

CASE NO: A-19-800549-C
Department 18

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17 **DISTRICT COURT**
18 **CLARK COUNTY, NEVADA**

20 ESTATE OF APRIL LEEMING, by and
21 through JO-ANN LEEMING as personal
22 representative of the Estate of APRIL
LEEMING; JO-ANN LEEMING individually
as HEIR of the decedent APRIL LEEMING.

23 Plaintiffs

24 vs.

25 AMERICAN ADDICTION CENTERS INC,
26 CONCORDE TREATMENT CENTER, LLC
27 d/b/a DESERT HOPE CENTER; PRAVEEN
SARAN, MD, and DOES 1-25,

28 Defendants

CASE NO.:
DEPT. NO.:

COMPLAINT FOR DAMAGES

DEMAND FOR JURY TRIAL

Arbitration Exemption

1. Damages in Excess of \$50,000

1
2 Plaintiff JO-ANN LEEMING, as personal representative to the Estate of April Leeming
3 and individually, as heir to the ESTATE OF APRIL LEEMING, by and through her undersigned
4 counsel of record for claims of relief against Defendants, and each of them, hereby allege and
5 complain, on information and belief, as follows:
6

7 **GENERAL ALLEGATIONS**



19
20 April Leeming before her death

1. On September 20, 2018, April Leeming died while she was admitted as a client of a residential drug treatment business operated by AMERICAN ADDICTION CENTERS, INC, CONCORDE TREATMENT CENTER, LLC D/B/A DESERT HOPE ADDICTION TREATMENT CENTER, and DOES 1-25, hereafter collectively referred to as “AAC DEFENDANTS”.

2. Defendant CONCORDE TREATMENT CENTER, LLC D/B/A DESERT HOPE hereafter referred to as “DESERT HOPE” at all times relevant was and is a domestic limited liability company, conducting business in the County of Clark, State of Nevada, located at 2465 E. Twain Ave, Las Vegas NV.

22 3. Defendant AMERICAN ADDICTION CENTERS, INC., at all times relevant is a
23 Nevada corporation authorized to do business in Nevada and is engaged in business activities,
24 including operation of residential drug and alcohol rehabilitation treatment facilities in Nevada,
25 such as DESERT HOPE.

26 4. Decedent April Leeming was a client at DESERT HOPE in Clark County Nevada
27 at the time of her death that gives rise to this lawsuit.
28

1 5. Plaintiff JO-ANN LEEMING (hereafter "Plaintiff") is the sole surviving heir and
2 mother of April Leeming, and is Successor-in-Interest of the ESTATE OF APRIL LEEMING.

3 6. JO-ANN LEEMING was a resident of Bullhead City Arizona in the County of
4 Mohave at all relevant times.

5 7. April Leeming would have been the plaintiff in this action had she lived.

6 8. Jurisdiction of this Court is proper because Defendant AMERICAN ADDICTION
7 CENTERS is incorporated in Nevada, and doing business in Nevada within the jurisdictional
8 limits; Defendant DESERT HOPE is incorporated within this court's jurisdictional area, and its
9 principal place of business is in Nevada and within the jurisdictional limits; The events
10 complained of herein occurred in Nevada and within the jurisdictional limits; and Decedent April
11 Leeming's death occurred in Clark County, Nevada within the jurisdictional limits.

12 9. AAC DEFENDANTS are unified under a common vision, business strategy, and
13 management structure to engage in business activities, including drug and alcohol rehabilitation.
14 Plaintiff is further informed, believes, and thereupon alleges that such common vision, business
15 strategy, and management structure includes, but is not limited to, corporate control by using the
16 same officers and directors for the parent AMERICAN ADDICTION CENTERS, INC. and its
17 subsidiary Defendant DESERT HOPE. Consequently, Plaintiff is informed and alleges that
18 Defendant AMERICAN ADDICTION CENTERS, INC., oversees and directs all aspects of the
19 Nevada operation that includes its subsidiary, Defendant DESERT HOPE.

20 10. AAC DEFENDANTS have, and at times relevant had, a common ownership,
21 direction, control, vision, business strategy, and management structure, including, but not limited
22 to, corporate control by the same individuals acting in various capacities and positions of control
23 and management for each of the AAC DEFENDANTS' operations.

24 11. Plaintiff is unaware of the true names of the Defendants named herein as DOES 1
25 through 25, inclusive, and for that reason has named these Defendants by such fictitious names.
26 Plaintiff is informed, believes, and thereupon alleges that each fictitiously named Defendant is
27 legally responsible, negligently, intentionally, or in some other actionable manner, for the events
28

1 and occurrences alleged, and that such Defendants directly and proximately caused Plaintiff's
2 damages.

3 12. AAC DEFENDANTS, and each of them, including DOE Defendants, were the
4 agent, representative, servant, independent contractor, subcontractor, partner, joint venture, alter
5 ego, successor in interest, affiliate, parent and/or subsidiary, employee and franchise of each of
6 the remaining Defendants, and each of them herein, and were at all times acting within the purpose
7 and scope of said agency, service, employment, partnership, joint venture, parent/subsidiary and
8 franchise as such and with the express and/or implied permission, knowledge, consent, and
9 ratification of all said other Defendants. Plaintiff further alleges upon information and belief that
10 the Defendants, and each of them including DOE Defendants, were the alter egos of each of the
11 other Defendants named herein.

12 13. AAC DEFENDANTS, and each of them including DOE Defendants, acted in
13 concert and with such a unity of interest and control that their separate corporate identities are a
14 sham and should be disregarded and each should be held legally responsible for the conduct of
15 the others.

16 **FACTUAL ALLEGATIONS**

17 14. Defendant AMERICAN ADDICTION CENTERS INC ("AAC") operates
18 numerous residential drug rehab facilities nationwide, including in Nevada.

19 15. DESERT HOPE is a wholly-owned subsidiary of and/or joint venture with AAC.

20 16. AAC DEFENDANTS operated a residential drug rehab business at 2465 E. Twain
21 Ave, Las Vegas NV, where April Leeming died.

22 17. AAC DEFENDANTS advertised, promoted and represented that they provide a
23 hospital setting, staffed with physicians onsite, and medical services for any and all potential
24 clients, when in fact, they did not provide such services.

25 18. AAC DEFENDANTS, by and through their agents/employees, made
26 representations to prospective clients and their families, including April Leeming and her family,
27 that AAC DEFENDANTS were capable of safely and properly taking care of the her medical and
28 physiological conditions when such statements were in fact false.

1 19. Prior to September 20, 2018, and continuing until after April Leeming's death on
2 September 20, 2018, AAC DEFENDANTS engaged in a practice of falsely marketing, promoting
3 and advertising representing that: their program had a medical staff with physicians onsite and
4 that they provided 24/7 medical supervision. Such marketing and advertising was, and continues
5 to be, conducted nationwide by the AAC DEFENDANTS. Such marketing, promoting and
6 advertising was and continues to be false, misleading and deceptive.

7 20. AAC DEFENDANTS knew that individuals suffering from addiction problems
8 were often assisted by, and relied upon, family members to help them in making decisions and
9 gaining admission into detoxification programs. AAC DEFENDANTS, therefore, directed
10 marketing efforts to the family and loved ones of those suffering from addiction problems, and
11 sought their direct assistance in obtaining agreement by addicted family members to enter the
12 AAC DEFENDANTS' non-medical residential drug rehab program.

13 21. April Leeming and Plaintiff Jo-Ann Leeming detrimentally relied upon the false
14 representations made by AAC DEFENDANTS which included the representation that they (AAC
15 DEFENDANTS) would provide a safe place for April Leeming to undergo detoxification.

16 22. Prior to the death of April Leeming, AAC DEFENDANTS, their officers, managing
17 directors, and employees were warned not to engage in deceptive marketing and advertising of
18 their services. The warnings came from various regulatory agencies regarding the deceptive
19 marketing practice employed by the AAC DEFENDANTS. Despite these warnings AAC
20 DEFENDANTS knew or should have known that their deceptive marketing and promotions
21 would attract clients such as decedent and her mom and that such false and deceptive advertising
22 presented a significant risk of harm, injury and/or death to clients, including the decedent and her
23 mom, from such false advertising.

24 23. Once clients were admitted to AAC DEFENDANTS' residential treatment business
25 the AAC DEFENDANTS engaged in common scheme and practice which was focused on the
26 retention of clients who had money and/or demonstrated the ability to make continuous payments.
27 Thus, if a client required hospitalization for a medical condition(s) that was beyond the licensure
28

1 or capabilities of the AAC DEFENDANTS, the AAC DEFENDANTS would continue to retain
2 those clients i.e., putting profit above the health and safety of the client(s) .

3 24. AAC DEFENDANTS' business model of admitting and keeping clients who
4 demonstrated an ability to make continuous payments (especially for those clients that required a
5 higher level of care and demonstrated the ability to pay) was particularly dangerous because AAC
6 DEFENDANTS were not licensed or qualified to provide the necessary medical care for such
7 clients.

8 25. As of the time of April Leeming's death, AAC DEFENDANTS lacked the
9 necessary medical staffing and supervision, and employed individuals who were unqualified,
10 untrained, and inexperienced in meeting the needs of clients such as April Leeming.

11 26. AAC DEFENDANTS failed to appropriately assess, refer, and monitor April
12 Leeming while she was under their care, and as a direct and proximate result, she died.

13 27. April Leeming had a history of alcohol addiction and sought treatment with AAC
14 DEFENDANTS for her addiction in September 2018.

15 28. AAC DEFENDANTS admitted April Leeming to their non-medical residential
16 drug rehab treatment business at DESERT HOPE on September 19, 2018, at approximately 2:30
17 pm. Leeming died within 17 hours of her admission.

18 29. At the time of admission, AAC DEFENDANTS knew or should have known that
19 April Leeming's condition required immediate transfer to a hospital and 24/7 monitoring was
20 required until transfer could be facilitated to the appropriate hospital Knowing of its own
21 shortcomings or at least in complete denial of the same, AAC DEFENDANTS admitted April
22 Leeming anyways.

23 30. AAC DEFENDANTS' staff assessed April Leeming in the afternoon of September
24 19, 2018. At that time, AAC DEFENDANTS' staff observed and recorded symptoms including
25 but not limited to, inability to walk requiring a wheel chair, severe tremors, nausea with vomiting,
26 auditory and visual disturbance, disorientation as to time and place, elevated vital signs, dilated
27 pupils, significant pain, and delirium tremens. Such symptoms required immediate transfer to a
28 hospital where April Leeming could be placed under medical monitoring by a physician.

1 31. On September 19, 2018, AAC DEFENDANTS also performed an alcohol
2 screening on April Leeming and was aware that she had a current blood alcohol concentration
3 (“BAC”) of .257.

4 32. AAC DEFENDANTS knew or should have known that a BAC of .257, in
5 conjunction with the symptoms being reported, April Leeming required immediate transfer to a
6 hospital for her medical conditions needing close monitoring and/or immediate stabilization. Yet,
7 AAC DEFENDANTS still did not transfer April Leeming to a hospital as was required.

8 33. On September 19, 2018, AAC DEFENDANTS performed a withdrawal assessment
9 of April Leeming. On the Clinical Institute Withdrawal Assessment for Alcohol (“CIWA”) scale,
10 April Leeming scored a 30. A CIWA score of 30 is clear evidence of being in severe withdrawal
11 that requires immediate hospitalization for stabilization and medical monitoring of withdrawal
12 symptoms by a physician. Yet, AAC DEFENDANTS still did not transfer April Leeming to a
13 hospital as was required.

14 34. On September 19, 2018, AAC DEFENDANTS obtained a history from April
15 Leeming in which they learned that April Leeming had a history of delirium tremens as well as a
16 history of seizures. From April Leeming’s medical history, AAC DEFENDANTS knew or should
17 have known April Leeming required immediate hospitalization for stabilization and medical
18 monitoring of withdrawal symptoms by a physician. Yet, AAC DEFENDANTS still did not
19 transfer April Leeming to a hospital as was required.

20 35. AAC DEFENDANTS did not have the appropriate medical staffing at DESERT
21 HOPE’s facility for April Leeming who required 24-hour medical monitoring by a physician to
22 ensure safe detoxification.

23 36. On or before September 19, 2018, AAC DEFENDANTS knew or should have
24 known that April Leeming required 24-hour medical monitoring, and that DESERT HOPE was
25 not the appropriate facility provide the needed medical services necessary to treat April Leeming
26 properly.

27 37. AAC DEFENDANTS made a business decision to admit and keep April Leeming
28 at DESERT HOPE, rather than transferring April Leeming to a hospital where she could be

1 medically monitored by a physician, despite that AAC DEFENDANTS knew or should have
2 known that April Leeming required a higher level of care than could be offered at DESERT
3 HOPE.

4 38. On or about September 19, 2018, AAC DEFENDANTS' own policies and
5 procedures, as well as Nevada law, required AAC DEFENDANTS to facilitate referral and
6 transfer of April Leeming to a hospital that could provide the necessary medical care, which AAC
7 DEFENDANTS failed to do.

8 39. AAC DEFENDANTS failed to use reasonable care in failing to transfer April
9 Leeming for medical care on September 19 and September 20, 2018 prior to her death. Instead
10 AAC DEFENDANTS chose to keep April Leeming in their program to avoid losing a paying
11 client, a financially-motivated business decision.

12 40. As of September 19, 2018, AAC DEFENDANTS' employees knew or should have
13 known that April Leeming required 24-hour medical monitoring while in AAC DEFENDANTS'
14 program.

15 41. On or about September 19, 2018, AAC DEFENDANTS' own policies and
16 procedures, as well as Nevada law, required AAC DEFENDANTS to closely monitor clients,
17 such as April Leeming, who were assessed by AAC DEFENDANTS and believed to be acutely
18 intoxicated and in severe withdrawal. Such monitoring included 24-hour supervision and
19 regularly checking vital signs.

20 42. AAC DEFENDANTS' own policies and procedures required AAC
21 DEFENDANTS to physically observe a new client, such as April Leeming, at least every 30
22 minutes, and to regularly check and document April Leeming's vital signs. Such a requirement
23 existed even absent the signs of acute intoxication and severe withdrawal symptoms April
24 Leeming exhibited.

25 43. On September 19, 2018, AAC DEFENDANTS' staff documented a need to
26 perform 30-minute checks to monitor April Leeming.

27 44. AAC DEFENDANTS failed to monitor April Leeming while under their care until
28 she ultimately died.

1 45. On September 19, 2018 and continuing until the time of her death, AAC
2 DEFENDANTS failed to place April Leeming under 24-hour observation and failed to
3 appropriately monitor her. AAC DEFENDANTS' failure to reasonably monitor April Leeming
4 while under their care was a direct and proximate cause of her death.

5 46. As a direct and proximate cause of AAC DEFENDANTS' failure to properly assess
6 April Leeming, timely transfer her to a hospital, and monitor her while under their care April
7 Leeming died, leaving behind a grieving mother.

8 47. Plaintiff is informed and believes and thereupon alleges that AAC DEFENDANTS'
9 policies and practices were and are such that as long as the prospective client had/has the financial
10 ability to pay and/or health insurance coverage, AAC DEFENDANTS would/will admit the
11 individual to AAC DEFENDANTS' drug rehab program, and keep them in the program
12 regardless of their medical and/or mental health conditions.

13 48. Under a directive from business management, AAC DEFENDANTS would admit
14 clients regardless of whether they were assessed as requiring treatment in a hospital setting.

15 49. Further, AAC DEFENDANTS made it difficult for clients to obtain emergency
16 medical care once in their program. Clients' belongings, including cell phones and wallets, were
17 confiscated upon admission. This was part of AAC DEFENDANTS' policy and practice to ensure
18 that once clients arrived, they did not leave until their contractual time period was over. If clients
19 left early, AAC DEFENDANTS would lose money.

20 50. Prior to April Leeming's death, other clients with serious medical and/or
21 psychiatric issues were admitted to AMERICAN ADDICTION CENTERS INC's residential
22 facilities and died shortly thereafter, putting AAC DEFENDANTS on notice as to this dangerous
23 and deadly practice.

24 51. Prior to April Leeming's death, AAC DEFENDANTS also had knowledge of their
25 deficiencies in staffing, assessment, referral, and monitoring of clients while under their care.

26 52. Despite knowledge of prior deaths, deficiencies in staffing, and deficiencies in
27 assessment, referral, and monitoring of clients, AAC DEFENDANTS continued their unsafe
28 practice of admitting and keeping individuals in AAC DEFENDANTS' program despite having

1 medical and/or mental health conditions which made them inappropriate. AAC DEFENDANTS
2 continued to disregard their known obligations with respect to staffing, assessment, referral, and
3 monitoring of clients in their program. April Leeming died as a direct and proximate cause of
4 AAC DEFENDANTS' unsafe practices.

5 53. AAC DEFENDANTS' conduct as alleged herein was motivated by greed and their
6 own financial self-interests. AAC DEFENDANTS sought to prey upon addicted individuals and
7 their vulnerabilities, consciously disregarding clients' rights and safety for the purpose of making
8 a profit. Such conduct was controlled, directed, authorized, and/or ratified by AAC
9 DEFENDANTS' owners, officers, directors and/or managing agents.

10
11 **FIRST CAUSE OF ACTION: WRONGFUL DEATH**

12 [JO-ANN LEEMING, individually and as the successor in interest of the ESTATE OF APRIL
13 LEEMING, Against Defendants AMERICAN ADDICTION CENTERS, INC.; CONCORDE
14 TREATMENT CENTER, LLC d/b/a DESERT HOPE CENTER; and DOES 1 to 25, inclusive]

15 54. Plaintiff re-alleges each and every allegation contained in the preceding and
16 subsequent paragraphs and by this reference incorporates said paragraphs as though fully set forth
17 herein.

18 55. The AAC DEFENDANTS held
19 themselves out as being a hospital setting capable of
20 providing all necessary services and support for
21 April Leeming during her drug detoxification.

22 56. AAC DEFENDANTS owed April
23 Leeming and Plaintiff a duty to perform necessary
24 services and support with the same skill, knowledge,
25 training, and experience as a reasonably prudent
26 drug rehab facility would do under the same or
27 similar circumstances.

28 57. AAC DEFENDANTS had a duty of
care to act reasonably and within the applicable
industry standards and regulatory standards of care in providing services to April Leeming. Said



1 duties of care included, but are not limited to, developing, adopting and implementing policies
2 and procedures to operate their drug rehab program in a manner to keep clients, such as April
3 Leeming, safe while in their program which include policies on staffing, assessment, referral, and
4 monitoring of April Leeming.

5 58. AAC DEFENDANTS, their agents, employees, officers, and directors, knew and
6 understood that keeping clients at their facility who were medically, and/or psychologically
7 unstable and unfit for their residential program was unsafe and dangerous, yet they proceeded to
8 keep clients, including April Leeming, within their program without providing the appropriate
9 staffing, assessment, referral, and monitoring, necessary to provide such services in a safe manner.

10 59. Plaintiff is informed, believes, and alleges that at all relevant times AAC
11 DEFENDANTS failed to use reasonable care in staffing, as well as assessing, referring, and
12 monitoring April Leeming while she was in AAC DEFENDANTS' care.

13 60. AAC DEFENDANTS knowingly violated or permitted the violation of regulations
14 in their failure to assess, monitor, and refer April Leeming as they were required to do under AAC
15 DEFENDANTS' own policies and Nevada law.

16 61. On or about September 19, 2018, AAC DEFENDANTS knew or should have
17 known through assessment that April Leeming required referral to a hospital for medical care
18 prior to her death, yet AAC DEFENDANTS failed to refer April Leeming to a higher level of
19 care in conscious disregard of her wellbeing, placing their own profits over client safety.

20 62. Based on information and belief, AAC DEFENDANTS' failure to refer April
21 Leeming for appropriate medical care, and failure to monitor her was a direct and proximate cause
22 of her death.

23 63. AAC DEFENDANTS knew or should have known that AAC DEFENDANTS'
24 failure to use reasonable care to monitor April Leeming until she could be transferred to a hospital
25 as required under AAC DEFENDANTS' own policies and procedures would likely result in
26 injury or death to April Leeming.

27 64. Based on information and belief, AAC DEFENDANTS left the ultimate decision
28 of whether to timely refer April Leeming for emergency medical care to AAC DEFENDANTS'

1 employees and/or management who were not doctors or medical professionals.

2 65. AAC DEFENDANTS' conduct, as set forth herein, violated and/or permitted the
3 violation of laws and/or regulations in place to govern the operation of residential drug rehab
4 programs, such as that which AAC DEFENDANTS operated, and to guard/protect the safety of
5 clients in such programs.

6 66. April Leeming was an individual within the class of persons who said laws and
7 regulations were put into effect to protect.

8 67. AAC DEFENDANTS' conduct was negligent per se.

9 68. AAC DEFENDANTS' wrongful conduct, as alleged herein, was a substantial
10 factor and/or the proximate cause of April Leeming's death.

11 69. AAC DEFENDANTS acted with a conscious disregard for April Leeming's safety,
12 and with oppression, fraud, and malice in breaching their statutory, regulatory, and/or fiduciary
13 duties to April Leeming. AAC DEFENDANTS owed a duty to April Leeming to act reasonably
14 and to meet the relevant standards of care in the industry, such as those adopted by AAC
15 DEFENDANTS, as well as those set forth under Nevada law.

16 70. AAC DEFENDANTS knew that it was probable that their conduct in failing to
17 facilitate transfer of April Leeming for medical care, and failing to monitor her when it was known
18 that she was medically unstable, would cause harm to April Leeming and knowingly disregarded
19 the risk; it was malicious in that AAC DEFENDANTS' despicable conduct was carried on with
20 willful and conscious disregard for the safety and rights of April Leeming; and it was oppressive
21 in that AAC DEFENDANTS' despicable conduct subjected April Leeming to cruel and unjust
22 suffering, in conscious disregard of her rights to a safe place for drug rehabilitation.

23 71. AAC DEFENDANTS' actions and omissions as set forth above that resulted in
24 April Leeming's death were a result of financially-motivated business decisions which placed a
25 greater value on keeping a paying client, April Leeming, at their facility, than on April Leeming's
26 safety.

27 72. April Leeming suffered pain and suffering caused by AAC DEFENDANTS' acts
28 and/or omissions prior to her death.

1 73. As a direct and proximate result of AAC DEFENDANTS' wrongful conduct,
2 Plaintiff has suffered tremendous grief and sorrow, as well as a loss of companionship, society,
3 comfort, and consortium resulting from the loss of her daughter, April Leeming.

4 74. Plaintiff has also suffered special damages including medical expenses and funeral
5 expenses for her daughter, April Leeming, in excess of Fifteen Thousand Dollars (\$15,000.00).

6 75. Plaintiff, as an individual and successor in interest to the ESTATE OF APRIL
7 LEEMING, also seeks an award of exemplary/punitive damages.

8 **SECOND CAUSE OF ACTION: GENERAL NEGLIGENCE**

9 [Plaintiff JO-ANN LEEMING individually and as the successor in interest of the ESTATE OF
10 APRIL LEEMING, Against Defendants AMERICAN ADDICTION CENTERS, INC.;
11 CONCORDE TREATMENT CENTER, LLC d/b/a DESERT HOPE CENTER; and DOES 1 to
12 50, inclusive]

13 76. Plaintiff re-alleges each and every allegation contained in the preceding and
14 subsequent paragraphs, and by this reference incorporates said paragraphs as though fully set
15 forth herein.

16 77. AAC DEFENDANTS also failed to use reasonable care in their hiring of employees
17 who were not licensed and/or qualified to provide the required services in order to provide a
18 reasonably safe place for April Leeming to reside.

19 78. AAC DEFENDANTS also failed to use reasonable care in the training of their
20 employees as it relates to assessment, referral, and monitoring needed in order to provide a
21 reasonably safe place for residential drug and alcohol treatment.

22 79. Plaintiff is further informed, believes, and thereupon alleges that AAC
23 DEFENDANTS were responsible for hiring, training, retention, and supervision of staff at
24 DESERT HOPE.

25 80. Plaintiff is further informed, believes, and thereupon alleges that AAC
26 DEFENDANTS failed to hire sufficiently qualified employees, failed to adequately train said
27 employees at or following the time of hiring, and/or failed to supervise and monitor said
28 employees once hired.

 81. Plaintiff is further informed, believes, and thereupon alleges that AAC

1 DEFENDANTS failed to adopt, administer, and/or enforce adequate policies and procedures to
2 protect clients, such as April Leeming, from harm.

3 82. Plaintiff is further informed, believes, and thereupon alleges that AAC
4 DEFENDANTS were deficiently and inadequately staffed, negatively impacting DESERT
5 HOPE's ability to assess, refer, and monitor clients such as April Leeming.

6 83. AAC DEFENDANTS owed April Leeming a duty to provide a reasonably safe
7 place to reside while under their care.

8 84. AAC DEFENDANTS owed April Leeming a duty to provide appropriate staffing
9 for the services they were advertising, including 24/7 monitoring.

10 85. AAC DEFENDANTS failed to provide a safe place for detox, failed to properly
11 provide the staffing needed to provide a safe place for detox, and failed use reasonable care to
12 assess, refer, and monitor April Leeming during detox. Such failures include, but are not limited
13 to, AAC DEFENDANTS' failure to facilitate transfer of April Leeming to a hospital upon
14 assessing her medical condition at intake to DESERT HOPE, and AAC DEFENDANTS' failure
15 to continuously monitor April Leeming until safe transfer to a hospital could be arranged.

16 86. As a direct and proximate result of AAC DEFENDANTS' negligence in hiring,
17 training, retaining, and supervision of their employees and staff, April Leeming experienced pain
18 and suffering, and ultimately death, leaving behind a grieving mother.

19 87. As a direct and proximate cause of AAC DEFENDANTS' failure to use reasonable
20 care to provide a safe place, through appropriate, assessment, referral and monitoring, April
21 Leeming experienced pain and suffering, and ultimately death, leaving behind a grieving mother.

22 **THIRD CAUSE OF ACTION: FRAUD/MISREPRESENTATION**

23 [Plaintiff JO-ANN LEEMING, individually and as the successor in interest of the ESTATE OF
24 APRIL LEEMING, Against Defendants AMERICAN ADDICTION CENTERS, INC.;
25 CONCORDE TREATMENT CENTER, LLC d/b/a DESERT HOPE CENTER; and DOES 1 to
26 50, inclusive]

27 88. Plaintiff re-alleges each and every allegation contained in the preceding and
28 subsequent paragraphs, and by this reference incorporates said paragraphs as though fully set
forth herein.

1 89. AAC DEFENDANTS made representations about their facilities, program,
2 history, and the nature of the care they provided that were materially misleading and false. This
3 included making representations to April Leeming and Plaintiff that DESERT HOPE had doctors
4 on site, and that April Leeming would be closely monitored for 24/7 while in detox. These
5 representations were in fact false.



PROGRAM OVERVIEW TREATMENT SERVICES EXPLORE FACILITY PAYMENT OPTIONS

Medical Detox

If you or your loved one requires medical supervision while your body adjusts to decreasing substance levels, a supervised stay in Medical Detox may be necessary. This level of care allows us to manage your withdrawal symptoms in a safe and quiet withdrawal environment during the detox experience which usually lasts about 5-7 days. In detox, you'll be medically monitored 24/7 by a licensed medical team of physicians, nurses, and support staff knowledgeable on detox and withdrawal from different drugs.

12 90. April Leeming and Plaintiff relied on AAC DEFENDANTS' representations that
13 they would provide a safe place for detoxification in making the decision to submit to AAC
14 DEFENDANTS' residential treatment program and pay thousands of dollars to AAC
15 DEFENDANTS. As a result of not receiving the medical care that was promised, April Leeming
16 died.

17 91. As of September 19, 2018, had AAC DEFENDANTS been truthful about the nature
18 their residential treatment business, unqualified personnel, and the lack of medical care available
19 at DESERT HOPE, April Leeming would not have agreed to enter the program, and would have
20 immediately asked for transfer to a hospital offering a higher level of care.

21 92. AAC DEFENDANTS' officers, directors, and managing agents authorized in
22 advance, and ratified after the fact, the acts of concealment and misrepresentation by their agents
23 and/employees acting within the scope of their employment and/or agency.

24 93. AAC DEFENDANTS concealed the fact that they lacked the ability to provide the
25 necessary medical treatment to stabilize a client who is going through severe withdrawal.

26 94. Because AAC DEFENDANTS held themselves out as a credited and licensed
27 provider of medical detoxification who had appropriate medical staffing and provided 24-hour
28 medical care, April Leeming's reliance was justified.

1 95. At the time of AAC DEFENDANTS' concealment and misrepresentations, it was
2 reasonably foreseeable to AAC DEFENDANTS that the alleged fraudulent concealment and
3 misrepresentation would result in harm to April Leeming. The harm actually sustained, death,
4 was the type of harm that could be reasonably foreseen.

5 96. AAC DEFENDANTS' concealment and misrepresentations made directly to April
6 Leeming were a substantial factor in bringing about April Leeming's death.

7 97. AAC DEFENDANTS' conduct, as alleged herein, was undertaken with the express
8 motivation and goal of making financial profits at the expense of the safety and wellbeing of its
9 clients, including April Leeming.

10 98. AAC DEFENDANTS' conduct was done in conscious disregard of April
11 Leeming's safety in that AAC DEFENDANTS knew that it was probable that their conduct would
12 cause harm to April Leeming and knowingly disregarded the risk; it was malicious in that the
13 despicable conduct was carried on with willful and conscious disregard for the safety and rights
14 of April Leeming and Plaintiff; and it was oppressive in that the despicable conduct subjected
15 April Leeming to cruel and unjust suffering, in conscious disregard of her rights to a safe place
16 for treatment.

17 99. Prior to April Leeming's death, regulatory agencies warned AAC DEFENDANTS
18 about AAC DEFENDANTS' deceptive practices and still AAC DEFENDANTS did not change
19 their practices.

20 100. Furthermore, because of AAC DEFENDANTS' unity under a common vision,
21 business strategy, and management structure, AAC DEFENDANTS had advance knowledge of
22 the unfitness of those employees, managers, and/or agents who committed the wrongful conduct
23 alleged herein, and employed them with a knowing disregard for the rights and safety of clients
24 such as April Leeming. AAC DEFENDANTS authorized the conduct, or knew of the conduct,
25 and adopted or approved of it before and/or after it occurred. By virtue of the foregoing, an award
26 of damages against AAC DEFENDANTS in a sum according to proof at trial is justified and
27 appropriate.
28

1 101. AAC DEFENDANTS' officers, directors and managing agents authorized in
2 advance, and ratified thereafter, these acts of concealment and misrepresentation.

3 102. At the time of AAC DEFENDANTS' concealment and misrepresentation, it was
4 reasonably foreseeable to AAC DEFENDANTS that their fraudulent acts of concealment and
5 misrepresentation would result in harm to April Leeming. The harm sustained (physical,
6 emotional, and mental) by April Leeming and Plaintiff was reasonably foreseeable.

7 103. The proper course of conduct called for by community and industry standards, was
8 for AAC DEFENDANTS to fully inform April Leeming and Plaintiff of the truth; that AAC
9 DEFENDANTS did not employ physicians who would be onsite to provide 24/7 medical
10 supervision over her detoxification. Had AAC DEFENDANTS told April Leeming and Plaintiff
11 the truth, April Leeming would not have entered the program.

12 104. Plaintiff believes and thereupon alleges that AAC DEFENDANTS' conduct as
13 alleged herein was intentional, fraudulent and/or exhibited a knowing and conscious disregard for
14 April Leeming's health and safety so as to justify an award of punitive/exemplary damages.

15 105. Plaintiff suffered both pre- and post-death economic harms, including but not
16 limited to out of pocket expenses for April Leeming to enter the program, travel expenses, and
17 other expenses related to AAC DEFENDANTS' program, funeral and burial expenses, as well as
18 general damages as a direct and proximate result of AAC DEFENDANTS' wrongful conduct.

19 106. In addition to compensatory damages, Plaintiff, as an individual and successor in
20 interest to the ESTATE OF APRIL LEEMING seeks a judgment for exemplary/punitive damages
21 in excess of Fifteen Thousand Dollars (\$15,000.00).

22
23 **FOURTH CAUSE OF ACTION: NEGLECT OF A VULNERABLE PERSON**
24 [Plaintiff JO-ANN LEEMING, individually and as the successor in interest of the ESTATE OF
25 APRIL LEEMING, Against Defendants AMERICAN ADDICTION CENTERS, INC.;
26 CONCORDE TREATMENT CENTER, LLC d/b/a DESERT HOPE CENTER; and DOES 1 to
27 50, inclusive]

28 107. Plaintiff re-alleges each and every allegation contained in the preceding and
subsequent paragraphs, and by this reference incorporates said paragraphs as though fully set
forth herein.

1 108. April Leeming was a vulnerable person because she had a physical and mental
2 impairment as a result of acute intoxication and being in severe withdrawal that substantially
3 restricted her ability to perform one or more of the normal life activities, and had a medical and
4 psychological impairment.

5 109. AAC DEFENDANTS deprived April Leeming of necessary medical care for her
6 physical and mental health by AAC DEFENDANTS' failure to adequately staff for the needs of,
7 assess, refer, and monitor April Leeming while under their care.

8 110. AAC DEFENDANTS' failure to adequately staff, assess, refer, and monitor April
9 Leeming was done with recklessness, oppression, and fraud, depriving April Leeming of needed
10 medical care.

11 111. Plaintiff seeks double damages for the neglect of April Leeming pursuant to N.R.S
12 Sect. 41.1395.

13 112. Plaintiff further seeks exemplary/punitive damages in excess of Fifteen Thousand
14 Dollars (\$15,000.00).

15
16 **FIFTH CAUSE OF ACTION: MEDICAL MALPRACTICE**

17 [Plaintiff JO-ANN LEEMING, individually and as the successor in interest of the ESTATE OF
18 APRIL LEEMING, Against Defendants PRAVEEN SARAN, MD; AMERICAN ADDICTION
19 CENTERS, INC.; CONCORDE TREATMENT CENTER, LLC d/b/a DESERT HOPE
20 CENTER; and DOES 1 to 50, inclusive]

21 113. Plaintiff re-alleges each and every allegation contained in the preceding and
22 subsequent paragraphs, and by this reference incorporates said paragraphs as though fully set
23 forth herein.

24 114. According to AAC DEFENDANTS, under their business model, there is an
25 independently contracted doctor referred as the "provider" who makes the medical decisions on
26 whether an individual is appropriate to be admitted to AAC DEFENDANTS facility, or whether
27 they in a hospital setting.

28 115. According to AAC DEFENDANTS records, PRAVEEN SARAN, MD was the
designated "provider" for April Leeming when she was admitted to DESERT HOPE.

1 116. Defendant PRAVEEN SARAN, MD was notified of April Leeming's admission
2 and her medically unstable condition upon arrival.

3 117. Defendant PRAVEEN SARAN, MD knew of should have known that April
4 Leeming required immediate medical attention in a hospital setting to manage her withdrawal.

5 118. Defendant PRAVEEN SARAN, MD failed to use reasonable care in assessing,
6 referring, and medically monitoring April Leeming when she was in severe withdrawal.

7 119. Plaintiff contends that AAC DEFENDANTS are not healthcare providers and the
8 allegations in this complaint as to AAC DEFENDANTS do not give rise the medical malpractice
9 provisions governing healthcare providers.

10 120. This medical malpractice cause of action as to AAC DEFENDANTS is intended to
11 be an alternative theory of recovery, and only applicable if it is later determined to fall within the
12 purview of medical malpractice, for which Plaintiff disputes.

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1 **PRAYER FOR DAMAGES**

2 WHEREFORE, Plaintiff JO-ANN LEEMING individually and as successor in interest to
3 the ESTATE OF APRIL LEEMING, prays for judgment against AAC DEFENDANTS,
4 PRAVEEN SARAN, MD, and DOES 1-25 as follows:

- 5 1. General damages, in an amount to be proven at trial in excess of Fifteen Thousand
6 Dollars (\$15,000.00);
- 7 2. Special damages, in an amount to be proven at trial in excess of Fifteen Thousand
8 Dollars (\$15,000.00);
- 9 3. Double Damages;
- 10 4. An award of punitive/exemplary damages in excess of Fifteen Thousand Dollars
11 (\$15,000.00);
- 12 5. Attorneys' fees;
- 13 6. Reasonable costs, according to proof, as permitted by law;
- 14 7. Interest according to proof, as permitted by law; and
- 15 8. Such other and further relief as the Court deems proper;

16 **AFFIRMATION**

17
18 The undersigned hereby affirms that the foregoing document does not contain the social
19 security number or other personal information of any person.

20 DATED this 20 day of August, 2019.

21
22 **PANISH SHEA & BOYLE LLP**

23
24 By: 

25 RAHUL RAVIPUDI
26 Nevada Bar No. 14750
27 GREGORIO SILVA
28 Nevada Bar No. 13583

Attorneys for Plaintiffs

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DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury as to all causes of action.

DATED this 20th day of August, 2019.

PANISH SHEA & BOYLE LLP

By:



RAHUL RAVIPUDI
Nevada Bar No. 14750
GREGORIO SILVA
Nevada Bar No. 13583

Attorneys for Plaintiffs

EXHIBIT 1

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(Pro Hac Vice Pending)

Attorneys for Plaintiffs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

ESTATE OF APRIL LEEMING, by and
through JO-ANN LEEMING as personal
representative of the Estate of APRIL
LEEMING; JO-ANN LEEMING individually
as HEIR of the decedent APRIL LEEMING.

Plaintiffs

vs.

AMERICAN ADDICTION CENTERS INC,
CONCORDE TREATMENT CENTER, LLC
d/b/a DESERT HOPE CENTER; and DOES 1-
25,

Defendants

**AFFIDAVIT OF MICHEL SUCHER, MD,
DFASAM**

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AFFIDAVIT OF DR. MICHEL A. SUCHER, MD, DFASAM

I, Dr. MICHEL A. SUCHER, MD, DFASAM, declare as follows:

1. I am a physician licensed by the State of California and the State of Arizona since 1974, specializing in addiction medicine. I am certified by the American Society of Addiction Medicine and the American Board of Addiction Medicine. I am also certified as a Medical Review Officer by ASAM and a Past President of the Arizona Society of Addiction Medicine. I speak nationally on addiction medicine and professional health issues.
2. I practice addiction medicine and I am the President of the California Physicians Health Program. I serve as the medical director of the monitored aftercare programs for the Arizona Medical Board and the Arizona State Board of Dental Examiners. Additionally, I serve as a consultant in addiction medicine to most other healthcare regulatory agencies and boards in Arizona.
3. I previously served as the Acting Medical Director of the Division of Behavioral Health at the Department of Health Services, State of Arizona. Currently I serve as the Chief Medical Officer for Community Bridges, Inc, which is a community substance abuse and mental health treatment program in the greater Phoenix area and throughout the state of Arizona. I also have served as the medical director for Community Medical Services which is the largest opioid treatment program in Arizona, Montana, North Dakota, and Alaska from 2011 through 2016.
4. From January, 1995 through July, 2001 I served as Senior Vice President and Chief Medical Officer of Rural/Metro Corporation. I have also served as the corporate medical review officer and a Chief Medical Officer of the corporation. Rural/Metro Corporation was a \$500+ Million annual revenue national ambulance and fire protection company based in Scottsdale, Arizona, until its' acquisition by American Medical Response.
5. I attended Wayne State University where I received a Bachelor of Science Degree in 1968 and a Medical Degree in 1972. My internship was at Sinai Hospital of Detroit in Detroit,

1 Michigan and I underwent residency training at Indiana University Medical Center in
2 Indianapolis, Indiana. From 1974 through 1994 I practiced emergency medicine and served
3 as emergency department director at both Scottsdale Healthcare Hospital facilities (Now
4 Honor Health). I served as President of the Medical Staff of Scottsdale Healthcare Osborn
5 during 1994.

6 6. I have been retained by the attorneys for the Plaintiff in this case to provide expert
7 opinions and consultation and testimony regarding the circumstances leading to the death
8 of April Leeming, and standard of care issues as it relates to detoxification facilities.

9 7. I have reviewed the following records/documents:

- 10 a. Client file for April Leeming from American Addiction Centers/Desert Hope
11 Center;
- 12 b. Autopsy report for April Leeming;
- 13 c. Police report regarding death of April Leeming;
- 14 d. Website for Desert Hope

15 8. Based on my review of the preceding documents, and on the basis of my professional
16 knowledge, training, and experience, I have formed the following opinions which I hold to
17 a reasonable medical probability with respect to AMERICAN ADDICTION CENTERS
18 INC, CONCORDE TREATMENT CENTER, LLC d/b/a DESERT HOPE CENTER;
19 PRAVEEN SARAN, MD and DOES 1-25, hereafter referred to collectively as "AAC
20 DEFENDANTS":

- 21 • April Leeming had a history of alcohol addiction and sought treatment with
22 AAC DEFENDANTS for her addiction in September 2018.
- 23 • AAC DEFENDANTS admitted April Leeming to their drug and alcohol
24 treatment business at DESERT HOPE on September 19, 2018, at approximately
25 2:30 pm. Leeming died within 17 hours of her admission.
- 26 • At the time of admission, AAC DEFENDANTS knew or should have known
27 that April Leeming was a patient that should not have been admitted to their
28 facility because her condition required immediate transfer to a hospital, where

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she would receive constant medical monitoring of the severe withdrawal symptoms she was experiencing. AAC DEFENDANTS admitted April Leeming anyways.

- Likewise, the AAC DEFENDANTS knew or should have known that they were required to provide constant monitoring during the entire time that April Leeming was in their care, and up until the time that she could be transferred to the appropriate hospital.
- April Leeming was admitted in the afternoon of September 19, 2018. At that time, AAC DEFENDANTS' staff observed and recorded symptoms including but not limited to, inability to walk requiring a wheel chair, severe tremors, nausea, auditory and visual change disturbance to sensitivity, disorientation and confusion, abnormal vital signs, dilated pupils, anxiety, severe cravings (10/10), irritability, significant pain and delirium tremens. Such symptoms required immediate transfer to a hospital where April Leeming could be placed under immediate and constant supervision and care.
- On September 19, 2018, AAC DEFENDANTS also performed an alcohol screening which showed that April Leeming had a blood alcohol concentration ("BAC") of .257 on admission.
- AAC DEFENDANTS knew or should have known that a BAC of .257, in conjunction with the symptoms being reported, required the AAC DEFENDANTS to immediate transfer April Leeming to a hospital. Yet, AAC DEFENDANTS did not transfer April Leeming to a hospital as was required by the standard of care.
- On September 19, 2018, AAC DEFENDANTS performed a withdrawal assessment of April Leeming. On the Clinical Institute Withdrawal Assessment for Alcohol ("CIWA") scale, April Leeming scored a 30. A CIWA score of 30 is clear and objective evidence of being in severe withdrawal that requires immediate hospitalization for stabilization and medical monitoring of

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withdrawal symptoms by a physician. Yet, AAC DEFENDANTS still did not transfer April Leeming to a hospital as was required.

- On September 19, 2018, AAC DEFENDANTS obtained a history from April Leeming in which they learned that April Leeming had a history of delirium tremens as well as a history of seizures. From April Leeming’s medical history, AAC DEFENDANTS knew or should have known April Leeming required immediate hospitalization for stabilization and 24/7 medical monitoring of withdrawal symptoms. Yet, AAC DEFENDANTS still did not transfer April Leeming to a hospital as was required.
- AAC DEFENDANTS did not have the appropriate medical staffing at DESERT HOPE’s facility for April Leeming who required 24-hour medical monitoring to ensure safe detoxification.
- AAC DEFENDANTS misrepresented that they would have 24-hour medical monitoring by a physician.
- AAC DEFENDANTS failed to even conduct 30 minute checks as required by their own policies.
- AAC DEFENDANTS by and through their agents failed to appropriately assess, refer, and monitor April Leeming while she was under their care, and as a direct and proximate result, she died.
- For the reasons set forth above, AAC DEFENDANTS and their agents fell below the medical and industry standard of care for providing a safe and competent place for detoxification.
- Furthermore, it is noted in April Leeming’s client file that DEFENDANT PRAVEEN SARAN, MD, ordered a mild alcohol detox protocol for April Leeming on September 19, 2018 without examining her in person, and when it was known or should have been known to DEFENDANT PRAVEEN SARAN, MD that April Leeming was medically unstable and required immediate transfer to a hospital for her safety.

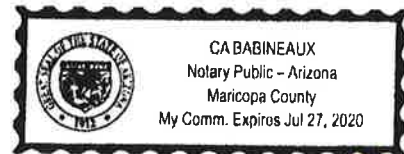
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- If it was DEFENDANT PRAVEEN SARAN, MD's decision to admit and/or keep April Leeming at DESERT HOPE rather than request a transfer for her to a hospital setting where she could be medically monitored by a physician, DEFENDANT PRAVEEN SARAN, MD's conduct fell below a reasonable standard of care for a physician practicing in addiction medicine.

I declare under penalty of perjury under the laws of the State of Nevada that the above is true and correct to the best of my knowledge. Executed this 20th day of August 2019.



Michel Sucher, MD, DFASAM



CA
08/20/2019