

RETURN DATE: JANUARY 8, 2013  
VIRGINIA WILLIAMS, INDIVIDUALLY AND  
AS ADMINISTRATOR OF THE ESTATE OF  
TRAVIS WASHINGTON

:SUPERIOR COURT  
:J.D. OF NEW HAVEN  
:AT NEW HAVEN  
:DECEMBER 14, 2012

v.

SAINT RAPHAEL HEALTHCARE SYSTEM, INC.

## COMPLAINT

### FIRST COUNT

1. At all times mentioned herein, the plaintiff, Virginia Williams, was the mother of the decedent Travis Washington and brings this action individually.
2. On September 14, 2011, the plaintiff Virginia Williams, was appointed as the fiduciary of the Estate of Travis Washington by the New Haven Probate Court and brings this action in her representative capacity on behalf of the Estate of Travis Washington.
3. On and prior to his death, the plaintiff's decedent, Travis Washington was a minor and resident of the State of Connecticut, County of New Haven, City of New Haven, at 34 Maple Street.
4. At all times mentioned herein, the defendant, The Hospital of St. Raphael, (hereinafter referred to as "Saint Raphael's"), was and is a medical facility operating under the laws of the State of Connecticut and located in the City of New Haven, County of New Haven, State of Connecticut at 1450 Chapel Street
5. On or about June 25, 2011, Travis Washington was brought by ambulance to Saint Raphael's emergency room for purposes of treatment of severe gunshot

wounds. After all emergency efforts to revive Travis Washington were not successful, Travis Washington died as a result of said injuries.

6. The defendant provided nursing services to Mr. Washington during the course of his emergency room treatment and supervised, monitored, preserved and controlled the disposition of his corpse after emergency treatment failed and Mr. Washington died.
7. The defendant prepared, administered and/or executed hospital policies, practices and procedures concerning the care and supervision of the mortally wounded, Travis Washington, and concerning the supervision, monitoring, preservation, control and transfer of Mr. Washington's corpse after emergency treatment failed and Mr. Washington died.
8. Notwithstanding hospital policies, practices and procedures, the defendant allowed access to Mr. Washington's body.
9. A short time thereafter, while plaintiff's decedent was still in the defendant's emergency room, a hospital employee approached Travis Washington's body and began taking pictures of the corpse with the said employee's personal cell phone camera.
10. The defendant failed to monitor and to supervise the activities of this hospital employee with the cell phone camera.
11. Said cell phone pictures were taken without plaintiff's authorization or consent.
12. Thereafter, the cell phone pictures were uploaded and transmitted electronically to other defendant employees and staff persons.

13. The photograph(s) of Mr. Washington's corpse has been circulated on public media.
14. A decedent's family has a privacy right personal to family members "to direct and control disposition of the body of the deceased and to limit attempts to exploit pictures of the deceased family member's remains", National Archives and Records Administration v. Favish, 541 U.S. 157, 167 (2004), in order "to secure their own refuge from a sensation-seeking culture for their own peace of mind and tranquility". Id., at 541 U.S. at 166.
15. The employee(s)' actions caused the plaintiff to suffer severe emotional injuries, as further described herein.
16. The employee(s)' actions caused the plaintiff damages, as further described herein.
17. The defendant, its employees, agents, and/or servants were negligent and careless in one or more of the following respects, in that:
  - a) The defendant failed under all the circumstances then and there existing to take reasonable precautions to avoid the probability of harm to individuals such as the plaintiff;
  - b) The defendant failed to maintain adequate personnel staff on or about the immediate vicinity of the premises in order to detect unreasonable behavior from individuals on or about the premises, including but not limited to the emergency room employees and staff;
  - c) The defendant failed to prevent individuals in the hospital from harming patients and their privacy when they knew or in the exercise of reasonable

care should have known that such individuals were likely to harm patients, including the plaintiff;

- d) The defendant failed to properly train its employees and security personnel to detect individuals who presented a danger to patients and their privacy, including employees of the hospital;
- e) The defendant failed to maintain properly trained staff;
- f) The defendant failed to properly train its employees on appropriate methods of patient care;
- g) The defendant failed to properly care, oversee, supervise, train and/or maintain control over its employees;
- h) The defendant failed to exercise reasonable and ordinary care for the plaintiff's privacy given the plaintiff's known condition;
- i) The defendant failed to establish appropriate rules and regulations concerning the treatment of emergency room patients and their remains;
- j) The defendant failed to use reasonable care in determining the qualifications of its employees and agents who provide medical services in its emergency facilities.

18. As a result of the defendant's negligence and carelessness, the plaintiff

sustained the following injuries;

- a) Major depression;
- b) Anxiety;
- c) Loss of time from employment;
- d) Additional emotional loss;

19. As a result of the defendant's aforementioned negligence, the plaintiff has incurred and will continue to incur in the future considerable expense for medical therapeutic treatment for said injuries.

20. As a further result of the defendant's aforementioned negligence and carelessness, the plaintiff has suffered and will continue to suffer in the future emotional pain and suffering.

## SECOND COUNT

1-20 Paragraphs 1 through 20 of the First Count are incorporated herein and made paragraphs one through twenty of this Second Count, as if fully set forth herein.

21. The defendant, its agents, servants or employees should have realized that the aforementioned conduct involved an unreasonable risk of causing emotional distress upon the plaintiff;

22. The defendant, its agents, servants or employees should have realized from the facts known, that the aforementioned emotional distress, if caused, might result in illness or bodily injury;

23. As a result of the aforementioned conduct on the part of the defendant, its agents, servants or employees, the plaintiff has suffered severe emotional distress in the form of emotional and psychological pain and suffering, anxiety, post traumatic stress disorder, embarrassment, humiliation, fear and will likely suffer from the same into the future.

## THIRD COUNT

1-20 Paragraphs 1 through 20 of the First Count are incorporated herein and made paragraphs one through twenty of this Third Count, as if fully set forth herein.

21 The foregoing conduct by the defendant, its agents, servants or employees was intentional, extreme and outrageous.

22. The defendant, its agents, servants or employees should have known or knew that emotional distress was likely to result from its conduct.

23. As a result of the aforementioned conduct on the part of the defendant, its agents, servants or employees, the plaintiff has suffered severe emotional distress in the form of emotional and psychological pain and suffering, anxiety, post traumatic stress disorder, embarrassment, humiliation, fear and will likely suffer from the same into the future.

#### FOURTH COUNT

1-20 Paragraphs 1 through 20 of the First Count are incorporated herein and made paragraphs one through twenty of this Fourth Count, as if fully set forth herein.

21. The defendant served as employer and/or master of their employee(s), staff or medical professionals.

22. The defendant's employee(s), its agents, servants or employees, staff, or medical professionals were in the line and scope of employment when they exploited, abused, violated and/or invaded the privacy of the plaintiff.

23. Defendant hospital is vicariously liable for the acts and omissions of their employees, staff, or medical professionals.

24. Such conduct was the proximate cause of plaintiff's injuries and damage.

#### FIFTH COUNT

1-20 Paragraphs 1 through 20 of the First Count are incorporated herein and made paragraphs one through twenty of this Fifth Count, as if fully set forth herein.

21. As described herein, the defendant, its agents, servants or employees through its actions and/or omissions has committed a wrongful intrusion upon the plaintiff's seclusion by improperly photographing and disseminating the cell phone pictures.

22. The defendant its agents, servants or employees intentionally and without privilege or authority intruded upon the plaintiff's solitude and privacy with respect to plaintiff's private affairs.

23. Said intrusions would be highly offensive to a reasonable person.

24. Such conduct was the proximate cause of plaintiff's injuries.

#### SIXTH COUNT

1-20 Paragraphs 1 through 20 of the First Count are incorporated herein and made paragraphs one through twenty of this Sixth Count, as if fully set forth herein.

21. The defendant's actions its agents, servants or employees were willful, wanton, intentional, malicious, reckless and exhibited a conscious disregard for the

rights and safety of other persons that had a great probability of causing substantial harm.

22. Improper disclosure of said cell phone photograph is objectionable such that a reasonable person subjected to such disclosure would experience outrage, mental suffering, shame or humiliation.

23. As a proximate result of defendant's wrongful conduct, plaintiff has been injured or otherwise damaged.

WHEREFORE, PLAINTIFF CLAIMS DAMAGES

THE PLAINTIFF

By 

Jerald Barber

Williams and Barber

34 Wright Avenue

New Haven, Connecticut 06515

(203) 787-2236

Juris No. 413651



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**STATEMENT RE: AMOUNT IN DEMAND**

The monetary damages, legal interest or property in demand, exclusive of interest and costs is in an amount of \$15,000.00 or more.

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I hereby certify that I have made reasonable inquiry, as permitted by the circumstances, to determine whether there are grounds for a good faith belief that there has been negligence in the care and/or treatment of the plaintiff's decedent Travis Washington. This inquiry has given rise to a good faith belief on my part that grounds exists for an action against the defendant, Hospital of Saint Raphael's and others whose identity will be determined pursuant to disclosure compliance by the aforementioned defendant

THE PLAINTIFF

By 

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