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Attorney for Plaintiffs

A.L.

S.W.

Plaintiffs

v.

Adelaide L. Eichman, M.D.
Allegheny County
Angelica Doe, Andrew Fleming

Defendants

UNITED STATES
DISTRICT COURT FOR THE
WESTERN DISTRICT OF
PENNSYLVANIA

JURY TRIAL DEMANDED

COMPLAINT

Plaintiffs, A.L. and S.W. through undersigned counsel hereby allege the following:

INTRODUCTION

This case is an action for the violation of the Plaintiffs' right to due process in the context of false allegations that their son had been abused based on the presence of four bruises. The Allegheny County Defendants violated the Plaintiffs' right to procedural due process when they unilaterally imposed a safety plan without providing the Plaintiffs sufficient due process to challenge the safety plan. Dr. Adelaide Eichman, who provided medical investigational services to Allegheny County pursuant to contract between Allegheny County and Children's Hospital of Pittsburgh, violated the Plaintiffs' right to substantive due process when she leapt to the conclusion of child abuse without performing a meaningful

workup for alternative causes of the bruising while ignoring a bruise documented to have occurred in the hospital from the blood pressure cuff. Dr. Eichman claimed to have considered and rejected a bleeding disorder as the cause of the four bruises stating the child “does not have an underlying medical condition that would make him prone to bruising” when she failed to test the child for a platelet disorder and failed to refer the child to a hematologist for a bleeding disorder evaluation. Dr. Eichman later testified under oath “I knew that that was a risk that a young child could have normal [screening] tests, but end up having a problem”. The child was subsequently diagnosed with a bleeding disorder that causes easy bruising, after which the dependency and the criminal charges were withdrawn.

Jurisdiction and Venue

1. This action is brought pursuant to 42 U.S.C. § 1981, 42 U.S.C. § 1983 and 42 U.S.C. § 1985; the First, Fourth, Fifth, Sixth, Seventh and Fourteenth Amendment of the Constitution of the United States; Article 1 of the Pennsylvania Constitution and Pennsylvania law.

2. The jurisdiction of the Court is predicated on 28 U.S.C. § 1343(a), (1), (2), (3) and (4) and 28 U.S.C. § 1331.

3. Venue is proper in the Western District of Pennsylvania pursuant to 28 U.S.C. § 1391(a) in that the defendants are subject to personal jurisdiction within the Western District of Pennsylvania and the events that give rise to this action occurred within the Western District of Pennsylvania.

Parties

4. Plaintiff A.L. is the natural mother of S.L.W. and D.W. At all times relevant to this action, A.L. was a resident of Pittsburgh, Pennsylvania. A.L.'s education includes a Bachelor of Science in Human Resources Management and a Masters' Degree in Public Policy and Management.

5. Plaintiff S.W. is the natural father of S.L.W. and D.W. At all times relevant to this action, S.W. was a resident of Pittsburgh, Pennsylvania. S.W.'s education includes a Bachelor of Science in Business Administration.

6. Defendant Adelaide L. Eichman, M.D. is a physician licensed to practice medicine in Pennsylvania who holds herself out as an expert in distinguishing medical conditions that can mimic the appearance of child abuse from cases of actual child abuse. Defendant Eichman is a board certified pediatrician employed by Children's Hospital of Pittsburgh (hereinafter "CHP"). Defendant Eichman is an assistant professor of pediatrics, Division of Child Advocacy, University of Pittsburgh School of Medicine. Dr. Eichman's employment as a professor by the University of Pittsburgh and her employment at CHP render Dr. Eichman as a state actor. Dr. Eichman's employer, the University of Pittsburgh and CHP's Child Advocacy Center have a contract with Allegheny County to provide medical investigation services to determine whether reports of suspected child abuse are, in fact, actual cases of child abuse and/or whether there is a medical or non-abusive explanation for the findings that gave rise to the suspicion of abuse. Defendant Eichman's activities, where she is the primary medical investigator on behalf of Allegheny County and law enforcement, coupled with the significant entwinement between Defendant Eichman and child

protective services and law enforcement during the investigation of reports of suspected child abuse, renders her actions to be state actions. Defendant Eichman represented that she had considered and rejected alternative non-abusive bases for S.L.W.'s bruising without having conducted the necessary testing to reach such conclusions, specifically for failing to test S.L.W. for any platelet disorders or refer S.L.W. to a hematologist or a federally funded Hemophilia Treatment Center prior to concluding there was no medical non-abusive explanation for S.L.W.'s bruises.

7. Defendant Allegheny County is a county of the 2nd class political subdivision of the Commonwealth of Pennsylvania governed by an elected county executive and an elected 15 member county council. Rich Fitzgerald is the County executive and is sued in his official capacity which is why the named Defendant is Allegheny County. Defendant Allegheny County is licensed by the Pennsylvania Department of Human Services to operate a county child protective services agency. Allegheny County has a contract with the CHP's Child Advocacy Center to provide child abuse medical investigative services to Allegheny County. Defendant Allegheny County had a policy of coercing safety plans without affording due process to parent(s) whose right to the care, custody and control of their child was impaired by the safety plan. Defendant Allegheny County had a policy of failing to train employees about due process when safety plans were coerced. Defendant Allegheny County violated the Plaintiffs' rights pursuant to the United States Constitution, the Pennsylvania Constitution and Pennsylvania law.

8. Defendant Angelica Doe, (Doe is not this Defendant's last name, however, with due diligence Plaintiffs were unable to obtain this Defendant's last name prior to the filing of this complaint) at all times relevant to this action, was employed by Defendant Allegheny County in the Allegheny County Children, Youth and Families Services Agency (hereinafter "CYF") as a case worker. On July 14, 2015, Defendant Doe exercised her authority as an employee of the Allegheny CYF and unilaterally and verbally imposed a safety plan that prohibited all unsupervised contact between S.W. and S.L.W. without providing A.L. or S.W. with a copy of any safety plan or providing A.L. or S.W. with any due process to challenge the unilaterally imposed safety plan. At all times relevant to this action, Defendant Doe failed to provide Plaintiffs with any due process to challenge the safety plan. Defendant Doe violated the Plaintiffs' rights pursuant to the United States Constitution, the Pennsylvania Constitution and Pennsylvania law.

9. Defendant Andrew Fleming, at all times relevant to this action, was employed by Defendant Allegheny County CYF as a case worker. On July 15, 2015, Defendant Fleming repeated the unilaterally imposed safety plan to A.L. and S.W. that prohibited all unsupervised contact between S.W. and S.L.W. without providing A.L. or S.W. with a copy of any safety plan or providing A.L. or S.W. with any due process to challenge the unilaterally imposed safety plan. Defendant Fleming conducted weekly meetings with A.L. and S.W. during which Defendant Fleming failed to provide A.L. or S.W. with a copy of any safety plan or provide A.L. or S.W. with any due process to challenge the safety plan. At all times relevant to this action, Defendant Fleming failed to provide Plaintiffs with

any due process to challenge the safety plan. Defendant Fleming violated the Plaintiffs' rights pursuant to the United States Constitution, the Pennsylvania Constitution and Pennsylvania law.

Allegations – Factual

10. S.L.W. was diagnosed with a platelet function disorder by the Hemophilia Center of Western Pennsylvania, a federally funded Hemophilia Treatment Center in November of 2015.

11. A.L. and S.W. were married in 2008.

12. A.L. and S.W. had their first child D.W. in 2012.

13. S.L.W. was born in 2015.

14. A.L. and S.W. were diligent to take S.L.W. to the pediatrician after his birth.

15. In June of 2015, S.W. was diligent to bring 4 day old S.L.W. to the pediatrician for his newborn pediatrician visit. S.L.W. was noted to have mild jaundice on his face and chest.

16. In June of 2015, A.L. was diligent to bring 12 day old S.L.W. to the pediatrician for his 2 week well visit.

17. On July 14, 2015, A.L. was diligent to take S.L.W. to the pediatrician at 10:00 a.m. for his one-month well visit.

18. During S.L.W.'s one-month well visit, four bruises were noticed on S.L.W, one on his forehead, left inner elbow, left lower back and right bottom back of the leg.

19. The pediatricians' office was concerned that S.L.W. might have a coagulation disorder and insisted that S.L.W. be taken to CHP immediately for a coagulation work up.

20. CHP July 14, 2015 medical records with a "SERVICE DATE/TIME" of 11:20 a.m. state, "History of Present Illness Mechanism of Injury 4 week old previously healthy male presenting with multiple bruises over body noticed by PCP at wellness baby check. Parents not able to give appropriate explanation for all bruises. Possible trauma to head from swing as per mother and bruise to back from father doing massaging the tummy with his plam [sic] around his back."

21. At the CHP emergency room, S.L.W.'s blood pressure was taken.

22. When the blood pressure cuff was removed from S.L.W.'s leg, a bruise was noticed where the blood pressure cuff had been on S.L.W.'s leg.

23. CHP July 14, 2015 medical records entitled "Significant Clinical Event" state, "Blood pressure taken on right lower leg. Mark on leg from cuff. MD aware."

24. On July 14, 2015 at approximately 11:45 a.m. Defendant Eichman interviewed A.L. for approximately 20-30 minutes in the CHP emergency room.

25. During this interview, Defendant Eichman told A.L. that an adult caretaker caused the bruising, that she would order the most common blood disorder testing, and that more often than not, the cause is abuse and not a coagulation problem.

26. S.L.W.'s mother, Plaintiff A.L., has a history of easy bruising and heavy menstrual blood flows – a history that was provided to Defendant Eichman.

27. Defendant Eichman's July 14, 2015 consult report at 3:39 p.m. states "Mother says she bruises easily and has heavy periods, but has not had a formal workup."

28. Defendant Eichman told A.L. that she must bring in her older child for an examination for possible abuse because of Defendant Eichman's diagnosis that S.L.W. had been abused.

29. Defendant Eichman's July 14, 2015 consult report at 3:39 p.m. states:

- a. Skeletal survey 7/14/2015: Normal
- b. Head CT 7/14/2015 prelim: Normal
- c. Please obtain a dilated eye exam.
- d. [S.L.W.]'s 2 ½ y/o sister [D.W.], must be seen for a physical exam.
- e. [S.W.] must have a follow-up skeletal survey in 10-14 days

30. No abnormality was observed in S.L.W.'s vision or eyes.

31. Subsequent to Defendant Eichman's consultation on July 14, 2015, a CHP ophthalmologist examined S.L.W.'s eyes and found them to be normal, S.L.W. had no retinal hemorrhages.

32. S.L.W. had no fractures of any bones.

33. D.W. had no abnormalities during her exam.

ALLEGHENY DEFENDANTS' UNILATERAL IMPOSITION OF A SAFETY PLAN AND PROVIDED NO DUE PROCESS TO CHALLENGE THE SAFETY PLAN

34. At approximately 7:00 p.m., on July 14, 2015, Defendant Doe arrived at CHP and conducted interviews with both A.L. and S.W. Defendant Doe stated that a safety plan must be imposed that prohibited all unsupervised contact between S.L.W. and S.W. and prohibited all unsupervised contact between D.W. and S.W. A.L. was told that, as part of the safety plan, she must submit to home visits by CYF and their contracted agencies. A.L. signed the safety plan.

35. Defendant Doe did not give A.L or S.W. a copy of the safety plan.

36. Defendant Doe did not explain to A.L or S.W. that they had any right to appeal the safety plan.

37. Defendant Doe did not give A.L or S.W. a copy of any notice of rights to appeal the safety plan.

38. Because the unilaterally imposed safety plan prohibited contact between both children, D.W. and S.L.W., with Plaintiff S.W., A.L. and S.W. both left the hospital on the night of July 14, 2015, leaving S.L.W. alone at the hospital overnight.

39. On July 14, 2015, at 10:00 p.m., Defendant Doe conducted a home inspection of A.L.'s and S.W.'s home as part of the safety plan.

40. Defendant Doe did not give A.L or S.W. a copy of any safety plan.

41. Defendant Doe did not explain to A.L or S.W. that they have any right to appeal the safety plan.

42. Defendant Doe did not give A.L or S.W. a copy of any notice of rights to appeal the safety plan.

43. A.L. and S.W. returned to CHP at 9:00 a.m. on July 15, 2015.

DEFENDANT EICHMAN MINIMIZES THE BRUISING TO S.L.W. THAT OCCURRED WITHIN THE HOSPITAL FROM THE BLOOD PRESSURE CUFF

44. At approximately 10:30 a.m. on July 15, 2015, Defendant Eichman met with A.L. and S.W.

45. A.L. asked Defendant Eichman why S.L.W. was bruised by the blood pressure cuff in CHP's emergency room on July 14, 2015 and pointed out how small the bruises were on S.L.W. and that blood work was still pending,

46. In response to the question about the pending blood work, Defendant Eichman told A.L. and S.W., "I wouldn't hang your hat on it".

47. A.L. asked Defendant Eichman whether there was anything parents could do in the daily routine of caring for SL.W. that would exert the same pressure on S.L.W. as a blood pressure cuff.

48. A.L. pressed Defendant Eichman to answer her question and when Defendant Eichman refused to answer A.L.'s question Defendant Eichman said "it's not routine to get a blood pressure on an infant".

49. Defendant Eichman then told A.L. and S.W. "at this point, I am going to excuse myself from the room and you can direct any additional questions to the nurse practitioner or the social worker".

50. At approximately 12:00 p.m. on July 15, 2015, Defendant Fleming arrived at CHP and interviewed A.L. and S.W.

51. Defendant Fleming reiterated the terms of the safety plan to A.L. and S.W.

52. Defendant Fleming did not give A.L or S.W. a copy of any safety plan.

53. Defendant Fleming did not explain to A.L or S.W. that they have any right to appeal the safety plan.

54. Defendant Fleming did not give A.L or S.W. a copy of any notice of rights to appeal the safety plan.

55. At approximately 2:30 p.m., CHP employees informed A.L. and S.W. that S.L.W.'s blood sample drawn the previous day had been lost and that another blood sample would need to be drawn.

56. CHP employees drew an additional blood sample from S.L.W. for coagulation studies.

57. On July 15, 2015, S.L.W. was discharged from CHP.

58. On July 17, 2015, Defendant Eichman called A.L. to inform A.L. that the results of the coagulation studies were normal.

59. On July 17, 2015, Defendant Eichman told A.L. that there is no indication for repeat bleeding disorder testing.

60. Defendant Eichman's note in the Medical records dated July 17, 2015 state:

I called [S.W.]'s family and spoke with his mother on speaker phone. I gave his mother the preliminary results of his von Willebrand screen. I explained that these results will be verified by the hematologist and that I will call if there are any changes in the results, I will call his family. His mother asked whether there was any significance to his Factor IX level being at the lower range of

normal range. I explained that I spoke with the attending hematologist, and that normal is normal. If [S.L.W.] had a clinically significant bleeding disorder, the screens sent (Factor VII, Factor IX and von Willebrand screen) would have showed an abnormality.

61. There is no evidence in the medical records obtained by Plaintiffs of a hematology consult at CHP for S.L.W.

62. Defendant Eichman failed to note in the medical record, or inform A.L., S.W., CYF or Law enforcement, that Defendant Eichman knew that a young child's screening tests could be normal even when the child actually has a bleeding problem that could cause bruising from normal child handling.

63. On July 20, 2015, Defendant Fleming began weekly visits to A.L.'s and S.W.'s home.

64. On July 21, 2015, Plaintiffs received a telephone call from a police detective who explained that a criminal investigation was underway.

65. On July 22, 2015, A.L. and S.W. retained an attorney.

66. On or about July 25, 2015, Defendant Fleming intruded into the Plaintiffs' home pursuant to the unilaterally imposed safety plan.

67. On July 28, 2015, A.L. and S.W. took S.L.W. to a follow-up appointment with Defendant Eichman at the CHP Child Advocacy Clinic.

DEFENDANT EICHMAN'S FALSE CLAIM THAT S.L.W. "DOES NOT HAVE AN UNDERLYING MEDICAL DISORDER THAT WOULD MAKE HIM PRONE TO BRUISING"

68. Defendant Eichman's July 28, 2015 Child Advocacy Center report states, "All of his bloodwork, including tests to screen for a bleeding disorder, were normal....Mother says that she bruises easily and has heavy periods but has not had a formal work-up...**The bruises found on [S.L.W.] were the result**

of physical child abuse. [S.L.W.] could not have caused the bruises himself. Routine care of an infant does not cause bruising. [S.L.W.] does not have an underlying medical condition that would make him prone to bruising.” (bold in the original, underlining supplied)

69. Defendant Eichman failed to note in her Child Advocacy Center report, or inform CYF or law enforcement that Defendant Eichman knew that a young child’s screening tests could be normal even when the child actually has a bleeding problem that could cause bruising from normal child handling.

70. Upon information and belief, Defendant Eichman’s July 28, 2015 report was shared with CYF and law enforcement as part of CHP’s responsibilities pursuant to its contract to provide medical investigation services to Defendant Allegheny County and law enforcement.

71. Upon information and belief, pursuant to the requirements of Pennsylvania law, Defendant Eichman, CYF and law enforcement conducted a multi-disciplinary team meeting to discuss the investigation and prosecution of a dependency petition and/or criminal charges against A.L. and S.W.

72. Pennsylvania law mandates that the members of the multi-disciplinary team must, at a minimum, include the child protective services agency case-worker, a medical professional and a member of law enforcement.

73. The Federal Government encourages the establishment of Child Advocacy Centers and the use of “multidisciplinary teams composed of

representatives from the statutorily mandated and other involved agencies” through a grant program specifically targeted to achieving that goal¹.

74. Allegheny County and CHP have a contract in which CHP provides certain services to Allegheny County CYF, which states:

The Contractor acknowledges that funding for the Scope of Services is provided in whole or in part by grants made to the County by departments and agencies of the United States Government or the Commonwealth of Pennsylvania....

SERVICE PROVIDER shall provide services for children that will include, but not be limited to:

- Comprehensive physical exams;
- intake or discharge exams;
- genital exams;
- x-rays;
- injury treatment;
- STD cultures; and
- psychosocial assessments.

SERVICE PROVIDER shall also participate in **investigations of child abuse** and neglect.

SERVICE PROVIDER shall provide written reports and/or court testimony in Allegheny County Juvenile Court and/ Allegheny County Criminal Court. (emphasis supplied)....

... The role of the CAC is to provide comprehensive medical and social evaluations ...Consults are done during normal business hours and are conducted by CAC staff which consists of an interviewer, CAC nurse, Physician or CHP social worker. CAC staff are required to: 1) meet with the family; 2) document the conversation and document any finding of which photographs may be used to support a finding; 3) prepare reports; and 4) communicate with law Enforcement and CYF. ...

... Court presence and testimony will be provided when necessary and/or warranted.

¹ https://ojp.gov/about/pdfs/OJJDP_VOCA%20Prog%20Summary_For%20FY%2017%20PresBud.pdf

75. CHP received \$1,759,750.00 from Allegheny County between July 1, 2015 and June 30, 2016 for services that included those provided by Dr. Eichman in her role as the CAC medical investigator of whether the report of suspected child abuse of S.L.W. was, in fact, actual child abuse.

76. On or about August 3, 2015, Defendant Fleming intruded into the Plaintiffs' home pursuant to the unilaterally imposed safety plan.

77. On or about August 10, 2015, Defendant Fleming intruded into the Plaintiffs' home pursuant to the unilaterally imposed safety plan.

78. On August 12, 2015, A.L. took S.L.W. to the Hemophilia Center of Western Pennsylvania, located at 3636 Boulevard of the Allies, Pittsburgh PA 15213, for an evaluation.

79. The Hemophilia Center of Western Pennsylvania is a federally funded hemophilia treatment center (hereinafter "HTC").

80. Federally funded HTCs were created because the medical community as a whole lacked skill in the diagnosis and treatment of hemophilia and bleeding disorders².

² <https://hemaware.org/story/hemophilia-treatment-centers-101> "HTCs were created because people with bleeding disorders, their families and healthcare professionals demanded them. In 1973, the National Hemophilia Foundation (NHF) launched a two-year campaign to establish a nationwide network of centers to diagnose and treat hemophilia and other bleeding disorders. The goal was to provide an extensive range of coordinated services for patients and families within a single facility. Today, there are approximately 141 treatment centers and programs across the country. The HTC network is partially funded by the US [Centers for Disease Control and Prevention](#), [Maternal and Child Health Bureau](#), and other federal agencies.

What each HTC has in common is a comprehensive model of care. HTC treatment teams typically include hematologists, pediatricians, nurse

81. The Hemophilia Center of Western Pennsylvania is 2.7 miles, less than a 15 minute drive, from CHP.

82. Dr. Margaret Ragni, the Director of the Hemophilia Center of Western Pennsylvania, is a Professor of Medicine with the University of Pittsburgh Medical School.

83. Dr. Eichman is an associate Professor of Medicine with the University of Pittsburgh Medical School.

84. The August 12, 2015 report from the Hemophilia Center of Western Pennsylvania states:

In summary. [S.L.W.] is a 2-month-old little boy with a history of bruises from unexplained etiologies. [S.L.W.], while he was evaluated at the Children's Hospital, had some bleeding disorders tested. To date no positive findings have been seen. However, some tests are not fully interpretable at this young age. Though we can conclusively rule out hemophilia A and B, as well as congenital thrombocytopenias, other items such as platelet function and Von Willebrand disease cannot yet effectively be ruled out. Platelet function disorders and Von Willebrand testing often is unreliable in infants younger than 6 months of age. Most specialists recommend that this testing is delayed until a later stage of infancy to allow for full maturation of the clotting system as well as for more interpretable test.

85. On November 11, 2015, S.L.W. was diagnosed by the Hemophilia Center of Western Pennsylvania with abnormal platelet function.

DR. EICHMAN ACKNOWLEDGES THAT S.L.W. DOES HAVE “AN UNDERLYING BLEEDING DISORDER WOULD MAKE IT EASIER FOR [S.L.W.] TO BRUISE”

86. On November 18, 2015, at 4:26 p.m., Defendant Eichman issued an addendum to her July 28, 2015 Child Advocacy Center report:

coordinators, social workers and physical therapists. Some centers also have orthopedists and dentists on staff.”

I received a call from [S.L.W.]’s hematologist. He has had further blood tests, and he and his mother have been diagnosed with a platelet function disorder. Such an underlying bleeding disorder would make it easier for [S.L.W.] to bruise. ...

87. Defendant Eichman has admitted her error under oath:

Q. And you accept that you were incorrect on that; is that correct?

A. Absolutely. I mean I will shout it from the rooftops. I do not take this lightly, and that was a very big deal. So I felt terrible about that, but, you know, diagnosing child abuse is a very big deal.

DR. EICHMAN TESTIFIED UNDER OATH THAT SHE KNEW “THAT WAS A RISK” THAT S.L.W. COULD HAVE HAD A BLEEDING DISORDER

88. When Defendant Eichman was questioned under oath about S.L.W.’s abnormal platelet function in the face of normal screening tests, and regarding whether she understood that a young infant could have normal screening tests for a bleeding disorder, but still have a bleeding disorder, Defendant Eichman admitted she knew that was a possibility:

Q. ...So is it true that sometimes the screening tests do not always pick up a blood problem that could make a patient prone to easy bruising?

A. Correct. And this is one such case, but the child saw the hematologist when he was older, and he and the mother were screened, and the child does have a platelet problem...

Q. And you were falsely reassured by the screening tests; right?

A. Yes.

Q. Okay. How come you didn't know about that prior through your experience with child abuse? I mean, this is just in 2015, so you have been at Children's in the child abuse center for how long?

A. Since 2013.

Q. So for two-and-a-half years you would -- didn't know that you could be falsely assured by screening tests that were normal?

A. So I think, as I said, I work in an academics [sic] institution, and I think we are all humbled in our jobs. **I knew that that was a risk that a young child could have normal tests, but end up having a problem.**
(emphasis supplied)

89. Upon information and belief, Defendant Eichman never mentioned or told CYF, law enforcement, that she had failed to conduct the testing necessary to rule out a bleeding disorder as the cause of S.L.W.'s bruising or that the screening tests ordered by Defendant Eichman could be normal even when the child actually has a bleeding problem that could cause bruising from normal child handling.

90. Defendant Eichman never mentioned or told A.L. or S.W. that she had failed to conduct the testing necessary to rule out a bleeding disorder as the cause of S.L.W.'s bruising or that the screening tests ordered by Defendant Eichman could be normal even when the child actually has a bleeding problem that could cause bruising from normal child handling.

91. Defendant Eichman never mentioned or told A.L. or S.W. that children under six months of age may not be able to be diagnosed with a bleeding disorder that could provide a non-abusive explanation for bruising, even if the child has a bleeding disorder.

92. Upon information and belief, Defendant Eichman never mentioned or told CYF or law enforcement that children under six months of age may not be able to be diagnosed with a bleeding disorder that could provide a non-abusive explanation for bruising, even if the child has a bleeding disorder.

93. On August 12, 2015, CYF filed and served dependency petitions alleging that S.L.W. and D.W. did not have any parent capable of caring for them as a result of Defendant Eichman's misrepresentation that "**The bruises found on [S.L.W.] were the result of physical child abuse.** ... [S.L.W.] does not have an underlying medical condition that would make him prone to bruising" (emphasis in the original).

94. On or about August 13, 2015, Plaintiffs endured another intrusion by a CYF employee into their home pursuant to the unilaterally imposed safety plan.

95. From August 13, 2015 through December 30, 2015, Plaintiffs endured weekly intrusions into their home by a CYF employee pursuant to the unilaterally imposed safety plan.

96. On August 19, 2015, a criminal complaint with one count of aggravated assault (F2) and one count of endangering the welfare of a child (M1) was filed against S.W. based upon the affidavit of probable cause by Detective Honan.

97. The underlying August 18, 2015 affidavit of probable cause recited the language of Defendant Eichman's Child Advocacy Center report virtually word for word and states:

On 08/05/15 SAFC received a Follow Up Report from CAC. The report was authored by Adelaide Eichman, MD. The following is a summary of the report:

John Doe is a 7 week old male who was admitted to CHP (Children's Hospital Pittsburgh) from 07/14 – 07/15/15 due to bruises found at his routine well-child examination. John Doe was found to have bruising on his forehead, left upper arm, right calf and lower back. John Doe's evaluation included a head CT, skeletal survey and eye exam, all of which were normal. **All of his blood work, including test to screen for bleeding disorder, were normal.**

The bruises found on John Doe were the result of physical child abuse. John Doe could not have caused the bruises himself. Routine care of an infant does not cause bruising. **John Doe does not have an underlying medical condition that would make him prone to bruising.** Fortunately John Doe did not have any internal injuries. (emphasis supplied)

98. On August 20, 2015, S.W. voluntarily turned himself in to be arrested.
99. S.W. spent one night in jail and was released on bond the following day, with the condition that he have NO CONTACT with any children, including his own children, D.W. and S.L.W.
100. On August 21, 2015, A.L. was diagnosed by the Hemophilia Center of Western Pennsylvania with abnormal platelet function.
101. On August 21, 2015, A.L. moved out of the family residence with S.L.W. and D.W. and moved in with her mother to comply with the condition of S.L.W.'s bail that S.W. have no contact with any children.
102. On August 25, 2015, A.L. missed time at work to meet a representative of Kids Voice Child Advocacy.

103. On August 26, 2015, A.L. and S.W. missed time at work to attend a hearing on the CYF dependency petition after which the Court ordered A.L. and S.W. to undergo psychological evaluations and attend parenting classes, in addition to allowing CYF to provide "home services".

104. On August 28, 2015, A.L. and S.W. missed time at work to attend a hearing regarding S.W.'s criminal charges during which the Court modified the condition of bail to allow S.W. to have supervised contact with D.W. and S.L.W. for the purpose of participating in parenting classes.

105. On September 22, 2015, A.L. missed time from work to undergo the Court ordered psychological evaluation.

106. On September 24, 2015, A.L. and S.W. missed time from work to attend a Court mandated Family Conference which focused on CYF's inability to provide the Court mandated parenting classes.

107. On September 29, 2015, S.W. missed time from work to undergo the Court ordered psychological evaluation.

108. On October 13, 2015, S.W. missed time from work to begin a parenting class for two hours every Tuesday afternoon for six weeks to comply with the Court order.

109. On October 14, 2015, A.L. and S.W. were required to allow a case worker from a CYF contracted agency to enter their home for an intake visit.

110. On October 19, 2015, A.L. and S. W. were required to allow a case worker from a CYF contracted agency to enter their home for one hour visits twice a week.

111. From October 19, 2015 through December 2, 2015, Plaintiffs endured twice weekly intrusions into their home by CYF's contracted agency pursuant to the unilaterally imposed safety plan by a CYF employee.

112. On October 20, 2015, S.L.W. had blood drawn for a bleeding disorder workup now that he was six months of age.

113. On October 27, 2015, the results of S.L.W.'s workup for a bleeding disorder showed S.L.W. has a platelet function disorder.

114. On November 11, 2015, S.L.W. and A.L. had a consultation with the Hemophilia Center of Western Pennsylvania to explain that S.L.W. has a platelet function disorder.

115. On November 18, 2015, at 4:26 p.m., Defendant Eichman issued an addendum to her July 28, 2015 Child Advocacy Center report:

I received a call from [S.L.W.]'s hematologist. He has had further blood tests, and he and his mother have been diagnosed with a platelet function disorder. **Such an underlying bleeding disorder would make it easier for [S.L.W.] to bruise. ...**
(emphasis supplied)

116. On November 18, 2015, CYF withdrew their dependency petition.

117. On November 25, 2015, the criminal charges against S.W. were withdrawn.

118. On December 2, 2015, A.L. and S.W. endured their final twice weekly home visit from the case worker of the CYF contracted agency.

119. On December 30, 2015, A.L. and S.W. endured their final weekly visit from CYF case workers.

120. On May 4, 2016, A.L. was notified that the ChildLine report against her was changed to “unfounded”.

**DEFENDANTS ARE HEREBY PLACED ON NOTICE
OF THE FOLLOWING CLAIMS:**

I. **Violation of Procedural Due Process** – The Allegheny County Defendants failed to provide a copy of the safety plan to A.L and S.W. and failed to explain or provide A.L and S.W. with any opportunity to challenge the safety plan.

II. **Violation of Procedural Due Process** – Defendant Allegheny County has a practice and/or policy of not training employees to provide, and of not providing, due process to challenge safety plans.

III. **Violation of Substantive Due Process** – Defendant Eichman claimed to have considered and rejected other bases for S.L.W.’s bruising without conducting the necessary testing to reach such conclusion, including claiming on July 28, 2015 that “[t]he bruises found on [S.L.W.] were the result of physical child abuse. [S.L.W.] could not have caused the bruises himself. Routine care of an infant does not cause bruising. [S.L.W.] does not have an underlying medical condition that would make him prone to bruising” (bold in the original) while failing to inform CYF, law enforcement, A.L. and S.W. that she had failed to conduct the testing necessary to rule out a bleeding disorder as the cause of S.L.W.’s bruising, that the screening tests ordered by Defendant Eichman could

not rule out a bleeding disorder, and that that children under six months of age may not be able to be diagnosed with a bleeding disorder that could provide a non-abusive explanation for bruising, even if the child has a bleeding disorder, when she was, in fact, as she testified to under oath, fully aware of these facts.

IV. Violation of Fourth Amendment/ Due Process– For the approximately 14 intrusions into A.L.’s and S.W.’s home by CYF and approximately 23 intrusions by CYF contract agency case workers because Defendant Eichman claimed that S.L.W. had a bleeding workup that ruled out a bleeding disorder and falsely diagnosed S.L.W.’s bruises as having been caused by physical abuse.

V. Violation of Fourth Amendment/ Due Process – For the arrest and overnight detention of S.W., and the continued impairment of S.W.’s liberty for 97 days until the criminal charges were dismissed because Defendant Eichman claimed that S.L.W. had a bleeding workup that ruled out a bleeding disorder and diagnosed S.L.W.’s bruises as having been caused by physical abuse.

VI. Any other relief and/or claims against the Defendants supported by the above facts and facts obtained during discovery.

DAMAGES TO THE PLAINTIFFS INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:

a. A.L.’s and S.W.’s 133 day impairment of the care, custody and control of their children, D.W. and S.L.W.

- b. Approximately 37 unconstitutional intrusions into the privacy of A.L.'s and S.W.'s home, including 14 intrusions by CYF employees, and 23 intrusions by contracted agency case workers.
- c. S.W.'s arrest and overnight detention in a criminal facility.
- d. 97 days S.W.'s liberty was impaired as a result of his arrest and conditions of bail.
- d. 8 days S.W. was prohibited from having any contact with his children, D.W. and S.L.W.
- e. 133 days S.W. was prohibited from having unsupervised contact with his children, D.W. and S.L.W.
- f. A.L.'s and S.W.'s emotional distress for being falsely accused of abusing S.L.W.
- g. S.W.'s arrest for being falsely accused of abusing S.L.W.
- h. S.W.'s emotional distress for being arrested because Defendant Eichman represented that she had considered and rejected other causes of S.L.W.'s bruising and diagnosed S.L.W. as being abused without conducting the testing necessary to reach such a conclusion.
- i. A.L.' having to move out of their home, and A.L. and S.W. having to live apart, to comply with the unilaterally imposed safety plan.
- j. A.L.'s and S.W.'s legal fees for defending S.W.'s arrest and defending Defendant Eichman's false allegations of child abuse in the dependency petitions.

k. Medical costs associated with overnight hospitalization and doctor's fees (co-pays and deductibles).

l. Costs and Attorney's fees incurred in this litigation pursuant to 42 U.S.C. §1988.

m. Other damages as the Court deems appropriate.

WHEREFORE, Plaintiffs, A.L. and S.W. respectfully request the Court enter judgment in favor of Plaintiffs and against Defendants.

Respectfully submitted,

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