

# Superior Court of California County of Orange



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**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER  
SEP 13 2012  
ALAN CARLSON, Clerk of the Court

7 Attorneys for Plaintiff, William Sweeney

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF ORANGE**

10 **30-2012**  
11 **005 977 15**

11 WILLIAM SWEENEY, an individual, )  
12 )  
13 Plaintiff, )  
14 )  
15 v. )  
16 PUR DETOX, INC, a corporation; ALLAN SOSIN, )  
17 M.D.; and DOES 1 through 50, inclusive, )  
18 )  
19 Defendants. )

Case No.:

COMPLAINT FOR DAMAGES

1. Negligence
2. Medical Malpractice
3. Negligent Supervision

JUDGE GREGORY H. LEWIS  
DEPT. C26

20 PLAINTIFF alleges as follows:

21 GENERAL ALLEGATIONS

22 1. Plaintiff WILLIAM SWEENEY is, and was at all relevant times herein  
23 mentioned, a resident of the State of New York.

24 2. Defendants PUR DETOX, INC. and DOES 1-5 are, and at all times herein  
25 mentioned were, corporations existing under and by virtue of the laws of the State of California  
26 and doing business at 751 South Weir Canyon Suite 453, Anaheim California. PUR DETOX,  
27 INC. and DOES 1-5 is licensed as an alcoholism and drug abuse recovery and treatment facility  
28

1 and provides residential rehabilitation and detoxification services to clients at its facility at 25071  
2 Alicia Drive, City of Dana Point, County of Orange, California.

3 3. Defendant DOES 6-25 are and were at all times herein mentioned individuals  
4 employed as doctors, therapists, counselors, case managers, and/or nurses by Defendants, PUR  
5 DETOX, INC. and DOES 1-5. Plaintiff is informed and believes, and thereon alleges, that at all  
6 relevant times herein mentioned, Defendants DOES 6-25 were acting in the course and scope of  
7 their employment/agency.

8 4. Defendants ALLAN SOSIN, M.D. and DOES 6-10 are, and at all times herein  
9 mentioned was, physicians licensed by the State of California to practice medicine, with their  
10 principal place of business at 4 Hughes, Suite 175, City of Irvine, County of Orange, California.

11 5. Plaintiff is informed and believes, and thereon alleges, that at all times mentioned  
12 in this complaint, Defendants ALLAN SOSIN, M.D. was the agent and employee of PUR  
13 DETOX, INC. and DOES 1-5, and in doing the in doing the acts alleged in this complaint was  
14 acting within the course and scope of his authority as such agent and/or employee with the  
15 consent of his co-defendants.

16 6. The true names and capacities of defendant DOES 1 through 50, inclusive, whether  
17 individuals, corporations, associates or otherwise, are presently unknown to Plaintiff, who  
18 therefore sues said defendants by such fictitious names. Plaintiff is informed and believes, and  
19 thereon alleges, that each Doe defendant is responsible in some manner for the events alleged  
20 and proximately caused injury and damages to the Plaintiff as herein alleged. Plaintiff will  
21 further amend this complaint to state the true names and capacities of said defendants when they  
22 have been ascertained.

23 7. Plaintiff is informed and believes, and thereon alleges, that at all times herein  
24 mentioned, each of the defendants sued herein as DOES 1-50 was the agent, employee or servant  
25 of one or more of the other defendants and was at all times acting within the course and scope of  
26 such agency and employment with the full knowledge, consent, authority, ratification, and  
27 permission of the remaining defendants. Each and every reference to any defendant is intended  
28 to include, and shall be deemed to include, all fictitiously named defendants.

1           8.       On or about December 1, 2011, Plaintiff WILLIAM SWEENEY and his brother,  
2 concerned about his drug and alcohol use, contacted PUR DETOX, INC., a residential facility  
3 purporting to treat drug addiction through a detoxification and purification program. PUR  
4 DETOX, INC.'s representatives told Plaintiff and/or his brother that the treatment protocols  
5 included supervision by a psychiatrist and meetings with a physician 2-3 times per week and  
6 supervision and monitoring by personnel familiar with and trained in alcohol and drug  
7 detoxification management.

8           9.       Plaintiff told PUR DETOX, INC. representatives that he had a history of suicidal  
9 thoughts and was on a psychiatrist prescribed medication protocol which included the anti-opiate  
10 medication Suboxone, the anti-psychotic medication Seroquel, and the anti-anxiety medications  
11 Klonopin and Xanax.

12          10.       The medication Suboxone is known to cause drug dependence, resulting in  
13 withdrawal symptoms if the medication is stopped suddenly. Treatment protocols for Suboxone  
14 require gradual reduction off the medication to minimize adverse withdrawal symptoms.  
15 Suboxone withdrawal symptoms can include anxiety, depression, feeling of hopelessness and  
16 isolation and thoughts of suicide. Similarly, the medication Seroquel can cause acute withdrawal  
17 symptoms if discontinued rapidly with withdrawal symptoms that can include suicidal thoughts.

18          11.       Plaintiff is informed and believes, and thereon alleges, that PUR DETOX, INC. is  
19 a Church of Scientology-affiliated facility which has a policy of quickly weaning clients off of  
20 psychiatric medications. Plaintiff is informed and believes, and thereon alleges, that PUR  
21 DETOX, INC. uses the detoxification program known as the Purification Rundown, which was  
22 developed by Scientology's founder, L. Ron Hubbard. The Purification Rundown consists of  
23 exercise, high doses of dietary supplements and long stays in a sauna.

24          12.       On or about December 3, 2011, Plaintiff WILLIAM SWEENEY flew to  
25 California, was picked up at the airport by a PUR DETOX, INC. representative and taken to the  
26 PUR DETOX, INC. residential facility at 25071 Alicia Drive in Dana Point for the treatment of  
27 his drug and alcohol dependencies.

1           13.     After his admission to PUR DETOX, INC., Plaintiff was seen by ALLAN  
2     SOSIN, M.D. ("SOSIN"), an internal medicine/nephrology physician, for approximately 20  
3     minutes. Despite being informed that Plaintiff was under the care of a psychiatrist, including an  
4     established prescribed medication protocol and that he had a history of suicide attempts, SOSIN  
5     never contacted Plaintiff's psychiatrist to inquire about Plaintiff's medical or psychiatric history  
6     or treatment protocol or prescribed medication regimen.

7           14.     Immediately after his initial consult with SOSIN, Plaintiff was started on a  
8     "Quick Taper" program, which involved rapid discontinuation of all the prescribed medications  
9     he had been taking. Over the next week, PUR DETOX, INC. made Plaintiff discontinue all  
10    medications, including the anti-opiate Suboxone and the anti-psychotic Seroquel. During the 10-  
11    day "Quick Taper" period, Plaintiff was administered several courses of an intravenous drips  
12    purportedly consisting of Magnesium, Potassium, and Vitamin B.

13          15.     During the "Quick-Taper" prescription drug discontinuation period, Plaintiff was  
14    examined by SOSIN only once. During the cursory examination, SOSIN never asked Plaintiff  
15    about his mental status or whether he was experiencing withdrawal symptoms. SOSIN's focus  
16    during the meeting was getting Plaintiff started on the next phase of the detoxification - the  
17    exercise and sauna program.

18          16.     During this "Quick Taper" period, Plaintiff began to experience feelings of  
19    depression and hopelessness, became withdrawn and began having suicidal thoughts. Plaintiff  
20    was supposed to have a staff member assigned to monitor him, but the staff member was often in  
21    another part of the residence and Plaintiff was left on his own for long periods of time.

22          17.     On or about December 11, 2011, during the "Quick Taper" period, PUR DETOX,  
23    INC. staff members took Plaintiff to the third floor of the residence. Plaintiff was led out onto  
24    third floor a balcony and told to do certain "visualization" exercises. After the exercise on the  
25    balcony Plaintiff returned downstairs, where he was left alone. Instead of monitoring and  
26    observing Plaintiff, the staff member assigned to him went to sleep on another level of the  
27    residence. At approximately 6:00 p.m., Plaintiff returned to the unsecured third-floor, went out  
28

1 onto the unsecured balcony through an unlocked and unalarmed sliding door, and attempted  
2 suicide by jumping off the balcony.

3 18. As a result of his fall, Plaintiff suffered severe personal injuries, including right  
4 pelvis fractures, a right displaced hip fracture requiring internal plate fixation, a broken right leg  
5 requiring surgery to place a traction pin, and fractured heel. Plaintiff spent 4 weeks in the  
6 hospital and was then transferred to an in-patient physical rehabilitation facility.

7 19. Notice of intent pursuant to C.C.P. § 364 was served on Defendant SOSIN on  
8 September 12, 2012. Defendant PUR DETOX, INC. is not a health care facility licensed under  
9 Health & Saf. Code, § 1250, but rather an alcoholism and drug abuse treatment and  
10 detoxification facility licensed pursuant to Health & Saf. Code, § 11834.02, et seq.

11 **FIRST CAUSE OF ACTION**

12 **NEGLIGENCE**

13 **(Against PUR DETOX, INC. and DOES 1-5)**

14 20. Plaintiff realleges and incorporates the allegations contained in paragraphs 1  
15 through 19 as though fully set forth herein.

16 21. At all relevant times herein mentioned, Defendants PUR DETOX, INC. and  
17 DOES 1-5 held themselves out as being qualified to provide alcoholism and drug abuse  
18 treatment services.

19 22. Defendants PUR DETOX, INC. and DOES 1-5, and each of them, had a duty to  
20 exercise reasonable care in the treatment of a client including the duty to act with due care in  
21 telling a client to discontinue their physician-prescribed prescription drugs and medicines. This  
22 duty of reasonable care required Defendants to be familiar with the client's medical history and  
23 current medical condition, to be aware of the characteristics of the drug or medicine being  
24 discontinued, to be aware of adverse withdrawal symptoms, to warn the patient of any risks or  
25 potential side effects of discontinuing prescribed medications, to monitor and observe and  
26 interact with the patient during the course of treatment, and to not routinely recommend  
27 discontinuation of physician-prescribed psychiatric drugs.

1           23. Defendants PUR DETOX, INC. and DOES 1-5, and each of them, failed to  
2 exercise due care in the treatment of Plaintiff in the following regards and respects:

- 3           a. Defendants either had a lack of knowledge of the properties and  
4           propensities of the psychiatric medication being discontinued, including  
5           the risk that rapid discontinuation could cause suicidal thoughts OR  
6           despite their knowledge that rapid discontinuation of the prescribed  
7           psychiatric medications could cause suicidal thoughts, Defendants took  
8           physical custody of Plaintiff's physician prescribed medications and told  
9           Plaintiff to undergo rapid discontinuation;
- 10          b. Defendants failed to contact Plaintiff's handling physicians and  
11          psychiatrists before tampering with established successful medication  
12          protocols and regimens;
- 13          c. Defendants were unfamiliar with Plaintiff's prior medical history or  
14          current medical condition and/or despite their familiarity with his prior  
15          medical history or current medical condition, Defendants discontinued  
16          Plaintiff's prescribed psychiatric medications;
- 17          d. Defendants failed to inform the patient of the risks of discontinuing his  
18          prescribed psychiatric medications;
- 19          e. Defendants' instruction to Plaintiff to discontinue his prescribed  
20          psychiatric medications was reckless and inappropriate in light of the risk  
21          that rapid discontinuation could cause suicidal thoughts;
- 22          f. Defendants failed to make inquiries into Plaintiff's emotional state during  
23          the time his prescribed psychiatric medications were being discontinued;
- 24          g. Defendants failed to ensure Plaintiff was examined or monitored by a  
25          psychiatrist before or during the "Quick Taper" drug discontinuation  
26          program;
- 27  
28

- 1 h. Defendants failed to adequately train staff to recognize, assess and  
2 intervene when medication withdrawal-induced psychological symptoms  
3 arose;
- 4 i. Defendants failed to adequately install security measures in the treatment  
5 facility such as alarms, locking devices, or high balcony railings to  
6 restrict access to the upper floor balcony and/or prevent clients from  
7 climbing over the balcony to jump;
- 8 j. Defendants failed to adequately supervise, monitor and observe Plaintiff  
9 during the course of the "Quick Taper" program, allowing him to descend  
10 into a depressive state and allowing him unfettered access to a high  
11 balcony.

12 24. The acts of the Defendants, and each of them, showed a complete and total  
13 disregard for the well-being of Plaintiff and amounted to conduct in the operation of an  
14 alcoholism or drug abuse recovery or treatment facility that is inimical to the health, welfare, or  
15 safety of an individual in, or receiving services from, the facility. These acts, rather than treating  
16 Plaintiff's drug and alcohol dependence, caused Plaintiff irreparable physical, mental and  
17 emotional discomfort and harm.

18 25. As a direct, legal and proximate result of the negligence of Defendants, and each  
19 of them, Plaintiff has sustained severe, serious, and permanent injuries to his person, all to his  
20 damage in a sum to be shown according to proof and within the jurisdiction of this Court.

21 26. As a direct, legal and proximate result of the aforesaid negligence of Defendants,  
22 and each of them, Plaintiff was compelled to and did employ the services of hospitals, physicians  
23 and surgeons, nurses, and the like, to care for and treat him, and did incur hospital, medical,  
24 professional and incidental expenses, and Plaintiff is informed and believes, and upon such  
25 information and belief alleges, that he will necessarily by reason of his injuries incur additional  
26 like expenses for an indefinite period of time in the future, all to Plaintiff's damage in a sum to  
27 be shown according to proof.





- a. Defendants failed to contact Plaintiff's treating psychiatrist to discuss taking Plaintiff off of prescribed psychiatric medications;
- b. Defendants prescribed rapid discontinuation of Plaintiff's prescribed psychiatric medications even though there was no medical reason for recommending discontinuation of the drugs;
- c. Defendants prescribed rapid discontinuation of Plaintiff's prescribed psychiatric medications even though Defendants knew that rapid discontinuation could cause withdrawal symptoms and syndromes which included anxiety, depression, feelings of hopelessness and isolation and suicidal thoughts;
- d. Defendants failed to adequately medically monitor Plaintiff during the "Quick Taper" program and did not make sufficient inquiries as to his mental state or withdrawal symptoms even though Defendants knew that discontinuation could cause withdrawal symptoms and syndromes and suicidal thoughts;
- e. Defendants failed to ensure that Plaintiff was adequately monitored, observed and supervised by PUR DETOX, INC. during the period when he was discontinuing his prescribed psychiatric medications.

32. As a direct, legal and proximate result of Defendant's conduct, Plaintiff underwent acute withdrawal symptoms including severe depression and suicidal thoughts, was left unmonitored by staff, and attempted to commit suicide by jumping off a third-story balcony. Upon information and belief, Defendants' conduct constitutes a conscious disregard of the rights, safety, and well-being of patients such as Plaintiff.

33. As a direct, legal and proximate result of the negligence of Defendants, and each of them, Plaintiff has sustained severe, serious, and permanent injuries to his person, all to his damage in a sum to be shown according to proof and within the jurisdiction of this Court.

34. As a direct, legal and proximate result of the aforesaid negligence of Defendants, and each of them, Plaintiff was compelled to and did employ the services of hospitals, physicians

1 and surgeons, nurses, and the like, to care for and treat him, and did incur hospital, medical,  
2 professional and incidental expenses, and Plaintiff is informed and believes, and upon such  
3 information and belief alleges, that he will necessarily by reason of his injuries incur additional  
4 like expenses for an indefinite period of time in the future, all to Plaintiff's damage in a sum to  
5 be shown according to proof.

6 35. As a direct, legal and proximate result of the aforesaid misconduct of Defendants,  
7 and each of them, Plaintiff has been prevented from engaging in his usual occupation, thereby  
8 sustaining a loss of income, the duration and extent of which is as yet undetermined, and Plaintiff  
9 is informed and believes and upon such information and belief alleges, that he will be prevented  
10 from attending to his said usual occupation for an indefinite period of time in the future and will  
11 incur an additional loss of income, all to Plaintiff's damage in a sum to be shown according to  
12 proof.

13 36. Plaintiff is informed and believes that the conduct of Defendants ALLAN SOSIN,  
14 M.D. and DOES 6-10 was reckless, as they knew the danger to Plaintiff of rapidly discontinuing  
15 the anti-psychotic and anti-opiate medications he had been taking for years, but they proceeded  
16 anyway, with reckless disregard and complete indifference and unconcern for the probable  
17 consequences, entitling Plaintiff to punitive damages in an amount appropriate to punish and set  
18 an example of said Defendants.

19 **THIRD CAUSE OF ACTION**

20 **NEGLIGENT SUPERVISION**

21 **(Against PUR DETOX, INC. and DOES 1-5)**

22 37. Plaintiff realleges and incorporates the allegations contained in paragraphs 1  
23 through 36 as though fully set forth herein.

24 38. Defendants PUR DETOX, INC. and DOES 1-5, and each of them, had an  
25 affirmative duty and obligation to properly and adequately supervise, observe and monitor  
26 Plaintiff's condition and whereabouts, especially in light of the mandatory drug discontinuation  
27 program that Defendants instructed Plaintiff to undergo, which carried a known risk of suicidal  
28 ideation.

1           39.     Had Defendants PUR DETOX, INC. and DOES 1-5, and each of them, properly  
2 supervised, observed and monitored Plaintiff, they would have noticed that he was depressed and  
3 withdrawn and had developed suicidal thoughts. Had Defendants properly supervised, observed  
4 and monitored Plaintiff, he would not have been left alone and afforded the opportunity to  
5 attempt suicide nor would he have been able to access the third floor balcony, to which  
6 Defendants had previously taken Plaintiff. Further, Defendants should have prevented access to  
7 the third-floor and/or the balcony or tamper-proof locked or alarmed access ways to the third  
8 floor and/or the doorway to the balcony.

9           40.     These acts of the Defendants, and each of them, showed a complete and total  
10 disregard for the standards of professionalism and the protection of vulnerable clients, and these  
11 acts caused Plaintiff irreparable physical and emotional discomfort and harm.

12           41.     As a direct, legal and proximate result of the negligence of Defendants, and each  
13 of them, Plaintiff has sustained severe, serious, and permanent injuries to his person, all to his  
14 damage in a sum to be shown according to proof and within the jurisdiction of this Court.

15           42.     As a further direct and proximate result of Defendant's conduct, Plaintiff was  
16 required to obtain psychological services and medical treatment in an amount to be determined  
17 by proof at trial and will, in the future, be compelled to incur additional obligations for medical  
18 treatment in an amount to be determined by proof at trial.

19           43.     As a further direct and proximate result of Defendant's conduct, Plaintiff has  
20 sustained a loss of earnings and has an impaired future earning capacity, all to his damage in an  
21 amount to be shown according to proof.

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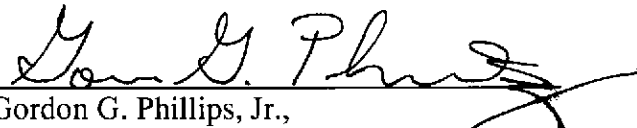
**PRAYER FOR RELIEF**

WHEREFORE Plaintiff prays for judgment against PUR DETOX, INC., ALLAN SOSIN, M.D., and DOES 1-50 as follows:

1. General damages in a sum according to proof;
2. For medical and incidental expenses, past and future;
3. For lost earnings and impaired future earnings;
4. For punitive damages on the 1<sup>st</sup> and 2<sup>nd</sup> causes of action;
5. For prejudgment interest according to proof;
6. For costs of suit incurred herein; and
7. For such other and further relief as the court deems just and proper.

Dated: September 12, 2012

LAW OFFICES OF GORDON G. PHILLIPS, JR., INC.

By:   
Gordon G. Phillips, Jr.,  
Attorneys for Plaintiff WILLIAM SWEENEY