

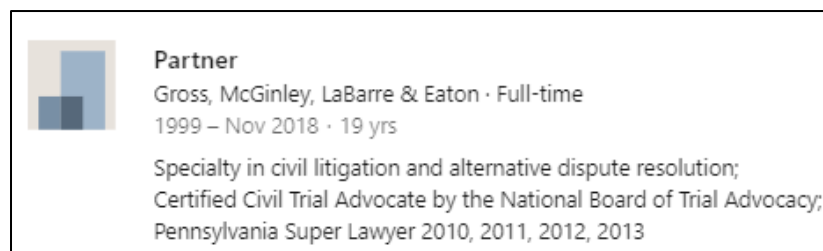
*Editor's Note:* On September 30, 2022, it was announced that Speaker of the House, Nancy Pelosi, nominated Congresswoman Susan Wild to chair the House Ethics Committee, replacing Congressman Ted Deutch.

**Susan Wild was a lawyer who represented health care practitioners and hospitals, municipalities and public officials, and a variety of insurance matters ranging from commercial lines to personal injury defense and employment matters:**

- Wild was a lawyer in Washington, D.C. for 6 years before moving to the Lehigh Valley to continue her legal career. “Susan Ellis Wild has practiced law in the Lehigh Valley since 1988, and prior to that was a lawyer for 6 years in Washington, D.C.” (“Susan Ellis Wild,” [Gross McGinley LLP](#), Accessed 6/4/18)

*Editor's Note:* Gross McGinley, LLP has three offices in Pennsylvania in Allentown, Easton, and Lehigh.

- According to her LinkedIn profile, Wild was a partner at Gross McGinley from 1999 to 2018.



(Susan Wild, [LinkedIn](#), Accessed 11/3/21)

- When confirmed as the Allentown City Solicitor in 2015, Wild had represented Allentown in more than 100 cases and allegedly had a near-perfect record in winning cases for the city. “An Allentown attorney and former candidate for Lehigh County commissioner has been confirmed as Allentown's next solicitor. Susan Ellis Wild, an attorney with Allentown firm Gross McGinley, will replace outgoing solicitor Jerry Snyder following a 6-0 vote of Allentown City Council on Wednesday. At a confirmation hearing before council's meeting, Mayor Ed Pawlowski said Wild has represented Allentown in more than 100 cases and has a near-perfect record in winning cases for the city.” (Emily Opilo, “Susan Ellis Wild to serve as Allentown's next solicitor,” [The Morning Call](#), 1/7/15)

### *KidsPeace – Counselor Rape*

**In 2006, after a residential treatment program run by KidsPeace reached a civil settlement with a minor who was raped by a counselor, Susan Wild argued in court that the corporation should not have to pay the settlement because it was a “medical incident” and should be covered by the corporation’s insurance:**

*Editor's Note:* In 2016, Wild was [listed](#) as a “proud” supporter of KidsPeace, and she [praised](#) the organization in 2019.

- KidsPeace is a private, non-profit Pennsylvania corporation that provides specialized residential treatment programs for children.

Background

KidsPeace is a private, non-profit, Pennsylvania corporation that provides specialized residential treatment programs and educational services for children. A child, "MC," was

(Lexington Insurance Company v. KidsPeace Corporation, Eastern District of Pennsylvania, Case #2:05-cv-00652, [Opinion and Judgment](#), Filed 8/22/06)

- In 1998, a child at KidsPeace identified as "MC" was imprisoned and sodomized by a counselor, "DS," who told him that "if he reported the assault no one would believe him because he was crazy."

residential treatment programs and educational services for children. A child, "MC," was admitted to KidsPeace in early 1998 for the treatment of depression. At that time he was a minor. Shortly after his admission, MC came in contact with "DS," a KidsPeace counselor. On one particular occasion DS imprisoned MC in the bathroom, pulled down his pants, covered his mouth and sodomized MC. Following the rape, DS told MC that if he reported the assault no one would believe him because he was crazy.

(Lexington Insurance Company v. KidsPeace Corporation, Eastern District of Pennsylvania, Case #2:05-cv-00652, [Opinion and Judgment](#), Filed 8/22/06)

- In August 2003, Matthew Craft, a former patient at KidsPeace, submitted a draft complaint against the company. "The notice of claim was submitted following the filing of a Praecipe to Issue Writ of Summons in the Court of Common Pleas of Lehigh County, Pennsylvania by Matthew Craft, captioned Matthew Craft v. Dean Sine, KidsPeace National Centers of North America, Inc. d/b/a KidsPeace National Hospital for Kids in Crisis, No. 2003C225. 10. On or about August 7, 2003, counsel for Matthew Craft provided a draft copy of a complaint that Craft anticipated filing against Dean Sine and KidsPeace. (A copy of the proposed complaint is attached hereto as Exhibit 'B')." (Lexington Insurance Company v. KidsPeace Corporation, Eastern District of Pennsylvania, Case #2:05-cv-00652, [Complaint for Declaratory Judgment](#), Filed 2/10/05)
  - **Craft's complaint also alleged he was denied necessary medication, imprisoned in a bathroom, and was raped by a KidsPeace worker who had a history of violence.** "The following facts are alleged in the proposed complaint, in pertinent part: 6. On February 5, 1998, Matthew Craft, then age 15, was admitted to KidsPeace to be treated for depression. 7. Shortly after his admission, Matthew Craft came in contact with Defendant Sine who was employed by KidsPeace as a counselor. 9. While a patient at KidsPeace, Matthew Craft sought and was denied a necessary medication by Dean Sine. 10. While a patient at KidsPeace, Matthew Craft was imprisoned in a bathroom where his pants were pulled down, his mouth was covered and he was sodomized by Defendant, Dean Sine. 11. Following the rape, Defendant Sine advised Matthew Craft that if he reported the assault, he would not

be believed because he was 'crazy.' 12. Following the rape, the medical staff at KidsPeace treated Matthew Craft for constipation. 13. KidsPeace knew or should have known of Defendant Sine's propensity for, and history of, violence including the asphyxiation of a 12 year old resident in 1994 that resulted in a criminal and civil prosecution. 14. As a direct and proximate result of Defendants' actions, Matthew Craft suffered severe physical and psychological damage, humiliation, and loss of the enjoyment of life's pleasures." (Lexington Insurance Company v. KidsPeace Corporation, Eastern District of Pennsylvania, Case #2:05-cv-00652, [Complaint for Declaratory Judgment](#), Filed 2/10/05)

- **He also alleged negligence against KidsPeace for their failure to properly investigate and hire employees, which failed to keep Craft safe.** "Count II is styled as a count sounding in negligence against KidsPeace and alleges that the negligence and carelessness of KidsPeace consisted of: a. the failure to properly investigate and hire employees; b. the failure to properly test, train and supervise employees so as to prevent the sexual abuse and mistreatment of its patients; c. the failure to implement appropriate monitoring and security practices to prevent the sexual abuse and mistreatment of patients; d. the failure to terminate the employment of Defendant Sine, who they knew, or should have known, was unfit for employment at KidsPeace; e. the failure to protect Matthew Craft from an employee, who by his history, temperament and stature was inclined to intimidate, overreach and abuse patients; f. the failure to take reasonable precautions to ensure the safety of its patient, Matthew Craft; g. the failure to adequately monitor the television surveillance activities including the aforementioned treatment of Matthew Craft by Defendant Sine; and h. the failure to abide by applicable statutes, regulations and ordinances with respect to the condition and operation of their psychiatric hospital at the time of the sexual assault." (Lexington Insurance Company v. KidsPeace Corporation, Eastern District of Pennsylvania, Case #2:05-cv-00652, [Complaint for Declaratory Judgment](#), Filed 2/10/05)
- **In 2003, Craft filed an insurance claim with Lexington Insurance Company in Boston, MA.**

LEXINGTON INSURANCE COMPANY  
200 State Street, 4<sup>th</sup> Floor  
Boston, MA 02109

v.

KIDSPeACE CORPORATION  
3438 Route 309  
Orefield, PA 18069

8. On February 20, 2003, Lexington received notice of a claim brought by Matthew Craft alleging sexual assault by a staff person at a KidsPeace residential facility.

(Lexington Insurance Company v. KidsPeace Corporation, Eastern District of Pennsylvania, Case #2:05-cv-00652, [Complaint for Declaratory Judgment](#), Filed 2/10/05)

- **Lexington initially declined to settle the claim because their policy did not cover this incident, claiming no "medical incident" occurred and therefore they had**

**no obligation to pay for the settlement.** “There is no coverage under the healthcare professional liability policy issued by Lexington because there has been no ‘medical incident’ as that term is defined by the policy, and therefore the claim does not fall within the terms of the insuring agreement. 27. There is no obligation to indemnify the insureds for the allegations in the draft complaint pursuant to Exclusion O., which excludes indemnity for claims arising out of alleged sexual misconduct. WHEREFORE, Plaintiff, Lexington Insurance Company, respectfully requests this Honorable Court declare that it owes no obligation to indemnify KidsPeace Corporation for any settlement it entered into on its own pursuant to the terms of its policy.” (Lexington Insurance Company v. KidsPeace Corporation, Eastern District of Pennsylvania, Case #2:05-cv-00652, [Complaint for Declaratory Judgment](#), Filed 2/10/05)

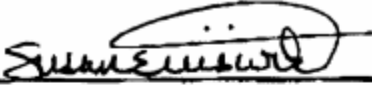
- KidsPeace entered into a settlement agreement with Craft, agreeing to pay a total of \$700,000 over two years.

23. Lexington provided defense counsel for KidsPeace, but declined to settle the claim before it entered litigation.

24. KidsPeace then entered into a settlement agreement with the underlying plaintiff, to pay a total of \$700,000 of the course of two years.

(Lexington Insurance Company v. KidsPeace Corporation, Eastern District of Pennsylvania, Case #2:05-cv-00652, [Complaint for Declaratory Judgment](#), Filed 2/10/05)

- In 2005, Wild was identified as KidsPeace’s attorney.

  
Signature  
Printed/typed name: Susan Ellis Wild  
As Attorney for Kidspeace  
Of Gross McGinley LaBarre & Eaton LLP  
phone 610-820-5450

(Lexington Insurance Company v. KidsPeace Corporation, Eastern District of Pennsylvania, Case #2:05-cv-00652, [Waiver of Service of Summons](#), Filed 4/5/05)

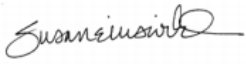
- As their attorney, Wild argued that the sexual abuse was a “medical incident,” so KidsPeace should be covered by the liability insurance. “Because the Lexington Policy defines ‘medical incident’ as ‘any act, error or omission in the providing of or failure to provide professional services,’ (Stipulation of Facts, Ex. A at 016 (emphasis in original)), and because the failures of KidsPeace alleged by MC are omissions in the providing of or failure to provide professional services, a ‘medical incident’ occurred, thereby triggering coverage under the Healthcare Professional Liability Coverage of the Lexington Policy.

Accordingly, summary judgment should be granted in favor of KidsPeace.” (Lexington Insurance Company v. KidsPeace Corporation, Eastern District of Pennsylvania, Case #2:05-cv-00652, [Reply Memorandum](#), Filed 2/3/06)

Respectfully submitted:

GROSS, McGINLEY, LaBARRE & EATON, LLP

Date: 2/3/06

BY:   
SUSAN ELLIS WILD, ESQUIRE  
Attorney for Defendant, KidsPeace Corporation  
33 South 7<sup>th</sup> Street, P.O. Box 4060  
Allentown, PA 18105-4060  
(610) 820-5450

(Lexington Insurance Company v. KidsPeace Corporation, Eastern District of Pennsylvania, Case #2:05-cv-00652, [Reply Memorandum](#), Filed 2/3/06)

- Wild also argued that the insurance company’s sexual misconduct exclusion did not apply because the company could not have known and prevented the sexual assault without using a “crystal ball.”

MC’s Complaint alleged, for example, that KidsPeace: (1) failed to “implement appropriate monitoring and security practices to prevent the sexual abuse and mistreatment of patients;” and (2) failed “to adequately monitor the television surveillance activities including the aforementioned treatment of . . . [MC] by . . . [DS].” (Stipulation of Facts, Ex. C at ¶ 26) There is no allegation that, had KidsPeace undertaken the suggested actions, it would have or should have learned of the sexual misconduct purportedly committed by DS. Even assuming, *arguendo*, that the procedures advocated by MC in his complaint were implemented, KidsPeace would not have known of the sexual misconduct allegedly committed by DS in time to prevent it. Someone viewing a monitor or other surveillance equipment could only have learned of the sexual misconduct at the time it occurred.<sup>5</sup> MC’s complaint does not call for the installation of a crystal ball that reveals future acts. Because any monitoring equipment would not have revealed sexual misconduct until the misconduct actually occurred, KidsPeace could not have known of this misconduct prior to its occurrence, and therefore could not have prevented such malfeasance. Since the sexual misconduct exclusion could only be applicable here if KidsPeace could have known and prevented the sexual assault purportedly committed by DS, the sexual misconduct exclusion does not apply.

(Lexington Insurance Company v. KidsPeace Corporation, Eastern District of Pennsylvania, Case #2:05-cv-00652, [Reply Memorandum](#), Filed 2/3/06)

- WILD: “Because any monitoring equipment would not have revealed sexual misconduct until the misconduct actually occurred, KidsPeace could not have known of this misconduct prior to its occurrence, and therefore could not have

**prevented such malfeasance.”** (Lexington Insurance Company v. KidsPeace Corporation, Eastern District of Pennsylvania, Case #2:05-cv-00652, [Reply Memorandum](#), Filed 2/3/06)

*Editor’s Note:* The counselor in this case was [identified](#) as Dean Sine, who was convicted in 2003 of involuntary deviate sexual intercourse. The arrest and conviction were related to a rape that was [reported](#) to have taken place in 1994.

- **In 1993, Dean Sine was implicated in the death of a 12-year old boy at KidsPeace who died from suffocation after Sine sat on the boy’s back and buttocks to control him.** “A former counselor last night was acquitted of involuntary manslaughter in the suffocation death of a 12-year-old boy at KidsPeace center for troubled children in Orefield. A Lehigh County jury deliberated about two hours before finding Dean Sine, 31, of Quakertown not guilty in the May 1993 death of Jason Tallman of New Jersey. Prosecutors called the case a homicide, saying Sine sat on the boy's back and buttocks to control him but went too far.” (Debbie Garlicki, “Kidspeace Worker Acquitted in Death,” [Morning Call](#), 6/30/95)
- **Dean Sine was acquitted in the death, arguing he had used the restraint method hundreds of times at KidsPeace and no child ever died or was injured.** “The defense said Sine committed no crime, and the boy's death was an accident. The restraint method Sine used had been employed hundreds of times at KidsPeace, and no other child ever died or was injured, Sine's lawyer argued.” (Debbie Garlicki, “Kidspeace Worker Acquitted in Death,” [Morning Call](#), 6/30/95)
- **A judge found that the sexual abuse was a medical incident so Lexington’s policy applied, meaning it had to indemnify KidsPeace for the full amount of the settlement less the deductible.** “As to Lexington, I conclude that the sexual abuse was a medical incident arising out of professional services, the sexual misconduct exclusion in Lexington’s policy does not apply, and therefore it must indemnify KidsPeace for the full amount of the settlement less the policy’s deductible.” (Lexington Insurance Company v. KidsPeace Corporation, Eastern District of Pennsylvania, Case #2:05-cv-00652, [Opinion and Judgment](#), Filed 8/22/06)

### *KidsPeace – Employee Rape*

**In 2006, KidsPeace settled a civil lawsuit for \$2 million after a female employee at a corrections facility was raped by an inmate:**

- **KidsPeace is the parent company of Mesabi Academy, a northern Minnesota juvenile corrections facility.** “The dangerous conditions and neglect of vulnerable children at a northern Minnesota juvenile corrections facility are in full view today, in addition to the consequences, eight months after it was forced to close. ... Citing a dramatic reduction in clients, Mesabi Academy's parent company – KidsPeace, a non-profit based in Schnecksville, Pa. – closed the facility on June 30.” (Tom Scheck, “Final investigation reveals 'fight club,' lack of oversight among problems at Mesabi,” [APM Reports](#), 2/21/17)
- **According to a June 2004 complaint against Mesabi Academy of KidsPeace, Inc., the female plaintiff “TJ” was employed by Mesabi Academy of KidsPeace, Inc. as a youth care worker in the sex offender unit assisting youth convicted of sex offenses.** “Comes now the Plaintiff, T.J., and her Complaint against Defendants, Mesabi Academy of



KidsPeace, Inc., KidsPeace Corporation, and Michael Muehlberg, alleges as follows: Parties 1. Plaintiff T.J. is an individual who resides in Hibbing, Minnesota. 2. Defendant Mesabi Academy of Kidspeace [sic], Inc. is a foreign corporation whose principle place of business is located in Buhl, St. Louis County, Minnesota, and which operates the Mesabi Academy of KidsPeace in Buhl, Minnesota. 3. Defendant Kidspeace [sic] Corporation is a foreign corporation that owns, operates, controls, and provides direct supervision and training to Defendant Mesabi Academy of KidsPeace, Inc. 4. Defendant Michael Muehlberg is a Minnesota resident employed by Defendant Mesabi Academy of KidsPeace, Inc. 5. Plaintiff T.J. is a qualified youth counselor with an Associate of Arts degree and a paralegal degree. From April 8, 2002, until June 28, 2003, Defendant Mesabi Academy of KidsPeace, Inc. employed Plaintiff as a youth care worker. 6. Defendant Mesabi Academy of KidsPeace, Inc. hired Plaintiff to work in the sex offender unit assisting youth, all of whom had been convicted of sex offenses, with everyday activities at the facility and counseling.” (T.J. v. KidsPeace Mesabi Academy, Inc. et al, U.S. District Court of Minnesota, Case 0:04-cv-02847-ADM-RLE, [Complaint](#), Filed 6/2/04)

*Editor’s Note:* Wild was not a [party](#) to the case until June 2006, when she [represented](#) Defendants KidsPeace Corporation and KidsPeace Mesabi Academy, Inc.

- **“10. Defendants engaged in a pattern of unlawful conduct toward Plaintiff, beginning during the first week of her employment, continuing through her employment and culminating with an inmate at Mesabi Academy of KidsPeace, Inc. physically and sexually assaulting Plaintiff on June 28, 2003.”**

<p><b>10. Defendants engaged in a pattern of unlawful conduct toward Plaintiff, beginning during the first week of her employment, continuing through her employment and culminating with an inmate at Mesabi Academy of KidsPeace, Inc. physically and sexually assaulting Plaintiff on June 28, 2003.</b></p>
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(T.J. v. KidsPeace Mesabi Academy, Inc. et al, U.S. District Court of Minnesota, Case 0:04-cv-02847-ADM-RLE, [Complaint](#), Filed 6/2/04)

- **TJ was hired by Mesabi Academy in April 2002 and was sexually assaulted in June 2003 by a resident who would be convicted of criminal sexual conduct and sentenced to 24 years in prison.** “TJ was an employee of Mesabi Academy who was hired on April 2, 2002 to work as a youth care worker. TJ was trained and worked in the discovery unit, which exclusively houses youths who are receiving sex offender treatment. On or about June 28, 2003, TJ was sexually assaulted by DC, who was then one of Mesabi Academy’s residents in the discovery unit. DC was convicted of criminal sexual conduct in connection with TJ’s allegations of sexual abuse and sentenced to prison for 24 years.” (KidsPeace Corporation v Lexington Insurance Company, U.S. District Court of Minnesota, Case 0:07-cv-01864-M, [Report of Parties’ Planning Meeting](#), Filed 7/23/07)
- **The Plaintiff alleged that, in violation of a Minnesota Department of Corrections requirement, she was the only staff member alone with up to twenty of the inmates at times; all of whom were male convicted sex offenders.** “12. In April 2002, within the first week of Plaintiff’s employment, other staff employed by Defendant left Plaintiff alone with inmates in the sex offender unit. This practice violated a Minnesota Department of Corrections requirement that three staff be on hand in the sex offender unit. A court had

ordered that one particularly dangerous youth, N.S., have one staff person assigned to him at all times. The Department of Corrections, which sets guidelines for correctional institutions, required a ratio of approximately one staff person per seven or eight inmates at all times. At times, Plaintiff was the only staff member alone with up to twenty of the inmates, all of whom were male and convicted sex offenders.” (T.J. v. KidsPeace Mesabi Academy, Inc. et al, U.S. District Court of Minnesota, Case 0:04-cv-02847-ADM-RLE, [Complaint](#), Filed 6/2/04)

- **The complaint alleged that supervisors took no action when Plaintiff reported that an inmate, previously convicted of two rape charges, told Plaintiff he was going to kill her and there was nothing she could do about it.** “14. Within the first six months of Plaintiff’s employment at Mesabi Academy of KidsPeace, Inc., in the summer of 2002, an inmate, previously convicted of two rape charges, told Plaintiff he was going to kill her and there was nothing she could do about it. Plaintiff reported this conversation to Jacobson and other supervisors but no action was taken.” (T.J. v. KidsPeace Mesabi Academy, Inc. et al, U.S. District Court of Minnesota, Case 0:04-cv-02847-ADM-RLE, [Complaint](#), Filed 6/2/04)
- **The complaint alleged that at the Plaintiff’s sixth-month job performance review, her supervisor cited her safety concerns in denying her the standard raise and promotion routinely given to employees after six months of employment and said Plaintiff lacked self-confidence and had expressed fear of the inmates.** “15. At Plaintiff’s sixth-month job performance review, Jacobson cited Plaintiff’s safety concerns in denying Plaintiff the standard raise and promotion routinely given to employees after six months of employment. Jacobson stated the reason for denying Plaintiff the promotion was that Plaintiff lacked self-confidence and had expressed fear of the inmates. Jacobson told Plaintiff that staff should never be afraid of the inmates, all of whom were convicted sex offenders. Some of the inmates had also been investigated for murder. 16. Jacobson also stated that he was delaying Plaintiff’s promotion because she had disciplined inmates by giving them six hours of confinement in their rooms. Jacobson chastised Plaintiff for this practice despite the fact that six-hour confinement was an authorized method of discipline at the facility. Furthermore, male employees routinely disciplined inmates with six hours of confinement, and Jacobson did not reprimand them for imposing that form of discipline. Jacobson delayed Plaintiff T.J.’s raise and promotion for three months.” (T.J. v. KidsPeace Mesabi Academy, Inc. et al, U.S. District Court of Minnesota, Case 0:04-cv-02847-ADM-RLE, [Complaint](#), Filed 6/2/04)

*Editor’s Note: Paul Jacobson was Plaintiff’s [supervisor](#).*

- **The complaint alleged that the Plaintiff’s supervisor made her switch to a less desirable shift “because she was female” and Plaintiff sent an e-mail to the Program Manager saying that action constituted gender discrimination, but the issue was never resolved.** “18. In approximately March of 2003, Jacobson told Plaintiff she had to switch shifts, to a less desirable shift. She asked why and Jacobson said it was ‘because she was female.’ Plaintiff sent an e-mail to Program Manager Lance Edminster saying Jacobson’s action constituted gender discrimination. Edminster suggested they get together to resolve the issue with Jacobson. Following that conversation, Edminster never got back to Plaintiff despite her repeated attempts to contact him, and Plaintiff was forced to switch to the less desirable shift.” (T.J. v. KidsPeace Mesabi Academy, Inc. et al, U.S. District Court of Minnesota, Case 0:04-cv-02847-ADM-RLE, [Complaint](#), Filed 6/2/04)



- **After a different inmate stated he wanted to have sex with Plaintiff, Plaintiff was alone inside a locked women’s restroom when a male employee of Mesabi Academy deliberately unlocked the restroom door and allowed the inmate into the restroom.** “30. In approximately May of 2003, inmate C.S. told Plaintiff’s co-employee Billi Jo Miller to tell Plaintiff that he was going to do sexual things to her. Miller, who was newly employed at Mesabi Academy complied. Plaintiff complained about the incident. On that occasion, C.S. was disciplined for his behavior. 31. Approximately one week after C.S. stated he wanted to have sex with Plaintiff, Plaintiff was alone inside a locked women’s restroom. The restroom was clearly marked ‘Women Only.’ A male employee of Mesabi Academy deliberately unlocked the restroom door and allowed C.S. into the restroom. The male employee saw Plaintiff in the restroom and then walked away, leaving the inmate in the bathroom with Plaintiff.” (T.J. v. KidsPeace Mesabi Academy, Inc. et al, U.S. District Court of Minnesota, Case 0:04-cv-02847-ADM-RLE, [Complaint](#), Filed 6/2/04)

  - **“32...Despite Plaintiff’s repeated attempts to pursue the matter with supervisors, none of the supervisors indicated any interest in disciplining the employees and, in fact, did not even inquire about the name of the employee.”** (T.J. v. KidsPeace Mesabi Academy, Inc. et al, U.S. District Court of Minnesota, Case 0:04-cv-02847-ADM-RLE, [Complaint](#), Filed 6/2/04)
- **The complaint alleged that one inmate would frequently masturbate while looking at Plaintiff and she would regularly find sexually explicit fantasies the inmate had written about her and other women, several of which said he was going to murder Plaintiff and chop her up.** “38. One inmate would frequently masturbate while looking at Plaintiff. He would touch her hair and brush into her. He would try to put his hand on her leg. When doing room inspection, Plaintiff would regularly find sexually explicit fantasies the inmate had written about her and other women. Several of the fantasies from the inmate stated he was going to murder Plaintiff and chop her up.” (T.J. v. KidsPeace Mesabi Academy, Inc. et al, U.S. District Court of Minnesota, Case 0:04-cv-02847-ADM-RLE, [Complaint](#), Filed 6/2/04)

  - **The Plaintiff reported the inmate to her supervisors, but no disciplinary action was taken against him.** “39. Plaintiff reported this inmate’s sexual behavior and turned over his writings to Jacobson, the inmate’s counselors, and other supervisors. The majority of the times Plaintiff reported the inmate’s obscene and threatening conduct, no disciplinary action was taken against him.” (T.J. v. KidsPeace Mesabi Academy, Inc. et al, U.S. District Court of Minnesota, Case 0:04-cv-02847-ADM-RLE, [Complaint](#), Filed 6/2/04)
- **“48. As a direct result of the aforesaid actions and conduct of Defendants, Plaintiff sustained a severe and permanent injury, incurred emotional distress and trauma, incurred medical expenses and wage loss, and will incur future medical expenses and loss of earning capacity to her great damage in excess of the sum of Fifty Thousand and No/100ths Dollars (\$50,000.00).”** (T.J. v. KidsPeace Mesabi Academy, Inc. et al, U.S. District Court of Minnesota, Case 0:04-cv-02847-ADM-RLE, [Complaint](#), Filed 6/2/04)
- **TJ’s lawsuit alleged, among other things, that negligent supervision and insufficient procedural safeguards on the part of KidsPeace led to her rape.** “TJ filed a lawsuit in the United States District Court for the District of Minnesota against, among others, KidsPeace and Mesabi Academy (the ‘TJ Litigation’). In the TJ Litigation, TJ alleged, among other things, that negligent supervision and insufficient procedural safeguards on

the part of KidsPeace led to her rape.” (KidsPeace Corporation v Lexington Insurance Company, U.S. District Court of Minnesota, Case 0:07-cv-01864-M, [Report of Parties' Planning Meeting](#), Filed 7/23/07)

- **In August 2006, a settlement was reached.** “Minute Entry for proceedings held before Chief Magistrate Judge Raymond L Erickson : Settlement Conference held on 7/31/2006. Appearances and procedures to be followed for the settlement conference stated. Conference continued off the record. Settlement reached. Terms stated on the record. (Tape #06-43) (SEA) (Entered: 08/01/2006)” (T.J. v. KidsPeace Mesabi Academy, Inc. et al, U.S. District Court of Minnesota, Case 0:04-cv-02847-ADM-RLE, [Civil Docket](#), Filed 8/1/06)
  - **After TJ claimed sexual discrimination and harassment by supervisors and co-workers, KidsPeace settled with TJ for \$2 million.** “In 2006, KidsPeace settled one of those lawsuits by a former female staffer for \$2 million. The plaintiff – known as TJ in court records – was sexually assaulted by a resident in 2003. She filed in federal court, claiming sexual discrimination and harassment by supervisors and co-workers and saying negligent supervision and insufficient safeguards on the part of KidsPeace led to her rape.” (Tom Scheck, “A Failure of Oversight,” *APM Reports*, 5/26/16)

**After the settlement, Wild represented KidsPeace and sued their insurance company to ensure that the corporation did not have to pay the entire settlement:**

- **After the \$2 million settlement was reached, KidsPeace paid TJ \$700,000 and one of KidsPeace’s insurers, Chubb Insurance Company, was supposed to pay the remaining \$1.3 million.** “On August 2, 2006, KidsPeace and TJ settled the TJ Litigation with TJ agreeing to accept the sum of \$2 million (\$2,000,000) to dismiss her claims. In connection with the settlement of the TJ Litigation, KidsPeace paid TJ the sum of \$700,000 and Chubb Insurance Company – one of KidsPeace’s insurers – paid TJ the sum of \$1,300,000.” (KidsPeace Corporation v Lexington Insurance Company, U.S. District Court of Minnesota, Case 0:07-cv-01864-M, [Report of Parties' Planning Meeting](#), Filed 7/23/07)
  - **Wild represented KidsPeace.**

<b>ATTORNEYS FOR PLAINTIFF KIDSPACE CORPORATION</b>
<b><u>OF COUNSEL:</u></b> GROSS, MCGINLEY, LABARRE & EATON, LLP Susan Ellis Wild, Esquire Errol C. Deans, Esquire P. O. Box 4060 Allentown, PA 18105-4060 Telephone: (610) 820-5450 Facsimile: (610) 820-6006

(KidsPeace Corporation v Lexington Insurance Company, U.S. District Court of Minnesota, Case 0:07-cv-01864-M, [Report of Parties' Planning Meeting](#), Filed 7/23/07)

- **“For some unknown reason, Chubb did not pay all of the defense costs in the underlying case, or for the entire settlement with TJ.”** (KidsPeace Corporation v. Lexington Insurance Company, U.S District Court of Minnesota, Case 0:07-cv-01864, “[Lexington's Memorandum Of Law In Support Of Its Motion For Summary Judgment](#),” Filed 2/2/09)

- **Chubb then demanded that the suit be tendered as well to Lexington Insurance, KidsPeace’s general liability insurer.** “KidsPeace and Mesabi forwarded the suit to their employment-practices liability insurer, Chubb Corp., which paid defense costs and \$1.3 million in indemnity. But Chubb also demanded that the TJ. suit be tendered as well to Lexington, KidsPeace's general liability insurer, court papers state.” (Anne Urda, “Liability Fight Breaks Out In KidsPeace \$1M Bias Case,” [Law360](#), 2/3/09)
- **KidsPeace sought to receive the rest of the money from Lexington, but Lexington argued the incident was not covered under their general liability coverage.** “Short on funds, KidsPeace is unfairly attempting to shake Lexington down for the rest of the money, the insurer claims. ‘KidsPeace is now trying to recover these amounts from Lexington, claiming that the policy provided general liability coverage for TJ.'s negligence count against KidsPeace,’ the insurer said. ‘But the Lexington policy does not pick up where Chubb's employment policy inexplicably left – it expressly does not cover employment-based claims or suits among insureds.’” (Anne Urda, “Liability Fight Breaks Out In KidsPeace \$1M Bias Case,” [Law360](#), 2/3/09)
  - **“After reviewing the claim, Lexington denied coverage because the employment suit was covered by the Chubb policy exclusively, the insurer claimed.”** (Anne Urda, “Liability Fight Breaks Out In KidsPeace \$1M Bias Case,” [Law360](#), 2/3/09)
  - **“The general insurer of KidsPeace Corp. is protesting the children's facility's attempt to force the company to cover part of a \$1.3 million employment discrimination settlement, arguing that such disputes are covered by a completely separate policy.”** (Anne Urda, “Liability Fight Breaks Out In KidsPeace \$1M Bias Case,” [Law360](#), 2/3/09)
- **In September 2009, a court found that Lexington Insurance Company was obligated to indemnify KidsPeace, and they were ordered to pay \$600,000 of the original TJ settlement plus \$45,000 to Wild’s firm in defense costs.** “IT IS ORDERED AND ADJUDGED THAT: 1. Plaintiff KidsPeace Corporation’s Motion for Summary Judgment [Doc. No. 24] is GRANTED as follows: 1. It is hereby declared that the Healthcare General Liability Coverage of the policy of insurance issues to KidsPeace Corporation by Lexington Insurance Company, Policy No. 2004826, obligates Lexington Insurance Company to indemnify KidsPeace Corporation for settlement payments and to reimburse defense costs incurred in connection with claims brought against KidsPeace Corporation by TJ in the Matter of TJ v. Mesabi Academy of KidsPeace, Inc. KidsPeace Corp., et al., 04-CV-2847 United States District Court for the District of Minnesota (the ‘TJ Litigation’); (ii) Judgment is hereby entered in favor of KidsPeace Corporation and against Lexington Insurance Company in the amount of \$600,000 for payments made by KidsPeace Corporation in settlement of the TJ Litigation; and (iii) Judgment is hereby entered in the amount of \$45,477 in damages for defense costs incurred by the law firm of Gross McGinley.” (KidsPeace Corporation v Lexington Insurance Company, U.S. District Court of Minnesota, Case 0:07-cv-01864-M, [Judgment in a Civil Case](#), Filed 9/4/09)

**After Wild represented KidsPeace, problems continued to occur at their Minnesota facility, including reports of dangerous conditions, safety violations, institutional neglect, improper staff training, and a lack of oversight by government officials, which culminated in the facility’s closing in 2016:**

- **A sixteen-month investigation into Mesabi Academy, which concluded in February 2017, revealed findings of dangerous conditions, safety violations, institutional neglect, improper staff training, and a lack of oversight by government officials.** “The final investigation into Mesabi Academy, concluded and made public last week, shows that an employee allowed boys as young as 12 to fight one another in what was known as a ‘fight club,’ one of five instances of maltreatment that St. Louis County Public Health and Human Services determined occurred at the Buhl, Minn., operation. Other maltreatment findings, according to documents from a 16-month investigation, include an employee ignoring one boy punching another boy in the face, an employee sleeping in the gym when residents were fighting, an employee breaking a resident's clavicle and unsafe restraint procedures on boys. The documents provided by the county don't name the employees involved so it's not clear if the findings involve one or more people.” (Tom Scheck, “Final investigation reveals ‘fight club,’ lack of oversight among problems at Mesabi,” [APM Reports](#), 2/21/17)
  - **The facility closed in 2016.** “The findings come eight months after Mesabi Academy shut down last summer following an investigation by APM Reports that revealed safety violations, institutional neglect, improper staff training and a lack of oversight by government officials.” (Tom Scheck, “Final investigation reveals ‘fight club,’ lack of oversight among problems at Mesabi,” [APM Reports](#), 2/21/17)
- **The investigation also found that Mesabi Academy staff allowed 12-year-old boys to fight one another in so-called “fight clubs.”** “Most alarming among the St. Louis County maltreatment findings was the discovery that Mesabi Academy staff allowed 12-year-old boys to fight one another in so-called ‘fight clubs.’ “A youth reported that there is a ‘fight club’ where youth would meet up in a room and fight,’ a May 12 complaint stated. ‘As long as the youth wanted to fight, staff was fine with it.’” (Tom Scheck, “Final investigation reveals ‘fight club,’ lack of oversight among problems at Mesabi,” [APM Reports](#), 2/21/17)
- **After an employee informed her superiors at the facility in 2015 that three boys had told her they had been sexually abused by an employee, the academy’s leaders did not tell St. Louis County authorities about the allegations; a decision that may have evaded state law.** “Last spring, Caroline Mattson informed her superiors at Minnesota's largest private correctional facility for boys that three boys had told her they'd been sexually abused by an employee. They began an internal investigation, prompted either by that report or another. But the leaders there – at Mesabi Academy in Buhl, Minn. – did not tell St. Louis County authorities about the allegations, a decision that avoided outside scrutiny and may have evaded state law.” (Tom Scheck and Curtis Gilbert, “Private juvenile center conceals abuse inquiries and pressures county to keep its business deal,” [MPR News](#), 5/2/16)
  - **“Six months later, in October 2015, county officials learned of the alleged incidents, which both triggered their own investigation and contributed to a decision to end a contract critical to Mesabi's ability to operate in Minnesota.”** (Tom Scheck and Curtis Gilbert, “Private juvenile center conceals abuse inquiries and pressures county to keep its business deal,” [MPR News](#), 5/2/16)
  - **St. Louis County confirmed that Mesabi Academy did not report several allegations of sexual abuse to authorities despite state law requiring the academy to report such allegations.** “But St. Louis County also confirmed Mesabi Academy didn't report several allegations of sex abuse to authorities. State law required the

academy to report such allegations to St. Louis County Child Protection or law enforcement within 24 hours of being told.” (Tom Scheck and Curtis Gilbert, “Private juvenile center conceals abuse inquiries and pressures county to keep its business deal,” [MPR News](#), 5/2/16)

### *KidsPeace – Border Apprehensions*

#### **In 2018, KidsPeace was holding children apprehended at U.S. border sites by the U.S. Department of Homeland Security, which alarmed individuals due to their history of employing abusive workers:**

- **In 2018, KidsPeace was holding children apprehended at U.S. border sites by the U.S. Department of Homeland Security.** “KidsPeace, headquartered in North Whitehall Township, is holding children apprehended at U.S. border sites by the U.S. Department of Homeland Security, though it’s unclear if the children are those whose treatment at the southern border has generated outrage.” (Tim Darragh, “KidsPeace holding children detained by Homeland Security,” [The Morning Call](#), 6/21/18)
- **This alarmed individuals due to KidsPeace’s history of employing workers accused of sexual misconduct and abuse.** “Several companies that house migrant children have employed workers accused of sexual misconduct and abuse, Reveal’s investigation found. KidsPeace National Centers for Kids in Crisis, a nonprofit headquartered in Pennsylvania, faced troubling allegations at its branches in Minnesota and Maine. In 2016, KidsPeace employed social worker Kelly F. O’Rourke, then 51, even though state regulators in Maine received complaints accusing him of having a sexual relationship with an adult client. O’Rourke continued practicing for six months after the complaint was filed with the Maine State Board of Social Worker Licensure.” (Aura Bogado et al, “Migrant children coming to the US are being sent to shelters with histories of child abuse allegations,” [PRI](#), 6/20/18)
  - **PRI Headline: “Migrant children coming to the US are being sent to shelters with histories of child abuse allegations”** (Aura Bogado et al, “Migrant children coming to the US are being sent to shelters with histories of child abuse allegations,” [PRI](#), 6/20/18)

#### **In 2019, Wild visited a KidsPeace refugee resettlement facility and praised it as “safe, clean, and comfortable:”**

- **In July 2019, Wild visited KidsPeace’s Office of Refugee Resettlement and said she was “relieved to see that the children at KidsPeace appear to be housed in a safe, clean, and comfortable setting. ... I am relieved and proud to say that our district has a facility that is providing quality care for these children while awaiting disposition of their cases.”** “For #PA07’s awareness, over the weekend, I visited the KidsPeace (KP) Office of Refugee Resettlement (ORR) Shelter in Fountain Hill where approximately 112 minors who crossed the border from Guatemala, Honduras and El Salvador are housed pending individual case management. I was relieved to see that the children at KidsPeace appear to be housed in a safe, clean, and comfortable setting. Upon arrival, each child receives a detailed assessment of their physical and psychological health. They attend classes in English, Spanish, math and science and participate in daily activities, including soccer and art. KidsPeace, experienced in caring for children and adolescents with behavioral and mental health challenges, receives many requests to house children and adolescents from other, more crowded facilities. ... But I am relieved and proud to say that our district has a facility that is providing quality care for these children

while awaiting disposition of their cases. It's a difficult situation, with no easy answers.”  
 (“Congressman Susan Wild,” [Facebook](#), 7/12/19)

### *Lehigh Valley Hospital – Meningitis*

**In 1999, Susan Wild defended a hospital in a medical malpractice suit in which the hospital was accused by mother Tracy Werley of failing to diagnose and then treat her son Derrick for infection, resulting in permanent brain damage and leaving the child unable to eat, speak or walk on his own:**

- **In 1999, Susan Wild defended Lehigh Valley Hospital in a suit brought by Tracy Werley alleging negligence in their care of her son Derrick, who suffered severe brain damage at birth.** “A Lehigh County jury recently found that doctors, nurses and Lehigh Valley Hospital were not negligent in their care of a baby who suffered severe brain damage at birth in 1991. After a 2-1/2-week trial, the jury returned a verdict Sept. 8 in favor of the hospital and medical professionals and against Tracy A. Werley of Northampton, the child's mother who sued on behalf of her son Derrick, 8 years old. ... The hospital and its lawyer, Susan Ellis Wild of Allentown, called four expert witnesses who said the hospital and medical professionals did all they could to help the baby. The experts said antibiotics were administered promptly but that the brain damage had occurred by that point.” (Debbie Garlicki, “Jury Finds Doctors And LVH Weren't Negligent With Baby; \*Northampton Mother Alleged Brain Damage Was Preventable.,” [Morning Call](#), 9/23/99)
- **The suit alleged that doctors did not do adequate testing to determine the mother was a carrier of group B strep, which can have a devastating effect if passed on to a baby.** “The suit alleged that the doctor didn't do adequate blood cultures to determine that the mother was a carrier of group B. strep. Although many women carry the bacteria and the bacteria is not harmful to them, it can have devastating effects if it is not detected and passes to a baby. Around 1996, doctors began uniformly testing for the bacteria in pregnant women and administering antibiotics that are transmitted to the infant.” (Debbie Garlicki, “Jury Finds Doctors And LVH Weren't Negligent With Baby; \*Northampton Mother Alleged Brain Damage Was Preventable.,” [Morning Call](#), 9/23/99)
- **The suit also contended that the hospital didn't properly determine that the infant was in distress when he was born and didn't administer antibiotics quickly enough to fight the infection.** “The suit contended that the hospital, doctors and nurses didn't promptly determine that the infant was in distress when he was born May 19, 1991, and didn't administer antibiotics quickly enough to fight the infection.” (Debbie Garlicki, “Jury Finds Doctors And LVH Weren't Negligent With Baby; \*Northampton Mother Alleged Brain Damage Was Preventable.,” [Morning Call](#), 9/23/99)
  - **After the child was born, he had an elevated temperature, experienced respiratory problems, and appeared jaundiced so he was transferred into the neonatal ICU where blood cultures showed the presence of the strep bacteria.** “After his birth, the child had an elevated temperature and respiratory problems, had trouble feeding and appeared jaundiced, according to the suit, filed by Philadelphia lawyer Slade H. McLaughlin. The infant was transferred from the newborn nursery to the neonatal intensive care unit, where blood cultures were drawn that showed the presence of bacteria.” (Debbie Garlicki, “Jury Finds Doctors And LVH Weren't Negligent With Baby; \*Northampton Mother Alleged Brain Damage Was Preventable.,” [Morning Call](#), 9/23/99)



- **Antibiotics were not administered until two days after birth, and a CAT scan later showed that brain damage had left him functioning on the level of a three-month-old child.** “Antibiotics were administered two days after the baby was born, but CAT scans done later showed brain damage that has left the boy functioning on the level of a 3-month-old child.” (Debbie Garlicki, “Jury Finds Doctors And LVH Weren’t Negligent With Baby; \*Northampton Mother Alleged Brain Damage Was Preventable.,” [Morning Call](#), 9/23/99)
  - **A video of the child was played during the court case and he appeared in the court room; the *Morning Star* reported that he “can’t walk, talk or eat on his own.”** “The child was in the courtroom during jury selection and closing arguments of lawyers. Jurors saw a videotape that showed the boy going to school, undergoing physical therapy and Tracy Werley caring for and playing with her child, who can’t walk, talk or eat on his own.” (Debbie Garlicki, “Jury Finds Doctors And LVH Weren’t Negligent With Baby; \*Northampton Mother Alleged Brain Damage Was Preventable.,” [Morning Call](#), 9/23/99)
  - **The *Times News Online* later reported that Tracy Werley’s son had viral meningitis.**



JARRAD HEDES/TIMES NEWS Tracy Werley holds her son Derrick before he fulfills his dream of riding in a Harley-Davidson sidecar on Sunday. Harley sales consultant Eric German organized the ride and also landed Derrick, who has spinal meningitis, VIP tickets with meet-and-greet access to see his favorite band, George Thorogood and the Destroyers at Penn’s Peak next month.

(Times News Online, “[Tracy Werley Holds Her Son Derrick As He Fulfills His Dream Riding Harley](#),” n.d.)

- **The jury found that the doctors and nurses were not negligent.** “...jury recently found that doctors, nurses and Lehigh Valley Hospital were not negligent in their care of a baby who suffered severe brain damage at birth in 1991.” (Debbie Garlicki, “Jury Finds Doctors And LVH Weren’t Negligent With Baby; \*Northampton Mother Alleged Brain Damage Was Preventable.,” [Morning Call](#), 9/23/99)

### *Physician Defense – Genital Exams*

**In 1996, Susan Wild defended a physician who performed state-mandated genital exams on 59 sixth grade girls, resulting in a trial where parents testified their children suffered psychological harm as a result:**

- **In March 1996, Dr. Ramlah Vahanvaty gave state-mandated physical exams, including a genital exam, to sixth grade girls at J.T. Lambert Intermediate School.** “The school district itself remains a defendant under civil rights claims alleging search and seizure violations. Caputo let stand some claims against Dr. Ramlah Vahanvaty and two nurses, Cathy Parrish and Cynthia Dougherty. The girls were given a physical exam on March 19, 1996, at J.T. Lambert Intermediate School that included an examination of the girls’ genitalia by a female doctor. Dr. Vahanvaty was hired by the school board to perform physical exams of sixth-grade students. The exam was mandated by state statute.” (Joe McDonald, “Judge won’t dismiss E-burg exam lawsuit,” [Pocono Record](#), 8/18/98)
  - **“Pennsylvania law requires all sixth-graders to undergo a physical exam, either in a family doctor's office or at school; the 59 girls examined at school had not turned in reports from their own doctors, school officials said.”** (Cheryl Wetzstein, “Middle-school genital exams criticized,” [Washington Times](#), 5/5/96)
- **Some parents did not know their daughters were to going to be examined or that the exam included a genital inspection.** “However, some parents did not know their daughters were to going to be examined. Others did not realize the exam would include a genital inspection. ‘If I had only known, I wouldn't have given my consent,’ said Anna Maria Brocca, who said her ‘very modest’ daughter was still unsettled by the experience.” (Cheryl Wetzstein, “Middle-school genital exams criticized,” [Washington Times](#), 5/5/96)
- **Some parents said the girls were screaming and crying, that nurses blocked doors and refused to allow the girls to call home, and that one girl tried to jump from a window, but school officials said those were exaggerations.** “Some parents have said that girls were screaming and crying, that nurses blocked doors and refused to allow the girls to call home, and that one girl tried to jump from a window. School officials insist that these are exaggerations and that such rumors have fueled so many ‘threatening, obscene and harassing phone calls’ to school personnel that they are now tracing phone calls and ‘seeking the assistance of law-enforcement agencies in prosecuting these individuals to the fullest extent of the law.’ The Pennsylvania State Department of Health and the Pennsylvania State Police both have concluded that the school's exam-inations were ‘within the parameters’ of the law. (Cheryl Wetzstein, “Middle-school genital exams criticized,” [Washington Times](#), 5/5/96)
- **In May 1996, Wild began representing Dr. Vahanvaty.** “ENTRY OF ATTORNEY APPEARANCE, of Susan Ellis Wild for defendant Ramlah Vahanvaty; with demand for jury trial of 12. CC on letter. (jb) (Entered: 05/30/1996)” (Doe, et al v. East Stroudsburg Are, et al, Middle District of Pennsylvania, Case #: 3:96-cv-00852, [Civil Docket](#), Filed 5/9/96)
- **In court, Wild said that the genital exam was “dictated” by the state’s Student Health Form and was conducted in accordance with prevailing pediatric standards.** “Attorneys for school officials say that the physicals were conducted within legal and medical guidelines and deny that they or their policies violated any laws or any of the plaintiffs’ individual rights. ‘We hope the court will . . . essentially dismiss the suit,’ says Jeffrey D. Litts of Doylestown, Pa., an attorney for the East Stroudsburg school officials and two school nurses. Susan Ellis Wild, an attorney for Dr. Ramlah Vahanvaty, who was hired to perform the exams, said in court papers that the genital exam was ‘dictated’ by the state's Student Health Form and was conducted in accordance with prevailing pediatric

standards.” (Cheryl Wetzstein, “Filing deadline tomorrow in suit over school physicals; Girls’ genital exams angered parents,” [Washington Times](#), 11/30/97)

- **Wild said the exams were “noninvasive” and any girl who refused the genital exam was not given one.** “The exams were ‘noninvasive’ and any girl who refused the genital exam was not given one, says Miss Wild, who practices in Allentown, Pa.” (Cheryl Wetzstein, “Filing deadline tomorrow in suit over school physicals; Girls’ genital exams angered parents,” [Washington Times](#), 11/30/97)

*Editor’s Note:* Wild was [terminated](#) from the case on May 22, 1998. In June 1999, Dr. Vahanvaty reached an out-of-court settlement with the families of the girls, with one father [revealing](#) the settlement was \$25,000 per girl. In a separate lawsuit against the school district, a jury [ordered](#) the school district to pay each girl \$7,500. The settlement and verdict followed a three-week trial that found that the girls had not consented to the genital exams and had their civil rights violated.

### *Pottstown Memorial Medical Center – Malpractice*

**In 2014, Susan Wild defended a hospital that was sued multiple times for medical malpractice, including alleged cardiovascular-related deaths, but the hospital itself was not forced to settle:**

- **In a March 2014 medical malpractice lawsuit, Wild represented Pottstown Memorial Medical Center, which was accused of failing to properly treat a patient’s chest pains, resulting in his death less than 24 hours after being discharged from the hospital.** “Nature of Suit P.I.: Medical Malpractice ... A Pennsylvania federal judge on Friday approved a \$1 million settlement allowing a doctor to resolve a suit accusing medical staff of failing to properly treat a patient’s chest pains, resulting in his death less than 24 hours after being discharged from the hospital. U.S. Magistrate Judge Carol Sandra Moore Wells signed off on a deal to end a suit brought by estate administrator Vincent DiCioccio alleging Pottstown Memorial Medical Center and two doctors failed to properly treat Hendrico Salata’s complaints of chest pain, which purportedly led to his death a day after being discharged. The settlement resolves wrongful death and medical negligence claims lodged against Dr. Nainesh Patel, a cardiologist, leaving one remaining claim against PPMC for violation of the Emergency Medical Treatment and Labor Act. ... Pottstown is represented by Susan E. Wild and Jennifer L. Weed of Gross McGinley LLP. The case is Vincent S. DiCioccio v. Don Y. Chung M.D. et al., case number 2:14-cv-01772, in the U.S. District Court for the Eastern District of Pennsylvania...The suit was filed in March 2014.” (Y. Peter Kang, “Pa. Doctor Exits Patient Death Suit With \$1M Deal,” [Law360](#), 7/10/17)

*Editor’s Note:* The \$1 million settlement above did not involve Wild’s client.

- **Wild also represented Pottstown Memorial Medical Center in a suit alleging that the hospital and a doctor failed to timely diagnose and treat a colon condition of a patient, leading to her death, but a Pennsylvania appeals court affirmed a jury’s decision to clear the health care providers in the suit.** “A Pennsylvania appeals court on Friday affirmed a jury’s decision to clear health care providers in a suit accusing a doctor and hospital of failing to properly diagnose a woman’s colon condition leading to her death, saying the trial judge’s evidentiary rulings were not an abuse of discretion. A three-judge Superior Court panel affirmed a defense verdict in a suit lodged by estate administrator Jennifer Black alleging that Dr. Drew Ronnermann and Pottstown Memorial Medical Center failed

to timely diagnose and treat the colon condition of Ana Ravelo-Ortiz. The panel said several evidentiary decisions made by the trial judge, excluding or allowing certain evidence or testimony, were made within the judge's authority and did not constitute reversible error. ... The hospital is represented by Susan Ellis Wild and Samuel E. Cohen of Gross McGinley LLP." (Y. Peter Kang, "Pa. Court Says Trial Evidence OK In Med Mal Defense Verdict," [Law360](#), 7/3/17)

- **In 2007, Pottstown was again involved in a lawsuit alleging that it failed to provide a man who believed he was having a heart attack the standard of care and discharged him, leading to the man's death less than seven hours later.** "21. On April 23, 2007 at approximately 5:00 a.m., John Kauffman contacted a friend to take him to the hospital because he believed he was having a heart attack. He complained of chest pain, difficulty breathing, clamminess and difficulty getting his shoes on because of swollen feet. 22. On April 23, 2007 at 5:39 a.m., John Kauffman presented to the Emergency Department of Pottstown Memorial Medical Center, seeking emergency medical treatment for an emergency medical condition manifested by complaints of chest pain, difficulty breathing, anxiety, clamminess and swollen feet...33. In violation of the standard of care, no assessment was ever performed, by any medical provider of John Kauffman's chest pain. 34. In gross violation of the most basic standard of care for a patient with chest pain, a. No electrocardiogram was done; b. No continuous cardiac monitoring was performed; c. No blood work was ordered, and d. No ongoing evaluation of John Kauffman's vital signs was done. ... 40. At 9:35 a.m, John Kauffman was discharged by Nurse J. Lantz. ... 45. Less than 7 hours later, on March 23, 2007 at approximately 4:00 p.m., John Kauffman was found lying on his bed, he was blue and his heart was not beating." (Kauffman v. Franz et al, Case 2:07-cv-05043-ER, United States District Court for the Eastern District of Pennsylvania, [Complaint](#), Filed 11/29/07)

*Editor's Note:* Wild [represented](#) Defendant Pottstown Memorial Hospital. One of the doctors who was also a defendant was [ordered](#) to pay Plaintiffs a sum of one million dollars.

- **After being brought via ambulance back to Pottstown Memorial Medical Center with a diagnosis of cardiac arrest, the man was pronounced dead, and the autopsy performed found the cause of death was arteriosclerotic cardiovascular disease, hypertrophic cardiomyopathy, and pneumonitis.** "46. At 4:56 p.m., John Kauffman was brought via ambulance to Pottstown Memorial Medical Center with an admitting diagnosis of cardiac arrest. Upon arrival he was being bagged; he had no pulse and no respirations. 47. John Kauffman was seen by Dr. Richard McGlaughlin who noted that John Kauffman had cyanosis and mottling of the trunk, face, and extremities. Dr. McGlaughlin pronounced John Kauffman dead upon arrival. 48. According to the autopsy performed, the cause of death was arteriosclerotic cardiovascular disease, hypertrophic cardiomyopathy and pneumonitis." (Kauffman v. Franz et al, Case 2:07-cv-05043-ER, United States District Court for the Eastern District of Pennsylvania, [Complaint](#), Filed 11/29/07)
- **"51. The acts and omissions on the part of the Defendants, jointly and severally, were gross departures from the basic standard of care and were substantial factors in John Kauffman's catastrophic injuries and death."** (Kauffman v. Franz et al, Case 2:07-cv-05043-ER, United States District Court for the Eastern District of Pennsylvania, [Complaint](#), Filed 11/29/07)
- **"WHEREFORE, Plaintiffs demand judgment against all defendants, individually, jointly and severally, in an amount in excess of Seventy -Five**

**Thousand Dollars (\$75,000.00), and in excess of the prevailing arbitration limits, exclusive of pre-judgment interest, post-judgment interest and costs.”** (Kauffman v. Franz et al, Case 2:07-cv-05043-ER, United States District Court for the Eastern District of Pennsylvania, [Complaint](#), Filed 11/29/07)

- **In March 2011, Pottstown Memorial Medical Center was dismissed from the case with prejudice.** “It is hereby STIPULATED and AGREED among counsel for all parties that Defendants, Stephen Spencer, M.D. and Pottstown Memorial Medical Center, Pottstown Hospital Company, LLC d/b/a and/or a/k/a Pottstown Memorial Medical Center are DISMISSED from the above-captioned matter with prejudice.” (Kauffman v. Franz et al, Case 2:07-cv-05043-ER, United States District Court for the Eastern District of Pennsylvania, [Stipulation of Dismissal](#), Filed 11/29/07)
- **In May 2011, the court ordered that Defendant Pamela Franz, M.D. (Settling Defendant) was to provide Plaintiffs with a settlement in the sum of one million dollars.** “AND NOW, this 18th day of May, 2011, upon consideration of the Petition for Court Approval of Settlement, Allocation of Settlement Proceeds Between the Wrongful Death Act and Survival Act, and Distribution of Settlement Proceeds, it is hereby ORDERED and DECREED that Plaintiffs are authorized to accept and receive the gross present value sum of One Million Dollars (\$1,000,000) in settlement of all claims against Defendant Pamela Franz, M.D., (‘Settling Defendant’). Settling Defendant shall forward all settlement drafts or checks to Plaintiffs' counsel for proper distribution.” Kauffman v. Franz et al, Case 2:07-cv-05043-ER, United States District Court for the Eastern District of Pennsylvania, [Order](#), Filed 5/18/11)

### *Negligent Prescription of Narcotics*

**In 2004, Wild represented a physician who was accused of negligent prescription of narcotics causing a patient’s car accident and traumatic brain injury; the case was ultimately dismissed with prejudice:**

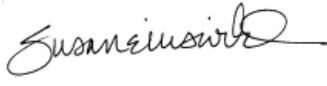
- **In 2004, George McGinley, M.D. was accused of negligently prescribing narcotics, causing the patient to allegedly get in a car accident and suffer a traumatic brain injury.** “17. In or about June, 2002, plaintiff Timothy McGinley suffered a work related injury which resulted in his seeking treatment from defendant George W. McGinley, M.D. for the control of pain. 18. At or about the time of the aforesaid injury, George W. McGinley, M.D., who knew or, in the exercise of reasonable diligence and/or care, should have known that plaintiff Timothy McGinley was treating with methadone and was addicted to or subject to addiction to narcotic painkillers prescribed, provided and/or distributed to him Valium, vicodin, and dilaudid, among other things. ... 19. On or about July 26, 2002, while under the influence of the various narcotics that defendant George W. McGinley, M.D. recently prescribed for and/or supplied to him, plaintiff Timothy McGinley was involved in a one-car accident at or near Walnut Creek, California, in which he stopped breathing for an indeterminate amount of time and was intubated at the scene of the accident, as well as suffered a severe laceration of his left arm, among other things...21. The carelessness and/or negligence of defendant George W. McGinley, M.D. directly and proximately caused these injuries and addictions of plaintiff Timothy McGinley...22. As a direct and proximate result of that accident, plaintiff Timothy McGinley suffered, and continues to suffer, a traumatic brain injury and nerve damage in his left arm, among other



things.” (McGinley et al v. McGinley et al, United States District Court for the Eastern District of Pennsylvania, Case 2:04-cv-03500-BWK, [Complaint](#), Filed 7/23/04)

**Editor’s Note:** The Plaintiff, Defendant, and legal counsel for the defendant all have the same last name of McGinley.

- Wild represented George McGinley.

Kindly enter my appearance as co-counsel on behalf of Defendant, George W. McGinley,	
M.D., in connection with the above case.	
	Respectfully submitted:
	GROSS, McGINLEY, LaBARRE & EATON, LLP
Date: 10/31/05	BY: 
	SUSAN ELLIS WILD, ESQUIRE Co-counsel for Defendant, George W. McGinley, M.D. 33 South 7th Street P.O. Box 4060 Allentown, PA 18105-4060 (610) 820-5450 I.D. #51971

(McGinley et al v. McGinley et al, United States District Court for the Eastern District of Pennsylvania, Case 2:04-cv-03500-BWK, [Praecipe for Appearance](#), Filed 10/31/05)

- **The Plaintiff sued for more than \$100,000 in damages.** “WHEREFORE, plaintiff Timothy McGinley claims of defendant George W. McGinley, M.D. a sum in excess of One Hundred Thousand Dollars (\$100,000.00) in damages, exclusive of interest, costs and delay damages, which amount exceeds the jurisdictional amount requiring arbitration, and such further relief as the Court deems just and proper.” (McGinley et al v. McGinley et al, United States District Court for the Eastern District of Pennsylvania, Case 2:04-cv-03500-BWK, [Complaint](#), Filed 7/23/04)
- **In October 2008, the case was dismissed with prejudice.** “AND NOW, this 15TH day of October, 2008, upon consideration of the Parties' Stipulation, it is ORDERED that all claims and cross claims against the only remaining Defendant, George W. McGinley, M.D., P.C., are DISMISSED WITH PREJUDICE, and the Clerk of the Court shall mark this case CLOSED.” (McGinley et al v. McGinley et al, United States District Court for the Eastern District of Pennsylvania, Case 2:04-cv-03500-BWK, [Order](#), Filed 10/16/08)