not done.

159. The police escorted Jodi off the premises of the hospital.

160. The police and Jodi met Scott coming into the hospital entrance, loaded down with blankets and pillows because he was still under the belief they were following the 24-hour discharge policy, and was planning to spend the night in the hospital.

161. The police escorted Scott and Jodi off the premises of the hospital.

162. Jodi was told that she would be allowed to come back to the hospital every three hours during the night to feed the baby, but Dr. Paul wrote a medical order for A.F. to be fed formula, and the hospital staff did not always allow Jodi access to A.F. every three hours.

163. After 30 minutes of feeding, hospital security escorted Jodi off the hospital grounds, even if A.F. had not eaten or finished nursing.

164. Jodi and Scott spent the night sleeping across the road in their car in a parking lot.

165. The security officer who escorted them off the premises after the 8:00 a.m. feeding told them that they were not the first family he had seen that the hospital had treated this way.

166. While separated from her parents, A.F. received medical testing and procedures from Defendant Doctor Ian M. Paul.

167. Scott and Jodi did not consent to Dr. Paul's treatment of A.F.

168. The defendant social worker filed a Dependency Petition with the Court of Common Pleas of Dauphin County the next morning, June 28, 2010.

169. Upon information and belief, the medical defendants assisted the defendant social worker in drafting the petition.

170. The petition contained false information regarding A.F.'s due date, and other misleading and/or false information.

171. At the court shelter care hearing at 11 a.m., approximately one hour later, physical custody was immediately returned to the parents.

172. When Scott and Jodi returned to the hospital to recover A.F., they were sent to a room by themselves for the majority of the visit.

173. When Scott and Jodi finally had a chance to observe A.F., her heels were severely bruised from many needle injections.

174. For the first month of her life, A.F. would flinch and cry whenever she was touched below the knee.

175. Several days later, just before discharge, Scott and Jodi observed that A.F. had jaundice.

176. Scott and Jodi mentioned to Defendant Doctor Paul that A.F. had jaundice.

177. Dr. Paul told Scott and Jodi that he had not treated A.F. for jaundice.

178. Dr. Paul told Scott and Jodi that he had spoken with the Ferris's pediatrician, Dr. Blutstein, who had repeatedly asked that Hershey Medical Center treat A.F. for jaundice.

179. Dr. Paul told Scott and Jodi that he had refused to treat A.F. for jaundice, contrary to the request of Dr. Blutstein.

180. Prior to being discharged from the hospital, A.F. received no treatment for jaundice from Dr. Paul, or from any other pediatrician employed by Defendant Hershey Medical Center.

181. After being discharged from the hospital, A.F. had a pediatrician appointment with Dr. Blutstein.

182. Dr. Blutstein diagnosed A.F. with jaundice.

183. Because A.F.'s jaundice levels were too high and had been rising too quickly, Dr. Blutstone conducted numerous blood draws and blood tests on A.F.

184. A.F.'s jaundice was so severe that A.F. had to be admitted to PinnacleHealth Harrisburg Hospital two days after discharge for further medical treatment.

185. Upon information and belief, almost none of the procedures that hospital staff had described as "medically necessary" were actually performed.

186. At the dependency adjudication July 7, 2010, the case was dismissed.

187. The court returned full physical and legal custody to Jodi and Scott Ferris.

188. Upon information and belief, by calling the social worker to investigate without emergency medical justification, the hospital defendants set in motion a course of action which they knew or reasonably should have known would result in the violation of the Ferrises' constitutional rights.

189. Upon information and belief, by cooperating with the social worker in removing A.F. from her parents' custody without emergency medical justification, the hospital defendants were joint participants with the social worker in violating the Ferrises' constitutional rights.

FIRST CAUSE OF ACTION

190. The allegations contained in paragraphs 1 through 189 are hereby realleged and incorporated by reference herein.

191. The removal of A.F. from her parents' custody was a violation of Plaintiffs' Fourteenth Amendment right to procedural due process in that there was no emergency circumstance to justify deprivation of custody without parental consent or a court order.

192. Defendants Officer Rian Bell, Angelica Lopez-Heagy, and Defendants Ian Paul, Caitlin Mallis, Colin MacNeill, and all Doe and Roe medical defendants violated clearly established statutory or constitutional rights of which a reasonable person in their position should have known.

SECOND CAUSE OF ACTION

193. The allegations contained in paragraphs 1 through 189 are hereby realleged and incorporated by reference herein.

194. The coerced seizure of A.F. by Defendants Officer Bell and Angelica Lopez-Heagy acting in concert with Defendants Mallis, Paul, MacNeill, and all Roe and Doe medical defendants without a warrant, court order, or evidence of exigent circumstances was a violation of the Plaintiffs' Fourth Amendment right to be secure in their person against unreasonable seizures.

THIRD CAUSE OF ACTION

195. The allegations contained in paragraphs 1 through 189 are hereby realleged and incorporated by reference herein.

196. Angelica Lopez-Heagy violated Pennsylvania common law by falsely imprisoning A.F. by unlawfully detaining her without the consent and over the objection of A.F.'s parents, Scott and Jodi Ferris.

DAMAGES

197. Plaintiffs allege that as a result of the violations of their civil rights described above each has suffered and will continue to suffer for an as yet undetermined length of time the following:

- a. Severe emotional distress;
- b. Emotional Distress; and
- c. Loss of enjoyment of life.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs respectfully request that this court:

- 1) Find that the defendants intentionally and illegally violated the Plaintiffs' constitutional rights;
- 2) Award compensatory damages in favor of the Plaintiffs, including A.F.;
- 3) Award punitive damages for Defendant's conduct in willful and wanton disregard for the rights of the Plaintiffs;
- 4) Award Plaintiffs costs and attorney's fees pursuant to 42 U.S.C. § 1988; and
- 5) Grant the Plaintiffs such other relief as may be deemed just and proper.

Dated this 11th day of September, 2012.

Respectfully submitted,

Scott Ferris
Jodi Ferris
Plaintiffs

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