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UNITED STATES DISTRICT COURT,  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JANE DOE, individually and on behalf of all  
other similarly situated,

Plaintiff,

v.

FAIRFAX BEHAVIORAL HEALTH,

Defendant.

No. \_\_\_\_\_

**CLASS ACTION COMPLAINT**

**DEMAND FOR JURY TRIAL**

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1 Jane Doe (“Plaintiff”), brings this action individually and on behalf of a class of adult  
2 patients of Fairfax Behavioral Health (“Fairfax”) who were indiscriminately strip searched upon  
3 arrival and video recorded during strip search and throughout the hospital.

4 **I. INTRODUCTION**

5 1. It is a violation of the standard of care for a psychiatric hospital to conduct strip  
6 searches in the absence of individualized assessments that a patient possesses drugs or weapons.

7 2. It is a violation of the standard of care for a psychiatric hospital to use video  
8 monitoring in the room where strip searches are conducted while patients are undressed.

9 3. All inpatient psychiatric patients are entitled to care, treatment and therapies to  
10 maintain and improve their health and well-being. Most importantly for individuals with chronic  
11 mental illness, inpatient psychiatric patients are entitled to dignity, respect, compassion, and  
12 competent care.

13 4. Fairfax has a blanket policy requiring all patients to remove clothing and practice  
14 of randomly strip searching patients indiscriminately. The process is video recorded by Fairfax in  
15 violation of patient’s privacy.

16 5. No psychiatric hospital in Washington State other than Fairfax permits its staff to  
17 arbitrarily conduct strip searches or cavity searches.

18 6. No psychiatric hospital in Washington State other than Fairfax makes and keeps  
19 video recordings of patients in various states undress, including areas where strip searches and  
20 cavity searches are conducted.

21 7. It is an unfair practice for a person in the operation of a place of public  
22 accommodation to fail or refuse to make reasonable accommodation to the known physical,  
23 sensory, or mental limitations of a person with a disability. Fairfax’s practice of arbitrarily  
24 conducting strip-and-cavity searches of patients suffering from mental illness and use of invasive  
25 video monitoring is substantially motivated by discriminatory animus toward people with serious  
26 mental health conditions requiring inpatient treatment and restricts those patients from receiving  
27 the treatment they present for and are entitled to receive.

1 8. Fairfax's blanket policy requiring all patients to remove clothing and practice of  
2 indiscriminately strip searching patients and excessive video recording violates the Americans  
3 with Disabilities Act, the Washington Law Against Discrimination, Vulnerable Adult statute, and  
4 invades of patients' privacy causing severe emotional distress, physical harm, and economic  
5 harm to Plaintiff and the Class, for which Fairfax must be held responsible.

## 6 II. THE PARTIES

7 9. Plaintiff Jane Doe is a resident of Oak Harbor, Washington and a citizen of the  
8 United States.

9 10. Defendant Fairfax Behavioral Health ("Fairfax") is the largest private provider of  
10 inpatient psychiatric services in the state of Washington. Fairfax's principal place of business is  
11 in Kirkland, Washington. Fairfax is a licensed psychiatric hospital that cares for outpatient and  
12 inpatients, whether admitted voluntarily or involuntarily.<sup>1</sup>

13 11. Fairfax operates a 157-bed, standalone psychiatric hospital, located in Kirkland,  
14 Washington; composed of six units providing specialized treatment for mental health and co-  
15 occurring disorders (concurrent mental illness and substance abuse issues), as well as  
16 detoxification services for both adolescents and adults. Fairfax also operates a 30-bed adult  
17 general psychiatric unit, located in Everett, Washington on the seventh floor of the Providence  
18 Medical Center's Pacific campus as well as, a 34-bed unit on the campus of Evergreen Health  
19 Monroe.

20 12. Fairfax offers primarily inpatient care. For example, in 2016, Fairfax received  
21 over 98% of its revenue from inpatient admissions.<sup>2</sup> And in 2017, Fairfax received 100% of its  
22 revenue from inpatient admission.<sup>3</sup>

23 13. At all times material hereto, Fairfax employed nurses and other health care  
24 providers, whose names are presently unknown, to care for Plaintiff and Class members. All acts

25 <sup>1</sup> WASHINGTON STATE DEPARTMENT OF HEALTH, Facility Search, <https://fortress.wa.gov/doh/facilitysearch/>.

26 <sup>2</sup> *BHC Fairfax Hospital Inc. Year End Report to the Department of Health*, Office of Hospital and Patient Data,  
27 <https://www.doh.wa.gov/Portals/1/.../2300/HospPatientData/YearEnd/YE904-2016.xlsx>.

28 <sup>3</sup> *BHC Fairfax Hospital Inc. Year End Report to the Department of Health*, Office of Hospital and Patient Data,  
<https://www.doh.wa.gov/DataandStatisticalReports/HealthcareinWashington/HospitalandPatientData/HospitalFinancialData/YearEndReports/2017HospitalYearEndReports>.

1 and failures to act by nurses and other health care provides at Fairfax were done within the scope  
2 of their employment by Fairfax. At all times material hereto, Fairfax is vicariously liable for the  
3 acts/omissions committed by the employees and/or agents working for or on behalf of Fairfax.

4 14. Upon information and belief, Plaintiffs further allege that there may be other  
5 nurses, healthcare providers, agents or employees of Fairfax, or other persons or entities whose  
6 tortious acts or omissions further contributed to the injuries and damages suffered by Plaintiffs,  
7 but whose true and correct identity is not now known to Plaintiffs. Plaintiffs will seek leave of  
8 the Court to amend this Complaint to add the names of these persons or entities when their  
9 identities become known.

### 10 III. JURISDICTION AND VENUE

11 15. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331, because  
12 this action arises under the laws of the United States. This Court also has jurisdiction pursuant to  
13 the Class Action Fairness Act of 2005, 28 U.S.C. § 1332(d), because the proposed Class consists  
14 of 100 or more members; the amount in controversy exceeds \$5,000,000, exclusive of costs and  
15 interest; and minimal diversity exists. This Court also has supplemental jurisdiction over the state  
16 law claims pursuant to 28 U.S.C. § 1367.

17 16. Venue is proper in this District under 28 U.S.C. § 1391 (a)-(d) because, *inter alia*,  
18 substantial parts of the events or omissions giving rise to the claim occurred in the District and/or  
19 a substantial part of property that is the subject of the action is situated in the District.

### 20 IV. FACTS

#### 21 A. Plaintiff Doe was traumatized by baseless, invasive strip- and cavity-searches.

22 17. On March 2, 2018, Jane Doe presented for inpatient admission to Fairfax Hospital  
23 in Kirkland, Washington, a psychiatric hospital, for treatment for her mental illness. At intake,  
24 Fairfax staff ordered her to completely undress for a search. Jane Doe has a history of sexual  
25 abuse and explained that to the staff member. Nevertheless, she was again ordered to completely  
26 undress. Plaintiff was not given a gown or towel to cover up during the search.

1           18.     The staff member watched Ms. Doe undress and left the door open where other  
2 staff members could see her in various stages of undress—eventually, completely naked except  
3 for a small pair of g-string underwear.

4           19.     Video cameras installed by Fairfax were present in the hallway, the holding area  
5 outside the bathroom, and the room where the strip search was conducted. The cameras recorded  
6 Plaintiff in a state of undress and during the events that followed. The footage, however, was  
7 destroyed by Fairfax after Ms. Doe began submitting grievances in connection with this search.

8           20.     During the search, Ms. Doe started shaking and crying. The staff member  
9 demanded that Ms. Doe pull her underwear down to her knees, bend over, squat down, and  
10 spread her vagina and behind for a cavity search. The staff member made this demand without  
11 documenting the need for an intrusive strip search, or obtaining a clinical determination that one  
12 was necessary from a psychiatric professional.

13           21.     In response, Ms. Doe began screaming and crying and curled up in a ball on the  
14 floor. The staff member then threatened to get a male worker to restrain Ms. Doe—who at this  
15 point was still undressed with her underpants around her knees—in order to conduct the cavity  
16 search.

17           22.     Another female staff member intervened and managed to calm Ms. Doe down a  
18 little. The second staff member suggested that Ms. Doe spread her cheeks and walk instead of  
19 doing a cavity search. Ms. Doe complied to avoid any potential interaction with male Fairfax  
20 staff.

21           23.     At no point during this humiliating process did the nurse or anyone at Fairfax  
22 attempt to evaluate Ms. Doe’s current safety risk to herself or others. No one asked her any  
23 questions about her current thoughts with regard to self-injury or whether she was carrying  
24 anything she might use to hurt herself or others.

25           24.     At no time during this entire episode did Plaintiff state, imply, or otherwise  
26 indicate that she had any current thoughts or intention to hurt herself or anyone else. At no time  
27 during this entire period did Plaintiff act in a manner that would have led a reasonable health  
28 care professional to believe that there was an immediate risk of harm to Plaintiff or to others.

1           25.     Although mental health professionals were available at Fairfax to evaluate her at  
2 intake, no one evaluated Ms. Doe’s current safety risk by asking her any questions about her  
3 current thoughts regarding self-injury or whether she was carrying anything that she might use to  
4 hurt herself before demanding a strip search and threatening to get a male worker to conduct the  
5 invasive search.

6     **B.     Jane Doe filed grievances and video footage of the incident was destroyed.**

7           26.     The next day, Jane Doe tried to find someone to discuss what happened during the  
8 invasive strip search but was told there was no one for her to talk to because it was a weekend.

9           27.     Finally, someone told her to fill out a grievance form which she did. Over the next  
10 five days, she filled out five additional grievance forms. Plaintiff asked to see the policy on  
11 searches but Fairfax staff refused to show it to her and Plaintiff was told to “get over it.”

12           28.     Video footage of this incident was destroyed after Plaintiff began filing  
13 grievances in connection with it.

14           29.     Plaintiff’s emotional/mental health continued to decline during her stay at Fairfax.  
15 This decline is directly attributable to the humiliating invasion of privacy and bodily autonomy  
16 perpetrated by Fairfax and its staff.

17           30.     Fairfax failed to provide safe, non-abusive, treatment with dignity and privacy. As  
18 a result of the March 2, 2018 strip search, Plaintiff experienced severe trauma, nightmares,  
19 hopelessness, and greatly increased urges to harm and kill herself. In fact, Plaintiff attempted  
20 suicide after her release from Fairfax.

21           31.     After leaving Fairfax in March 2018, Plaintiff has been hospitalized three times  
22 for inpatient mental health treatment. These hospitalizations were a direct result of the Fairfax’s  
23 pattern and practice of conducting strip searches on incoming patients without first performing  
24 an individualized risk assessment and video recording.

25     **C.     Fairfax Hospital staff practice indiscriminate cavity searching, strip searching and**  
26     **video recording of patients in various states of undress.**

27           32.     Fairfax has a blanket policy requiring all patients to remove their clothing and a  
28 practice of randomly strip-searching patients indiscriminately. This process is video recorded by

1 Fairfax in violation of the patient’s privacy. Fairfax uses video cameras in the hall, the holding  
2 area outside the bathroom, and the room where the strip searches are conducted. Fairfax makes  
3 and keeps these video recordings to protect itself from liability, and not for any legitimate  
4 medical reasons or out of concern and care for its patients’ well-being.

5 33. Not only do these practices violate the standard of care for a psychiatric hospital,  
6 they have no connection to any legitimate psychiatric purpose. By way of comparison, other  
7 hospitals have policies that significantly limit staff members’ ability to conduct a strip-search or  
8 a cavity-search. These policies set forth layers of measures before resorting to a strip search. For  
9 example, at Eastern State Hospital, a patient must “verbalize a suicidal or homicidal plan with  
10 covert or overt messages indicating *the means are on his/her person and refuses to give it to*  
11 *staff.*”<sup>4</sup> A body cavity search requires “credible report that a patient has concealed contraband in  
12 a body cavity (e.g. glass in vagina, illegal drugs in rectum).”<sup>5</sup> A physician must interview the  
13 patient in order to conduct a cavity search, and all viable alternatives to a cavity search, such as  
14 x-ray or the patient’s voluntary removal of the object must be eliminated before conducting the  
15 search.<sup>6</sup> At Western State Hospital, a strip- or cavity-search may only be conducted where there  
16 is a “reasonable suspicion a patient possesses restricted items that constitute an immediate threat  
17 to life or safety.”<sup>7</sup> Western State Hospital staff are required to conduct the least intrusive type of  
18 search necessary.<sup>8</sup>

19 34. Other institutions require privacy safeguards for patients, including a requirement  
20 that the searches be conducted in a private room without a camera. At Eastern State Hospital, a  
21 strip search requires two staff members of the same sex be present, and that they conduct the  
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25 <sup>4</sup> Contraband Search, Eastern State Hospital Man § 1.39, at 7 (effective June 1993, last reviewed May 2017)  
(emphasis added).

26 <sup>5</sup> Contraband Search, Eastern State Hospital Man § 1.39, at 8 (effective June 1993, last reviewed May 2017).

27 <sup>6</sup> Contraband Search, Eastern State Hospital Man. § 1.39, at 8 (effective June 1993, last reviewed May 2017).

28 <sup>7</sup> Searches, Western State Hospital, Policy 13.06(F) (issued March 2017) (emphasis in original).

<sup>8</sup> Searches, Western State Hospital, Policy 13.06(A) (issued March 2017).



1 search as quickly as possible so the patient is not unclothed any longer than is necessary.<sup>9</sup> A  
 2 cavity search must be conducted by a physician and an RN of the same sex as the patient.<sup>10</sup>

3 35. As yet another layer of protection for patients, other institutions require layers of  
 4 oversight before a strip- or a cavity- search can be conducted. At Eastern Washington State  
 5 Hospital, for instance, a physician must order a strip-search. And the hospital's CEO or designee  
 6 must authorize a cavity search.<sup>11</sup> At Western State Hospital, a written physician's order is  
 7 required for either a strip- or a cavity-search.<sup>12</sup>

8 36. Other institutions furthermore require documentation of the reasons, results, and  
 9 persons involved in a search.<sup>13</sup>

10 37. On information and belief, no psychiatric hospital in Washington State other than  
 11 Fairfax permits its staff to arbitrarily conduct strip searches or cavity searches.

12 38. On information and belief, no psychiatric hospital in Washington State other than  
 13 Fairfax makes and keeps video recordings of patients in various states of undress.

14 **D. Fairfax Hospital's invasive search and video monitoring practices are motivated by  
 15 discriminatory animus.**

16 39. Stigma about people suffering from mental illness is deeply embedded in social  
 17 and cultural norms. Such stigma is a baseless, prejudicial attitude that discredits individuals  
 18 suffering from mental illness, marking them as tainted and devalued.<sup>14</sup> Stigma results in  
 19 discrimination in employment, housing, medical care, and social relationships. Public stigma  
 20 reflects a larger social and cultural context of negative community-based attitudes, beliefs, and  
 21 predispositions that shape informal, professional, and institutional responses.<sup>15</sup>

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 23  
 24 <sup>9</sup> Contraband Search, Eastern State Hospital Man. § 1.39, at 7-8 (effective June 1993, last reviewed May 2017).

25 <sup>10</sup> Contraband Search, Eastern State Hospital Man. § 1.39, at 8 (effective June 1993, last reviewed May 2017).

26 <sup>11</sup> Contraband Search, Eastern State Hospital Man. § 1.39, at 7-8 (effective June 1993, last reviewed May 2017).

27 <sup>12</sup> Searches, Western State Hospital, Policy 13.06(B)(1), (F) (issued March 2017).

28 <sup>13</sup> Searches, Western State Hospital, Policy 13.06(G) (issued March 2017); Contraband Search, Eastern State Hospital Man. § 1.39, at 3 (effective June 1993, last reviewed May 2017).

<sup>14</sup> Pescosolido, *et. al.*, *A Disease Like Any Other? A Decade of Change in Public Reaction to Schizophrenia, Depression, and Alcohol Dependence*, AM J PSYCHIATRY (2010), 167:1321-1330.

<sup>15</sup> *Id.*

1 40. Individuals with mental illness are subjected to prejudice and discrimination from  
2 others (i.e., received stigma), and they may internalize feelings of devaluation (i.e., self-stigma).  
3 On a societal level, this stigma has been implicated in low service use and inadequate funding for  
4 mental health research and treatment (i.e., institutional stigma).<sup>16</sup>

5 41. Much of the stigma associated with mental illness results from conflating mental  
6 illness with violence. Sensational news reporting on violent crimes committed by people with  
7 mental illness, particularly mass shootings, perpetuates the stigma. These reports focus on mental  
8 illness, ignoring the fact that most of the violence in society is caused by people without mental  
9 illness. This societal bias contributes to the stigma faced by those with a psychiatric diagnosis,  
10 which leads to discrimination.<sup>17</sup>

11 42. “Most people with mental illness are not violent toward others and most violence  
12 is not caused by mental illness, but you would never know that by looking at media coverage of  
13 incidents,” says Emma E. McGinty, PhD, MS, an assistant professor in the departments of  
14 Health Policy and Management and Mental Health at the Bloomberg School. “Despite all of the  
15 work that has been done to reduce stigma associated with mental health issues, this portrayal of  
16 mental illness as closely linked with violence exacerbates a false perception about people with  
17 these illnesses, many of whom live healthy, productive lives.”<sup>18</sup>

18 43. Although mental health professionals hold more positive attitudes than the general  
19 public about people with mental health problems, strong stereotypes persist in both groups.<sup>19</sup> In a  
20 2014 study of Washington State mental health professionals, many providers held negative  
21 attitudes about a hypothetical vignette character with symptoms of schizophrenia—nearly a third  
22 said it was likely that this individual would be violent toward others.<sup>20</sup> Yet study after study  
23

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24 <sup>16</sup> *Id.*

25 <sup>17</sup> *Id.*

26 <sup>18</sup> *Study: News Stories Often Link Violence With Mental Health Illness, Even Though People With Mental  
Health Illness Are Rarely Violent*, Johns Hopkins Bloomberg School of Public Health (2016),  
[https://www.jhsph.edu/news/news-releases/2016/study-news-stories-often-link-violence-with-mental-health-illness-  
even-though-people-with-mental-health-illness-are-rarely-violent.html](https://www.jhsph.edu/news/news-releases/2016/study-news-stories-often-link-violence-with-mental-health-illness-even-though-people-with-mental-health-illness-are-rarely-violent.html).

27 <sup>19</sup> Stuber JP, *Conceptions of Mental Illness: Attitudes of Mental Health Professionals and the General Public*  
(2014).

28 <sup>20</sup> *Id.*

1 confirms that schizophrenia, major depression, or bipolar disorder alone do not predict  
2 violence.<sup>21</sup> A study from 1998, for example, followed patients released from psychiatric  
3 hospitals and found that they were no more prone to violence than other people in their  
4 communities unless they also had a substance abuse problem.<sup>22</sup> And a 2009 study analyzing the  
5 results of the National Epidemiologic Survey on Alcohol and Related Conditions confirmed that  
6 serious mental illness is not by itself a predictor of violence.<sup>23</sup>

7 44. The biases and prejudices held by mental health treatment providers can have a  
8 significant negative impact on treatment outcomes and quality of life.<sup>24</sup> People with mental  
9 disorders engage with mental health professionals at a vulnerable time. Even a small number of  
10 professionals engaging in the denigration of people with mental illness or holding low  
11 expectations for improvement translates into negative treatment outcomes and a reluctance to  
12 seek mental health treatment in the future.<sup>25</sup>

13 45. Even though studies have shown that up to one-third of mental health  
14 professionals in Washington State incorrectly associate serious mental illness with violence,  
15 Fairfax has failed to limit the operation of this bias against its patients. Fairfax does not restrict  
16 arbitrary searches and invasive monitoring. This allows the discriminatory animus of its staff  
17 against people with mental illness to go unchecked. Staff at Fairfax may indiscriminately strip  
18 search, cavity search, and video record of patients without any justification, oversight, or  
19 documentation.

20 46. Fairfax's practices—and its failure to limit the discretion of its staff—means that  
21 a substantial number of its mental health patients do not have reasonable access to inpatient care  
22 for mental health disorders.

24 <sup>21</sup> Elbogen, Johnson, *The Intricate Link Between Violence and Mental Disorder; Results From the National  
25 Epidemiologic Survey on Alcohol and Related Conditions*, ARCH GEN PSYCHIATRY (2009), 66(2):152-161.

<sup>22</sup> MacArthur Community Violence Study (2001), <http://www.macarthur.virginia.edu/violence.html>.

26 <sup>23</sup> Elbogen, Johnson, *The Intricate Link Between Violence and Mental Disorder; Results From the National  
27 Epidemiologic Survey on Alcohol and Related Conditions*, ARCH GEN PSYCHIATRY (2009), 66(2):152-161.

<sup>24</sup> Stuber JP, *Conceptions of Mental Illness: Attitudes of Mental Health Professionals and the General Public*  
(2014).

28 <sup>25</sup> *Id.*

1 47. Fairfax could easily provide reasonable access to care for mental health patients  
2 by implementing the safeguards that other institutions already use: (1) a tiered approach that  
3 requires additional justification as searches become more invasive, (2) an oversight scheme that  
4 requires escalating approval as searches become more invasive; and (3) a requirement that the  
5 reasons, results, and persons involved in a search be documented. Fairfax can also easily restrict  
6 video monitoring to areas where patients are fully clothed, as do other institutions.

7 **E. Fairfax Hospital's strip search and video monitoring practices have a disparate  
8 impact on survivors of trauma, including Jane Doe.**

9 48. Trauma is a near universal experience of individuals with behavioral health  
10 problems.<sup>26</sup> Approximately 90% of those seeking inpatient services are trauma survivors.<sup>27</sup>

11 49. Retraumatization occurs when patients experience something that makes them  
12 feel as though they are undergoing another trauma, such as being involuntarily touched, forced,  
13 or held down.<sup>28</sup>

14 50. All inpatient psychiatric patients are entitled to care, treatment and therapies to  
15 maintain and improve their health and well-being. Most importantly for individuals with chronic  
16 mental illness, inpatient psychiatric patients are entitled to dignity, respect, compassion, and  
17 competent care.

18 51. The practice of requiring psychiatric patients to strip can cause patients with a  
19 history of sexual abuse severe anxiety because it triggers memories of prior abuse.

20 52. It is well recognized by mental health professionals that in the absence of an  
21 emergency, an individualized assessment should be made by a mental health professional before  
22 a strip search is conducted. It is also well recognized by mental health professionals that for  
23 some patients, requests or requirements that they strip and be searched can cause turmoil,

24  
25 <sup>26</sup> *Trauma-Informed Care*, National Council for Behavioral Health (2019),  
<https://www.thenationalcouncil.org/topics/trauma-informed-care/>.

26 <sup>27</sup> Mueser, Essock, Haines, Wolfe & Xie, *Posttraumatic Stress Disorder, Supported Employment, and  
27 Outcomes in People with Severe Mental Illness*, US National Library of Medicine National Institute of Health  
(2004), <https://www.ncbi.nlm.nih.gov/pubmed/15616477>.

28 <sup>28</sup> *A Treatment Improvement Protocol: Trauma-Informed Care in Behavioral Health Services, TIP 57*,  
SAMHSA (2014), <http://store.samhsa.gov/product/TIP-57-Trauma-Informed-Care-In-Behavioral-Health-Services/SMA14-4816>.

1 extreme agitation, panic, and exacerbates existing psychiatric conditions including anxiety,  
2 depression, and post-traumatic stress disorder.

3 53. Fairfax's pattern and practice of indiscriminately performing invasive searches of  
4 patients and excessive use of unnecessary video recording strip searches and throughout the  
5 hospital is negligent, violates the Vulnerable Adult statute and the Washington Law Against  
6 Discrimination, and invades patients' privacy causing severe emotional distress, physical harm,  
7 and economic harm to Plaintiff and the Class, for which Fairfax must be held responsible.

## 8 V. CLASS ALLEGATIONS

9 54. Plaintiff brings this action pursuant to Federal Rule of Civil Procedure 23(b)(3)  
10 and 23(c)(4) on behalf of themselves and the following Class:

11 All adult inpatients of Fairfax Behavioral Health who were  
12 arbitrarily strip- or cavity-searched upon admission and were video  
recorded throughout the hospital.

13 55. The Class consists of hundreds, of individuals, if not more, making joinder  
14 impracticable, in satisfaction of Fed. R. Civ. P. 23(a)(1). The exact size of the Class and the  
15 identities of the individual members are ascertainable through records maintained by Fairfax.

16 56. The claims of Plaintiffs are typical of the Class. The claims of the Plaintiff and the  
17 Class are based on the same legal theories and arise from the same unlawful pattern and practice  
18 of strip searching patients without particularized suspicion and excessive use of video recording  
19 throughout the hospital.

20 57. There are many questions of law and fact common to the claims of Plaintiff and  
21 the Class, and those questions predominate over any questions that may affect only individual  
22 Class Members within the meaning of Fed. R. Civ. P. 23(a)(2) and (c)(4).

23 58. Common questions of fact and law affecting members of the Class include, but  
24 are not limited to, the following:

25 a. Whether Fairfax employees fail to provide mental health treatment and  
26 deny reasonable accommodations to seriously mentally ill patients who require inpatient  
27 treatment by performing strip- and cavity-searches without justification, oversight or  
28 documentation.

1           b.       Whether Fairfax's pattern and practice of performing invasive searches of  
2 patients without particularized suspicion violates the Americans with Disabilities Act;

3           c.       Whether Fairfax's pattern and practice of performing invasive searches of  
4 patients without particularized suspicion violates the Vulnerable Adult statute;

5           d.       Whether Fairfax's pattern and practice of performing invasive searches of  
6 patients without particularized suspicion violates the Washington Law Against Discrimination;

7           e.       Whether Fairfax's use of video cameras in the hall, in the holding area  
8 outside the bathroom, and in the room where strip searches are being conducted invades patient  
9 privacy; and

10          f.       Whether Fairfax's practice of unjustified, unsupervised, and  
11 undocumented strip- and cavity-searches and practice of video-recording patients denies those  
12 experiencing mental illness from receiving the treatment they present for and are entitled to  
13 receive.

14          59.      Absent a class action, most of the members of the Class would find the cost of  
15 litigating their claims to be prohibitive and will have no effective remedy. The class treatment of  
16 common questions of law and fact is also superior to multiple individual actions or piecemeal  
17 litigation in that it conserves the resources of the courts and the litigants and promotes  
18 consistency and efficiency of adjudication.

19          60.      Plaintiff will fairly and adequately represent and protect the interests of the Class.  
20 Plaintiff has retained counsel with substantial experience in prosecuting complex litigation and  
21 class actions. Plaintiff and her counsel are committed to vigorously prosecuting this action on  
22 behalf of the other respective Class Members, and have the financial resources to do so. Neither  
23 Plaintiff nor her counsel has any interests adverse to those of the other members of the Class.

## 24    **VI.      CAUSES OF ACTION**

### 25    **COUNT I**

#### 26    **TITLE III OF THE AMERICANS WITH DISABILITIES ACT**

27          61.      Plaintiff realleges and incorporates by reference the allegations contained in the  
28 previous paragraphs.

1           62.     The Americans with Disabilities Act (“ADA”) was passed in 1990 to “provide a  
2 clear and comprehensive national mandate for the elimination of discrimination against people  
3 with disabilities,” 42 U.S.C. § 12101(b)(1). Congress explicitly defined discrimination to include  
4 “over-protective rules and policies,” “failure to make modifications to existing ... practices,” and  
5 “segregation, and relegation to lesser services,” 42 U.S.C. § 12101(a)(5).

6           63.     When Congress passed the ADA, it intended to “address the major areas of  
7 discrimination faced day to day by people with disabilities,” 42 U.S.C. § 12101(b)(4), including  
8 in the area of “health services,” 42 U.S.C. § 12101(a)(3).

9           64.     Fairfax is a “place of public accommodation” as that term is defined in Title III of  
10 the Americans with Disabilities Act, 42 U.S.C. § 12181(7)(F), 28 C.F.R. § 36.104. The ADA  
11 prohibits discrimination by a public accommodation against any individual on the basis of  
12 disability. 28 C.F.R. § 36.201(a).

13           65.     Plaintiff and the class suffer from serious mental health conditions that require  
14 inpatient treatment and impair their ability to request accommodations. They are members of a  
15 protected class of people with disabilities under the ADA.

16           66.     Title III of the ADA prohibits public accommodations from discriminating against  
17 individuals with disabilities in the full and equal enjoyment of the goods, services, facilities,  
18 privileges, advantages or accommodations of any place of public accommodations, 42 U.S.C.  
19 § 12182(a). The definition of discrimination includes “failure to make reasonable modifications  
20 in policies, practices, or procedures, when such modifications are necessary to afford such goods,  
21 services, facilities, privileges, advantages or accommodations to individuals with disabilities,  
22 unless the entity can demonstrate that making such modifications would fundamentally alter the  
23 nature of such goods, services, facilities, privileges, advantages, or accommodations.” 42 U.S.C.  
24 § 12182(b)(2)(A)(ii).

25           67.     Fairfax’s practice of unjustified, unsupervised, and undocumented strip- and  
26 cavity-searches denies those experiencing mental illness from receiving the treatment they  
27 require and are entitled to receive. Fairfax’s humiliating, unchecked search practices proximately  
28 resulted in negative treatment outcomes for Jane Doe and the Class, as well as substantial mental

1 and physical anguish. These practices are substantially motivated by discriminatory animus  
 2 towards people with serious mental health conditions requiring inpatient treatment. These  
 3 practices deliberately required Plaintiff and the class to endure unnecessary hardship in order to  
 4 access a program or service. That hardship could easily be eliminated by a reasonable  
 5 accommodation, such as the policies and practices implemented by other institutions set forth in  
 6 paragraphs 33 through 36 and paragraph 47 of this Complaint. Fairfax has thus failed to provide  
 7 class members with the reasonable accommodations required by the federal disability statutes,  
 8 failing to ensure them meaningful access to the benefits to which they are entitled.

9 68. Fairfax's practice of recording patients during strip- and cavity-searches restricts  
 10 those experiencing mental illness from receiving the treatment they require and are entitled to  
 11 receive. Fairfax's humiliating video recording practices proximately resulted in negative  
 12 treatment outcomes for Jane Doe and the Class, as well as substantial mental and physical  
 13 anguish. This practice is substantially motivated by discriminatory animus towards people with  
 14 serious mental health conditions requiring inpatient treatment. This practice deliberately required  
 15 Plaintiff and the class to endure unnecessary hardship in order to access a program or service.  
 16 That hardship could easily be eliminated by a reasonable accommodation, such as a the policies  
 17 and practices implemented by other institutions set forth in paragraphs 33 through 36 and  
 18 paragraph 47 of this Complaint. Fairfax has thus failed to provide class members with the  
 19 reasonable accommodations required by the federal disability statutes, failing to ensure them  
 20 meaningful access to the benefits to which they are entitled.

## 21 **COUNT II**

### 22 **ABUSE OF VULNERABLE ADULTS**

23 69. Plaintiff re-alleges and incorporates by reference the allegations contained in the  
 24 previous paragraphs.

25 70. At all times, Fairfax was required to comply with the Vulnerable Adult statute at  
 26 RCW 74.34, *et seq.*

27 71. RCW 74.34.021 defines a "vulnerable adult" as "a person...admitted to any  
 28 facility."



1 72. Fairfax Behavioral Health is a “facility,” as defined in RCW 74.34.020.

2 73. Plaintiff and Class members are vulnerable adults as define under RCW  
3 74.34.020.

4 74. Fairfax violated the Vulnerable Adult statute by, among other things, subjecting  
5 Plaintiff and Class members to abuse, mental abuse, and/or neglect as defined under RCW  
6 74.34.020.

7 75. As a direct and/or proximate result of Fairfax’s actions and/or inactions, Plaintiff  
8 and Class members were damaged.

9 76. In addition to other remedies available under the law, a vulnerable adult who has  
10 been subjected to abuse, mental abuse, and/or neglect either while residing in a facility shall have  
11 a cause of action for damages on account of his or her injuries, pain and suffering, and loss of  
12 property sustained thereby.

13 77. As a result of Fairfax’s acts and/or omissions described herein, Plaintiff and Class  
14 members shall be awarded his or her actual damages, together with the costs of the suit,  
15 including a reasonable attorneys’ fee. The term “costs” includes, but is not limited to, the  
16 reasonable fees for a guardian, guardian ad litem, and experts, if any, that may be necessary to  
17 the litigation of a claim brought under this section.

18 **COUNT III**

19 **NEGLIGENCE**

20 78. Plaintiff realleges and incorporates by reference the allegations contained in the  
21 previous paragraphs.

22 79. By seeking psychiatric treatment from Fairfax, a special, confidential, and  
23 fiduciary relationship between Plaintiffs and Fairfax was created, resulting in Fairfax owing  
24 Plaintiffs a duty to use care to ensure their safety and freedom from assault, abuse, and  
25 molestation while interacting with their employees, representatives, and/or agents.

26 80. Fairfax had a duty to hire competent, qualified and experienced employees who  
27 were knowledgeable and familiar with the proper standards of care of vulnerable adults.  
28

1 81. Fairfax had a duty to train and supervise their employees, agents and other  
2 individuals hired by them to provide safe and proper care to vulnerable adults who were either  
3 voluntarily admitted or involuntarily committed patients at Fairfax.

4 82. Fairfax violated their duty of care and their duty to act reasonably by, among  
5 other things, performing invasive searches of patients without particularized suspicion.

6 83. Fairfax violated their duty of care and their duty to act reasonably by, among  
7 other things, using video cameras outside the bathroom, where patients change and in the  
8 seclusion room where invasive searches are conducted.

9 84. Fairfax violated their duty of care by, among other things, failing to adequately  
10 instruct, monitor, and supervise their employees and agents regarding what searches can be done  
11 and with what protections.

12 85. As a direct and/or proximate result of Fairfax's actions and/or inactions, Plaintiff  
13 and Class members were damaged.

14 **COUNT IV**

15 **INVASION OF PRIVACY**

16 86. Plaintiff re-alleges and incorporates by reference the allegations contained in the  
17 previous paragraphs.

18 87. Fairfax uses video cameras in the hall, in holding area outside bathroom, and in  
19 the room where the strip searches are conducted.

20 88. Although hospitals can have legitimate reasons to video record patients, Fairfax's  
21 practice violated the standard of care.

22 89. Fairfax intentionally intruded upon Plaintiff and Class members' solitude,  
23 seclusion or private affairs and concerns by recording patients in the hallway, in holding area  
24 outside the bathroom, and in the room where strip searches are conducted. This intrusion is  
25 highly offensive to reasonable individuals, such as Plaintiff and the Class members, and was  
26 totally unwarranted and unjustified constituting an invasion of privacy.

27 90. As a direct and/or proximate result of Fairfax's actions and/or inactions, Plaintiff  
28 and Class members were damaged.

1 **COUNT V**

2 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

3 91. Plaintiff realleges and incorporates by reference the allegations contained in the  
4 previous paragraphs.

5 92. Fairfax's extreme and outrageous conduct intentionally or recklessly caused  
6 severe emotional distress to Plaintiff and the Class members.

7 93. Fairfax acted with intent or recklessness, knowing that the pattern and practice of  
8 indiscriminately strip-searching psychiatric patients, many of whom have been sexually and  
9 physically abused, would likely cause emotional distress. Additionally, Fairfax acted with intent  
10 or recklessness, knowing that the use of video cameras in the area outside the bathroom where  
11 patients are required to undress and in the room where strip searches are conducted, would likely  
12 cause emotional distress.

13 94. Fairfax's conduct caused suffering for Plaintiff and Class members at levels that  
14 no reasonable person should have to endure.

15 95. As a direct and/or proximate result of Fairfax's actions, Plaintiff and Class  
16 members were damaged.

17 **COUNT VI**

18 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

19 96. Plaintiff realleges and incorporates by reference the allegations contained in the  
20 previous paragraphs.

21 97. Fairfax's extreme and outrageous conduct caused severe emotional distress to  
22 Plaintiff and the Class members.

23 98. Fairfax knew that the pattern and practice of indiscriminately strip searching  
24 psychiatric patients, many of whom have been sexually and physically abused, would likely  
25 cause emotional distress. Additionally, Fairfax knows that the use of video cameras in the area  
26 outside the bathroom where patients are required to undress and in the room where strip searches  
27 are conducted, would likely cause emotional distress.

28

1 99. Fairfax’s conduct caused suffering for Plaintiff and Class members at levels that  
2 no reasonable person should have to endure.

3 100. As a direct and/or proximate result of Fairfax’s actions, Plaintiff and Class  
4 members were damaged.

5 **COUNT VII**

6 **WASHINGTON LAW AGAINST DISCRIMINATION**

7 101. Fairfax Behavioral Health is a place of public accommodation.

8 102. Plaintiff and the class suffer from serious mental health conditions that require  
9 inpatient treatment. They are members of a protected class of people with disabilities related to  
10 the presence of a mental health disability.

11 103. Under RCW 49.60.030(1)(b), The Washington Law Against Discrimination  
12 (“WLAD”) secures the right to "full enjoyment" of any place of public accommodation,  
13 including the right to purchase any service or commodity sold by any place of public  
14 accommodation "without acts directly or indirectly causing persons of [a protected class] to be  
15 treated as not welcome, accepted, desired, or solicited." See RCW 49.60.040(14). Similarly,  
16 WLAD prohibits “any person or the person’s agent or employee [from committing] an act which  
17 directly or indirectly results in any distinction, restriction, or discrimination” based on a person’s  
18 membership in a protected class. RCW 49.60.

19 104. The WLAD protects the customer’s “full enjoyment” of the services and  
20 privileges offered in public accommodations. RCW 49.60.030(1)(b). WLAD’s broad definition of  
21 "full enjoyment" extends beyond denial of service to include liability for mistreatment that  
22 makes a person feel "not welcome, accepted, desired, or solicited." RCW 49.60.040(14).

23 105. WLAD makes it unlawful for “any person or the person’s agent or employee to  
24 commit an act” of, among other things, discrimination in a place of public accommodation.  
25 RCW 49.60.215. This provision imposes direct liability on employers for the discriminatory  
26 conduct of their agents and employees.

1           106. It is an unfair practice for a person in the operation of a place of public  
2 accommodation to fail or refuse to make reasonable accommodation to the known physical,  
3 sensory, or mental limitations of a person with a disability. WAC 162-26-080(1).

4           107. Fairfax’s practice of unjustified, unsupervised, and undocumented strip- and  
5 cavity-searches denies those experiencing mental illness from receiving the treatment they  
6 present for and are entitled to receive. Fairfax’s humiliating, unchecked search practices  
7 proximately resulted in negative treatment outcomes for Jane Doe and the Class, as well as  
8 substantial mental and physical anguish. These practices are substantially motivated by  
9 discriminatory animus towards people with serious mental health conditions requiring inpatient  
10 treatment.

11           108. Fairfax’s practice of recording patients during strip- and cavity-searches restricts  
12 those experiencing mental illness from receiving the treatment they present for and are entitled to  
13 receive. Fairfax’s humiliating video recording practices proximately resulted in negative  
14 treatment outcomes for Jane Doe and the Class, as well as substantial mental and physical  
15 anguish. This practice is substantially motivated by discriminatory animus towards people with  
16 serious mental health conditions requiring inpatient treatment.

17                                   **PRAYER FOR RELIEF**

18           WHEREFORE, Plaintiff, individually and on behalf of all Class members, pray that this  
19 Court:

20           A. Certify the Class, name Plaintiff as representative of the Class, and appoint her  
21 lawyers as Class Counsel;

22           B. Enter judgment against Fairfax Behavior Health in favor of Plaintiff and the  
23 Class;

24           C. Award Plaintiff and the Class members damages for pain and suffering, and  
25 compensatory and punitive damages;

26           D. Injunctive relief including preliminary and permanent injunctions restraining  
27 Fairfax from indiscriminately strip searching patients and/ or recording strip searches and  
28

1 requiring Fairfax to create protocols for conducting searches that require an individualized  
2 assessment of immediate danger to self or others;

3 E. Injunctive relief including preliminary and permanent injunctions restraining  
4 Fairfax from recording patients during strip- and cavity-searches and in other areas where  
5 patients undress and requiring Fairfax to create protocols controlling the use of video-recording  
6 and preservation of video-recordings; and

7 F. Award Plaintiffs their reasonable attorneys' fees and costs.

8 **JURY TRIAL DEMANDED**

9 Plaintiffs demand a trial by jury on all issues so triable.

10 Dated: April 30, 2019

11 Respectfully submitted,

12 HAGENS BERMAN SOBOL SHAPIRO LLP

13 By /s/ Steve W. Berman

14 Steve W. Berman, WSBA No. 12536

15 /s/ Shelby R. Smith

16 Shelby R. Smith, WSBA No. 31377

17 1301 Second Avenue, Suite 2000

18 Seattle, WA 98101

19 Telephone: (206) 623-7292

20 Facsimile: (206) 623-0594

21 steve@hbsslaw.com

22 shelby@hbsslaw.com

23 /s/ Alexa Polaski

24 Alexa Polaski, WSBA No. 52683

25 /s/ Stacie Siebrecht

26 Stacie Siebrecht, WSBA No. 29992

27 Disability Rights Washington

28 315 Fifth Avenue South, Suite 850

Seattle, WA 98104

Telephone: (206) 324-1521

alexap@dr-wa.org

stacies@dr-wa.org

*Attorneys for Plaintiffs*

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

JANE DOE, individually and on behalf of all other similarly situated,

(b) County of Residence of First Listed Plaintiff Island County (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Hagens Berman Sobol Shapiro, LLP 1301 Second Avenue, Suite 2000 (206) 623-7292

DEFENDANTS

FAIRFAX BEHAVIORAL HEALTH,

County of Residence of First Listed Defendant King County (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and business location (Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation).

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. 12101

Brief description of cause: Violation of adult patients by Defendant who were strip searched upon arrival and recorded.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 5,000,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** /s/ Steve W. Berman 4/30/2019



AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Washington

JANE DOE, individually and on behalf of all other
similarly situated,

Plaintiff(s)

v.

FAIRFAX BEHAVIORAL HEALTH

Defendant(s)

Civil Action No. 19-635

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Fairfax Behavioral Health
10200 NE 132nd Street
Kirkland, WA 98034

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are:

Steve W. Berman
Shelby R. Smith
1301 Second Avenue, Suite 2000
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594
steve@hbsslaw.com
shelby@hbsslaw.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

Signature of Clerk or Deputy Clerk

Civil Action No. 19-635

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Fairfax Hospital Patient Files Class Action Lawsuit Over 'Unjustified' Strip, Cavity Searches](#)

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