



IN THE CIRCUIT COURT OF MADISON COUNTY

DAVID K., as Grandfather and)
Legal Custodian of J. K., a minor,)
)
Plaintiff,)

v.)

Case No: CV2022-_____

SEQUEL TSI of ALABAMA, LLC, d/b/a)
SEQUEL TSI of OWENS CROSS ROADS;)
SEQUEL YOUTH & FAMILY)
SERVICES, LLC;)
SEQUEL TSI HOLDINGS, LLC;)
BRIGHTER PATH ALABAMA, LLC;)
SYFS SALECO, LLC;)
VIVANT BEHAVIORAL)
HEALTHCARE, LLC;)
VIVANT BEHAVIORAL HOLDINGS, LLC;)
MAHALIAN BOYKIN;)
FICTITIOUS DEFENDANT "A,")
the person or persons who assaulted,)
wrongfully restrained, abused, neglected,)
or negligently or wantonly injured J. K.)
while she resided at 318 Hamer Road,)
Owens Cross Roads, Alabama;)
FICTITIOUS DEFENDANT "B,")
the person or persons who failed to intervene)
during the times when J. K. was assaulted,)
wrongfully restrained, abused, neglected,)
or negligently or wantonly injured)
by other residents and/or staff;)
FICTITIOUS DEFENDANT "C,")
the person or persons who were in charge of)
monitoring J. K. and other residents)
during the times J. K. was assaulted,)
wrongfully restrained, abused, neglected,)
or negligently or wantonly injured by other)
residents and/or staff;)
FICTITIOUS DEFENDANT "D,")
the person or persons who negligently or)
wantonly failed to properly or adequately)
hire, train, supervise and/or retain the)
other Fictitious Defendants; and)
FICTITIOUS DEFENDANT "E,")
the person, persons and/or entities who owned,)
controlled, was involved with and/or operated)
the facility located at 318 Hamer Road,)

Owens Cross Roads, Alabama at)
all material times;)
FICTITIOUS DEFENDANT “F,”)
the person, persons and/or entities whose)
negligence or wantonness proximately)
caused the injuries and damages suffered by)
J. K. as set out in this Complaint;)
the identities of the)
Fictitious Defendants are unknown to the)
Plaintiff at this time, but will be added by)
amendment when ascertained;)
Defendants.)

COMPLAINT

PARTIES

1. Plaintiff David K. is over the age of nineteen (19) years and is a resident of the State of Alabama. He brings this civil action pursuant to § 6-5-390 *Code of Alabama*. He is the Grandfather and Legal Custodian of J. K., a minor under the age of nineteen (19) years.
2. Defendant Sequel TSI of Alabama, LLC d/b/a Sequel TSI of Owens Cross Roads, is a Psychiatric Residential Treatment Facility located in Owens Cross Roads, Alabama. Sequel TSI of Alabama, LLC is a Domestic corporation incorporated in the State of Alabama with its principal place of business located in Huntsville, Alabama.
3. Defendant Sequel Youth & Family Services, LLC is a privately owned for-profit corporation incorporated in the State of Delaware with its principal place of business in Huntsville, Alabama.
4. Defendant Sequel TSI Holdings, LLC is a corporation incorporated in the State of Iowa with its principal place of business in Huntsville, Alabama. Sequel TSI Holdings, LLC is a Member of Sequel TSI of Alabama, LLC and Brighter Path Alabama, LLC.
5. Defendant Brighter Path Alabama, LLC is a Domestic corporation incorporated in the State of Alabama with its principal place of business located in Huntsville, Alabama.
6. Defendant SYFS SALECO, LLC is a corporation incorporated in the State of Delaware.

7. Defendant Vivant Behavioral Healthcare, LLC is a corporation incorporated in the State of Delaware.

8. Defendant Vivant Behavioral Holdings, LLC is a corporation incorporated in the State of Delaware.

9. Defendant Mahalian Boykin is an individual over the age of nineteen (19) years and is a resident of the State of Alabama. Ms. Boykin was the Executive Director of the facility located at 318 Hamer Road, Owens Cross Roads, Alabama (hereinafter “facility”) at all material times. The facility was an all-female Psychiatric Residential Treatment Facility (“PRTF”) at all material times. PRTFs are facilities where at-risk youth with mental health issues are supposed to receive intensive psychiatric care. According to its website, the facility served “females in need of a locked, secure environment and in need of intensive residential services... Many of our girls have experienced trauma, such as abuse of a physical, emotional and/or sexual nature, which is addressed through the intensive treatment process.” The Alabama Department of Human Resources (“DHR”) certified, licensed, and contracted with the facility at all material times to place children there to receive therapeutic care to address their mental health needs. The State of Alabama paid the operator of the facility approximately \$330.00 per day to house each child

10. Fictitious Defendant “A” is the person or persons who assaulted, wrongfully restrained, abused, neglected, or negligently or wantonly injured J. K. while she resided at 318 Hamer Road, Owens Cross Roads, Alabama.

11. Fictitious Defendant “B” is the person or persons who failed to intervene during the times when J. K. was assaulted, wrongfully restrained, abused, neglected, or negligently or wantonly injured by other residents and/or staff.

12. Fictitious Defendant “C” is the person or persons who were in charge of monitoring J. K. and other residents during the times J. K. was assaulted, wrongfully restrained, abused, neglected,

or negligently or wantonly injured by other residents and/or staff;

13. Fictitious Defendant “D” is the person or persons who negligently or wantonly failed to properly or adequately hire, train, supervise and/or retain the other Fictitious Defendants.

14. Fictitious Defendant “E” is the person or persons who owned, controlled, was involved with and/or operated the facility located at 318 Hamer Road, Owens Cross Roads, Alabama at all material times.

15. Fictitious Defendant “F” is the person or persons who negligence or wantonness proximately caused the injuries and damages suffered by J. K. as set out in this Complaint.

STATEMENT OF FACTS

16. J. K. was born in Marshall County, Alabama on September 29, 2005. J. K. suffered from behavioral issues as a result of disruptive mood dysregulation disorder anxiety, depression and other conditions. Eventually, her mental health needs could not adequately be met in public school. J. K.’s grandparents realized she needed more help than they could provide. DHR became involved to find an appropriate placement for her, so she could receive necessary mental health treatment.

17. On or around October 5, 2021, DHR placed J. K. in the facility to receive intensive psychiatrist treatment for her behaviors. She remained there until after an incident occurred on December 11, 2021.

18. The facility was a house of horrors for J. K. She and the other children were physically, verbally and emotionally abused. Despite being a place for the most vulnerable and troubled children, a place where they were supposed to get help, the facility was a scary and dangerous place.

19. During J. K.’s time at the facility, she and other residents were constantly cursed at, verbally abused and mistreated by staff. Staff regularly antagonized her and other residents and

instigated fights among them. Staff was also physically aggressive against the residents. They were violent.

20. J. K. called the Alabama Disabilities Advocacy Program (“ADAP”) multiple times asking for help because the situation at the facility had become dire. ADAP is the State of Alabama’s federally funded protection and advocacy organization authorized by law to protect and promote the safety and rights of Alabamians with disabilities, including children with mental illness.

21. During the late afternoon of December 11, 2021, things finally reached a boiling point for J. K. She called both 9-1-1 and ADAP asking for help because of how cruel staff was treating her and other residents.

22. A facility employee screamed at J. K. for calling the police. As she attempted to walk out of the room, the employee pushed her to the ground. The employee then got on top of her and put her knees on J. K.’s back. The employee ordered another resident to hold J. K.’s arms down.

23. J. K. was then repeatedly kicked in the face and head by other residents. Other staff in the room simply watched and took no action whatsoever to prevent or stop the assault.

24. The police arrived during the assault. However, another facility employee attempted to prevent the police from entering the building. The police heard the commotion and came in anyway. The police pulled everyone off of J. K.

25. J. K.’s face was extremely swollen and she had difficulty speaking. The employee who had attempted to prevent the police from entering told J. K. not to report what had happened and added no one would believe her. The employee told J. K. she deserved everything that happened to her.

26. J. K. was taken by ambulance to Huntsville Women & Children’s Hospital. She suffered a broken right jaw and severe bruising to her face and ribs. Doctors performed a closed reduction with maxillomandibular fixation, wired her mouth shut and put her on an all-liquid diet.

27. J. K.'s mouth remained wired shut for over two months. She lost approximately 20 pounds.
28. The facility was a scary and dangerous place well before J. K. resided there. The owners and operators of the facility were aware of the problem, yet nothing was done to make sure the residents were kept safe and treated humanely.
29. Prior to J. K.'s time at the Owens Cross Roads facility, staff had:
- Forcibly dragged a resident from her room, threw her on the floor and then the wall, causing head injuries.
 - Used violent, illegal and inappropriate containments/restraints on residents.
 - Yanked a resident out of bed, threw her on the ground and laid on top of her back.
 - Body slammed residents to the ground.
 - Picked up a resident, slammed her onto the ground, and put his weight on her using his knee.
 - Strangled a resident, causing her to fall on the ground, unable to breathe.
 - Constricted the airways of a resident, while "restraining" her.
30. Subsequent to the incidents made the basis of this lawsuit, ADAP filed an immediate jeopardy complaint against the facility with the Alabama Department of Public Health, the Alabama Department of Mental Health, DHR and Medicaid. The complaint stated staff brought in drugs and vapes for residents and that police had been called to the facility by residents on multiple occasions. The complaint said residents were "at risk for serious injury, harm, impairment or death." The complaint also said "the same systemically dangerous and chaotic conditions we wrote about more than a year ago persist to this day." The letter called for an investigation and immediate revocation of the facility's licenses.
31. Despite Alabama law prohibiting emotional and verbal abuse of a child, facility staff repeatedly demeaned, cursed and verbally abused J. K. and the other residents:
- Staff called residents "fucking fat," "fucking ugly," "bitch," "stupid," "slow" (meaning mentally), "emotionally unstable," and "ignorant."

- A staff member said, “I’m tired of y’all dumb-ass bitches. Fuck with me and your ass is grass.”
- During a restraint, a male staff told a girl, “I don’t give a fuck, tell your social worker. What’s she gonna do?”
- A girl who staff found in her closet was dragged out and told to “cover that ugly shit up.”
- Staff responded to a youth who had attempted self-harm by telling her she is stupid for thinking of doing self-harm and even stupider for trying it.
- When a facility resident tried to hang herself, staff told her she was a “dumb-ass bitch.”
- Girls who have attempted suicide report they were told by one or more staff that they should try again.

32. During her time at the facility, J. K. suffered significant and continuous physical, verbal and/or emotional abuse and/or neglect as separate acts on separate occasions.

33. Defendants employed aggressive and abusive policies at the facility that ignored the health and safety of the children, including J. K.

34. J. K. was assaulted, wrongfully restrained, abused, neglected, or negligently or wantonly injured by the facility staff at separate times, at separate locations, and under separate circumstances.

35. Numerous staff was informed of and/or had knowledge that J. K. was being assaulted, wrongfully restrained, abused, neglected, or negligently or wantonly injured on separate occasions at separate locations by separate individuals but chose to do absolutely nothing to prevent the abuse and/or neglect nor report it pursuant to their legal obligations.

36. Defendants negligently or wantonly failed to adequately and/or sufficiently staff the facility to manage the safety and well-being of the children living at the facility.

37. Defendants individually and/or by and through their employees and/or agents, took affirmative steps to maintain the abusive and neglectful culture at the facility by refusing to report the separate, frequent abuse and/or neglect of the children.

38. Defendants' combined conduct, through financial support, program design, lack of supervision, and silence and secrecy, endangered the health, safety and welfare of children residing at the facility, including J. K.

39. Defendants did not take reasonable steps to prevent or prohibit child abuse, mistreatment or neglect at the facility.

40. Despite being entrusted to care for J. K., Defendants illegally failed to inform parents or authorities of child abuse incidents.

COUNT ONE

41. Plaintiff realleges all prior paragraphs of the Complaint as if set out here in full.

42. Defendants and Fictitious Defendants assaulted, abused, negligently or wantonly restrained and/or neglected J. K. while she resided at the facility.

43. As a proximate result of her being assaulted, wrongfully restrained, abused, neglected, or negligently or wantonly injured, J. K. suffered physical, mental and emotional injuries.

WHEREFORE, Plaintiff demands judgment against Defendants in a fair and reasonable amount of compensatory and punitive damages plus costs.

COUNT TWO

44. Plaintiff realleges all prior paragraphs of the Complaint as if set out here in full.

45. Defendants and Fictitious Defendants had a duty to properly and adequately monitor and supervise J. K. and other residents.

46. Defendants and Fictitious Defendants negligently or wantonly failed to properly or adequately monitor or supervise J. K. and other residents.

47. Defendants and Fictitious Defendants had a duty to intervene during the times that J. K. was assaulted, wrongfully restrained, abused, neglected, or negligently or wantonly injured by other residents or staff while she resided at the facility.

48. Defendants and Fictitious Defendants negligently or wantonly failed to intervene during the times that J. K. was assaulted, wrongfully restrained, abused, neglected, or negligently or wantonly injured by other residents or staff while she resided at the facility.

49. As a proximate result of this negligent or wanton conduct, J. K. suffered physical, mental and emotional injuries.

WHEREFORE, Plaintiff demands judgment against Defendants in a fair and reasonable amount of compensatory and punitive damages plus costs.

COUNT THREE

50. Plaintiff realleges all prior paragraphs of the Complaint as if set out here in full.

51. Defendants and Fictitious Defendants were under a duty to protect J. K. from harm, including physical and verbal abuse, neglect, mistreatment and exploitation.

52. Defendants and Fictitious Defendants negligently or wantonly caused and/or allowed J. K. to be assaulted, wrongfully restrained, abused, neglected, or negligently or wantonly injured.

53. As a proximate result of this negligent or wanton conduct, J. K. suffered physical, mental and emotional injuries.

WHEREFORE, Plaintiff demands judgment against Defendants in a fair and reasonable amount of compensatory and punitive damages plus costs.

COUNT FOUR

54. Plaintiff realleges all prior paragraphs of the Complaint as if set out here in full.

55. Defendants and Fictitious Defendants had a duty to provide J. K. a safe and humane living environment.

56. Defendants and Fictitious Defendants negligently or wantonly failed to provide a safe and humane environment for J. K.

57. As a proximate result of this negligent or wanton conduct, J. K. was assaulted, wrongfully restrained, abused, neglected, or negligently or wantonly injured on numerous occasions and as a result suffered physical, mental and emotional injuries.

WHEREFORE, Plaintiff demands judgment against Defendants in a fair and reasonable amount of compensatory and punitive damages plus costs.

COUNT FIVE

58. Plaintiff realleges all prior paragraphs of the Complaint as if set out here in full.

59. Defendant Boykin and Fictitious Defendant “D” had the responsibility of hiring, training, supervising and/or retaining the other Defendants and Fictitious Defendants.

60. Defendant Boykin and Fictitious Defendant “D” negligently or wantonly failed to properly or adequately hire, train, supervise and/or retain Defendants and Fictitious Defendants.

61. As a proximate result of this negligent or wanton conduct, J. K. was assaulted, wrongfully restrained, abused, neglected, or negligently or wantonly injured on numerous occasions and as a result suffered physical, mental and emotional injuries.

WHEREFORE, Plaintiff demands judgment against Defendants in a fair and reasonable amount of compensatory and punitive damages plus costs.

COUNT SIX

62. Plaintiff realleges all prior paragraphs of the Complaint as if set out here in full.

63. Defendants and Fictitious Defendants knew that children, including J. K., who resided at the facility were not protected from abuse and neglect by employees and other residents.

64. Defendants and Fictitious Defendants knew that J. K. was needlessly subjected to the risk of neglect, abuse and/or injury.

65. Defendants and Fictitious Defendants negligently or wantonly failed to correct this long-standing problem.

66. Defendants and Fictitious Defendants knew the failure to take corrective measures would likely result in incidents such as those stated herein involving J. K.

67. As a proximate result of this negligent or wanton conduct, J. K. was assaulted, wrongfully restrained, abused, neglected, or negligently or wantonly injured on numerous occasions and as a result suffered physical, mental and emotional injuries.

WHEREFORE, Plaintiff demands judgment against Defendants in a fair and reasonable amount of compensatory and punitive damages plus costs.

COUNT SEVEN

68. Plaintiff realleges all prior paragraphs of the Complaint as if set out here in full.

69. The negligence, wantonness and/or other wrongful acts of the named Defendants and Fictitious Defendants in this cause combined and concurred to cause the injuries and damages as alleged above.

WHEREFORE, Plaintiff demands judgment against Defendants in a fair and reasonable amount of compensatory and punitive damages plus costs.

**PLAINTIFF DEMANDS A TRIAL BY STRUCK JURY ON
ALL CAUSES IN THE ABOVE COMPLAINT**

/s/ Thomas E. James
Thomas E. James (JAM023)
Attorney for Plaintiff

OF COUNSEL:
TOMMY JAMES LAW
4220 Cahaba Heights Court – Suite 210
Birmingham, Alabama 35243-5731
Telephone: (205) 259-1725
tommy@tommyjameslaw.com

/s/ Jeremy Knowles
Jeremy Knowles (KNO016)
Attorney for Plaintiff

OF COUNSEL:

MORRIS HAYNES, Attorneys at Law

3500 Blue Lake Drive – Suite 200

Birmingham, Alabama 35243

Telephone: (205) 324-4008

Facsimile: (205) 324-0803

jknowles@mhhlaw.net

PLEASE SERVE DEFENDANTS BY CERTIFIED MAIL

Sequel TSI of Alabama, LLC d/b/a Sequel TSI of Owens Cross Roads
c/o Corporation Service Company, Inc.
641 South Lawrence Street
Montgomery, Alabama 36104

Sequel Youth & Family Services, LLC
c/o Corporation Service Company, Inc.
251 Little Falls Drive
Wilmington, DE 19808

Sequel TSI Holdings, LLC
c/o Corporation Service Company
641 South Lawrence Street
Montgomery, Alabama 36104

Brighter Path Alabama, LLC
c/o Corporation Service Company, Inc.
641 South Lawrence Street
Montgomery, Alabama 36104

SYFS Saleco, LLC
c/o Intertrust Corporate Services Delaware, LTD
200 Bellevue Parkway Suite 210
Wilmington, Delaware 19809

Vivant Behavioral Healthcare, LLC
c/o Corporation Service Company, Inc.
641 South Lawrence Street
Montgomery, Alabama 36104

Vivant Behavioral Holdings, LLC
c/o Corporation Service Company, Inc.
641 South Lawrence Street
Montgomery, Alabama 36104

SERVICE VIA SHERIFF'S DEPARTMENT

Mahalian Boykin
210 Turnbrook SW Drive
Huntsville, Alabama 35824-2903