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Sperry
OUACHITA COUNTY, ARK
GLADYS F. NETTLES
CIRCUIT CLERK

IN THE CIRCUIT COURT OF OUACHITA COUNTY, ARKANSAS

CHRISTIAN DICKSON

PLAINTIFF

v.

CASE NO. 52CV- 20-126-6

YOUTH OPPORTUNITY INVESTMENTS, LLC;
ALISHA JOHNSON;
JIM HILL; AND
JOHN DOE 1 THRU 5, UNKNOWN DEFENDANTS

DEFENDANTS

COMPLAINT

Comes now Christian Dickson, by and through his attorneys, Rainwater, Holt & Sexton, P. A., and for his Complaint against Defendants, states and alleges the following for this Complaint:

PARTIES

1. Plaintiff, Christian Dickson, is a citizen and resident of Arkansas and brings this action against Defendants claiming damages on behalf of himself, arising out of incidents that occurred during his stay, including on or about July through September, 2019, at the Lewisville Juvenile Treatment Center located in Lafayette County, Arkansas.

2. Defendant Youth Opportunity Investments, LLC, at times referred to herein as "Youth Opportunity Investments" is a foreign corporation with its principal place of business at 300 South Spring Street, Suite 300, Little Rock, Pulaski County, Arkansas 72201. At all times material to this action, Youth Opportunity Investments, LLC operated, managed and maintained the juvenile treatment center known as the Lewisville Juvenile Treatment Center and/or Lewisville Youth Academy. The agent for service of process for Youth Opportunity Investments, LLC, is

Corporation Service Company, 300 Spring Building, Suite 900, 300 South Spring Street, Little Rock, Pulaski County, Arkansas 72201.

3. Upon information and belief and at all times relevant hereto, Defendant Alisha Johnson was and/or is an employee of Defendant Youth Opportunity Investments, LLC, was acting within the scope of her employment with Defendant Youth Opportunity Investments, LLC, and had authority to act on its behalf. Upon information and belief and at all times relevant hereto, Defendant Alisha Johnson was a resident of Arkansas.

4. Upon information and belief, Defendant Jim Hill is a citizen and resident of Florida. At all times relevant hereto, Jim Hill was an officer, agent, servant, and/or employee of Defendant Youth Opportunity Investments, LLC and had authority to act on its behalf.

5. Defendants John Doe 1 through 5, Unknown Defendants, are entities and/or persons, who either provided or were supposed to provide care and services to Christian Dickson, or who are directly or vicariously liable for the injuries of Christian Dickson. Plaintiff is currently unable to identify these Unknown Defendants, despite diligent efforts, but may discover such identities upon further investigation. Defendants, John Doe 1 through 5, Unknown Defendants, are named insofar as their acts and/or omissions were negligent, tortious or otherwise wrongful with respect to the care, treatment, and services provided to or withheld from Christian Dickson, during his residency at the Lewisville Juvenile Treatment Center. See Affidavit, attached hereto as **Exhibit A.**

6. Whenever the term "Defendants" is utilized within this suit, such term collectively refers to and includes all named Defendants in this lawsuit.

JURISDICTION

7. Plaintiff is and has been a resident of Camden, Ouachita County, Arkansas, currently and at all times relevant to this matter.

8. The acts complained of in this Complaint occurred in Lafayette County, Arkansas.

9. Upon information and belief, Separate Defendant Youth Opportunity Investments has its principal place of business at 300 South Spring Street, Suite 300, Little Rock, Pulaski County, Arkansas.

10. This Court has jurisdiction over the parties and the subject matter herein.

11. Pursuant to Arkansas Code Annotated § 16-60-101, venue is proper in this Court.

12. Plaintiff's causes of action include negligence, battery, and Arkansas Code Annotated § 16-118-107 for violation of Arkansas Code Annotated § 5-13-202(a)(1) (D-Felony), § 5-27-205(a) (D-Felony), and § 5-27-221(c)(2) (D-Felony) as a Civil Action by a Crime Victim.

FACTUAL ALLEGATIONS

13. Beginning on or about on or about July through September 2019, Christian Dickson was a juvenile residing at the Lewisville Juvenile Treatment Center in Lewisville, Arkansas.

14. During the time in question, Defendant Youth Opportunity Investments, LLC, was under contract with the State of Arkansas, Department of Human Services, Division of Youth Services, to run, manage, and operate the Lewisville Juvenile Treatment Center located in Lafayette County, Arkansas. As part of its duties to the State of Arkansas and the juveniles at the Lewisville Juvenile Treatment Center, Defendant Youth Opportunity Investments, LLC, was to provide, among other requirements:

- a. A safe and secure environment;
- b. A staffed environment;
- c. Proper education;

- d. Effective supervision and security practices;
- e. Medical and health care;
- f. Maintain records on each juvenile that met all applicable standards;
- g. Staff that was properly and adequately trained;
- h. Staff that met state requirements for background investigations and background checks;
- i. Documentation and notification of all reports of suspected abuse or neglect;
- j. Investigation of reports of suspected abuse or neglect of juveniles;
- k. Services that complied with all applicable statutes, regulations (including the Arkansas Department of Human Services – Division of Youth Services – Operations Manual), codes, ordinances, contractual provisions, and other laws; and
- l. That Defendants knew and followed their own policies and procedures for the operation of the facility.

15. In exchange for operating and managing the Lewisville Juvenile Treatment Center and other Juvenile facilities in the State of Arkansas, Defendant Youth Opportunity Investments, LLC, was projected to be paid approximately \$102,844.809.20 by the State of Arkansas.

16. Defendants knew that the juveniles to whom services were provided at the Lewisville Juvenile Treatment Center were considered to be high-risk / chronic juvenile offenders that may have had or did have a history of criminal adjudications.

17. Defendant Jim Hill was the President of Youth Opportunity Investments, LLC, at all times relevant to these allegations. Defendant Jim Hill actively participated in the operations, management, and employment decisions of the employees of Youth Opportunity Investments,

LLC, and the employees of the Lewisville Juvenile Treatment Center. As President of Youth Opportunity Investments, LLC, Defendant Jim Hill agreed to the terms of the contract with the State of Arkansas.

18. Defendants Youth Opportunity Investments and Jim Hill were committed to providing “high quality, evidenced based, and individualized programing” for the youth entrusted in their care. In addition, Defendants Youth Opportunity Investments and Jim Hill agreed to abide by all applicable rules, regulations, policies and procedures, and the YOI Code of Ethics that included that all employees were to “demonstrate the highest standards of personal and professional conduct.”

19. When problems with the operation of Lewisville Juvenile Treatment Center arose in 2019, Defendant Jim Hill promised that he would “look into and address the issues immediately.”

20. Alisha Johnson was hired, trained, supervised, and employed by Youth Opportunity Investments, LLC to work at the Lewisville Juvenile Treatment Center during the residency of Christian Dickson.

21. During his stay at the Lewisville Juvenile Treatment Center, Alisha Johnson and possibly other employees of Youth Opportunity Investments, LLC, while in the scope of their employment, would discipline juveniles including Christian Dickson. These “disciplinary” action included, but are not limited to, shackling the juveniles, for long periods of time; forcefully throwing and/or taking down the juveniles into walls and onto the floors; having physical force used against them; being forced to sleep in shackles; being locked in a room for long periods of time, etc. Such action caused the juveniles, including Christian Dickson, to have pain, suffering, depression, being scared, and other medical injuries.

22. At the time of the incidents, Alisha Johnson was acting within the scope and course of her employment with Youth Opportunity Investments, LLC.

23. Defendants failed to discharge their obligations and duties to Christian Dickson, with a conscious disregard for his rights and safety.

24. Defendants Youth Opportunity Investments, LLC and Jim Hill controlled the operation, planning, management and quality control of the treatment center known as Lewisville Juvenile Treatment Center. The authority exercised over the treatment center included, but was not limited to, budgeting, marketing, human resources management, training, staffing, creation and implementation of all policy and procedure manuals used at Lewisville Juvenile Treatment Center, federal and state reimbursement, quality care assessment and compliance, licensure and certification, and financial, tax and accounting control through fiscal policies established by Youth Opportunity Investments, LLC

25. Plaintiff alleges that during the residency of his at Lewisville Juvenile Treatment Center, he was under the care, supervision and treatment of Defendants and that the injuries complained of were proximately caused by the acts and omissions of Defendants.

26. Defendants failed to comply with the applicable statutes, regulations (including the Arkansas Department of Human Services – Division of Youth Services – Operations Manual), codes, ordinances, contractual provisions, and other laws; failures to led to injuries suffered by the juveniles at the Lewisville Treatment Center, including Christian Dickson.

27. Defendants failed to comply with their own policies and procedures; failures to led to injuries suffered by the juveniles at the Lewisville Treatment Center, including Christian Dickson; including failing to properly and thoroughly document incidents involving juveniles; failing to properly investigates incidents involving juveniles; failure to keep the parents of the

juveniles informed of the incidents; and failure to take appropriate action against the employees of Youth Opportunity Investments, LLC.

28. Defendants Youth Opportunity Investments, LLC and Jim Hill had vicarious liability for the acts and omissions of all persons, officers, agents, and employees under its control, either directly or indirectly, including Alisha Johnson, and all other employees, agents, consultants and independent contractors, whether in-house or outside entities, individuals, agencies or pools causing or contributing to the injuries of Christian Dickson

29. As a direct and proximate result of the Defendants' negligence, Christian Dickson has suffered and/or continues to suffer physical injuries, including bruising, skin tears, pain and suffering. In addition, Christian Dickson have suffered the following injuries: pain, suffering, insomnia, depression, mental anguish, expenses for medical and psychological care and treatment, embarrassment, shame, ridicule, horror, grief, fright, anger, chagrin, disappointment and unpleasant mental humiliation.

30. As a direct and proximate result of the Defendants' negligence, Christian Dickson has incurred medical care and medical bills in the past and will continue to require medical care and medical bills in the future.

COUNT ONE
NEGLIGENCE

A. Negligence

31. Plaintiff incorporates herein all of the above allegations.

32. As set forth above, Defendants had numerous duties, including a duty to protect and provide a safe environment, to the juveniles located at the Lewisville Juvenile Treatment Center.

33. Defendants breached those duties by allowing staff members to become physical with the juveniles, including Christian Dickson.

34. Defendants breached those duties by allowing staff members to restrain and zip tie, including for long periods of time the juveniles, including Christian Dickson.

35. Defendants breached those duties by allowing staff members to seclude the juveniles, including Christian Dickson, for long periods of time.

36. A reasonably prudent treatment center, operating under the same or similar conditions, would not have failed to allowed these breaches. Each of the foregoing acts of negligence on the part of Defendants were a proximate cause of the injuries of Christian Dickson, as more specifically described herein, which were all foreseeable.

B. Negligent Supervision

37. Plaintiff incorporates herein all of the above allegations.

38. Defendants had duties and obligations to supervise and oversee the employees that they hired, trained, and employed at the Lewisville Juvenile Treatment Center.

39. Defendants had duties and obligations to properly train and evaluate the employees that they placed at the Lewisville Juvenile Treatment Center.

40. A reasonably prudent treatment center, operating under the same or similar conditions, would not have failed to supervise, train, and evaluate Alisha Johnson, and the other employees. Each of the foregoing acts of negligence on the part of Defendants were a proximate cause of the injuries of Christian Dickson, as more specifically described herein, which were all foreseeable.

41. As a direct and proximate result of Defendants' grossly negligent, willful, wanton, reckless, malicious and/or intentional conduct, Plaintiff asserts a claim for judgment for all

compensatory and punitive damages against Defendants including, but not limited to, medical expenses, pain and suffering, mental anguish, and emotional distress in an amount exceeding that required by federal court jurisdiction in diversity of citizenship cases to be determined by the jury, plus costs and all other relief to which Plaintiff is entitled by law.

C. Failure to Protect Against Foreseeable Criminal Attacks

42. Plaintiff incorporates herein all of the above allegations.

43. Defendants owed a duty to the juveniles, including Christian Dickson, to provide adequate and appropriate custodial care and supervision, which a reasonably careful facility would provide under similar circumstances.

44. Defendants owed a duty to the juveniles, including Christian Dickson, to exercise reasonable care in providing care and services in a safe and beneficial manner.

45. Defendants owed a duty to the juveniles, including Christian Dickson, to hire, train and supervise employees to deliver care and services to patients in a safe and beneficial manner.

46. Defendants breached these duties by failing to exercise reasonable care and by failing to prevent the foreseeable mistreatment of Christian Dickson. The negligence of Defendants includes, but is not limited to, the following acts and omissions:

- a) The failure to establish, publish, enforce, and/or adhere to policies for personnel with access to patients regarding the care and treatment of juveniles;
- b) The failure to adequately screen, evaluate, and check references, test for competence and use ordinary care in selecting personnel to work at the Lewisville Juvenile Treatment Center;
- d) The failure by the members of the governing body of Youth Opportunity Investments, LLC to discharge their legal and lawful obligation by ensuring that the rules and regulations designed to protect the health and safety of patients, such as Christian Dickson, were consistently complied with on an ongoing basis; and ensuring appropriate corrective measures were implemented in order to

correct problems concerning inadequate patient care and known dangers to patients;

- e) Defendants' failure to adopt and enforce adequate guidelines, policies, and procedures for documenting, maintaining files, investigating and responding to any complaint regarding reported cases of abuse of patients or misconduct by Youth Opportunity Investments, LLC's employees, regardless of whether such complaint derived from a juvenile, parent, another employee, or any other interested person;
- f) The failure to properly train, orient, and/or supervise employees to pertinent patient care needs in order to maintain the safety of the juveniles; and
- g) The failure to evaluate and terminate employees that posed a risk of harm to the juveniles.

47. A reasonably careful facility operating under similar circumstances would foresee that the failure to provide the services and ordinary care listed above would result in devastating injuries to Christian Dickson

48. Reasonably prudent Defendants, operating under the same or similar conditions, would not have failed to provide the services and care listed above. Each of the foregoing acts of negligence on the part of Defendants was a proximate cause of the injuries of Christian Dickson, as more specifically described herein, which were all foreseeable.

49. As a direct and proximate result of such grossly negligent, willful, wanton, reckless, malicious and/or intentional conduct, Plaintiff, individually as parent, and next friend of Christian Dickson, asserts a claim for judgment for all compensatory and punitive damages against Defendants including, but not limited to, medical expenses, pain and suffering, mental anguish, and emotional distress in an amount exceeding that required by federal court jurisdiction in diversity of citizenship cases to be determined by the jury, plus costs and all other relief to which Plaintiff is entitled by law.

COUNT TWO
BATTERY

50. Plaintiff incorporates herein all of the above allegations.

51. Alisha Johnson was employed by Youth Opportunity Investments, LLC to work at the Lewisville Juvenile Treatment Center.

52. As part of her employment with Youth Opportunity Investments, LLC, Alisha Johnson supervised and disciplined juveniles.

53. During his residency, Alisha Johnson, and possible others, physically and forcibly restrained Christian Dickson and physically assaulted and battered Christian Dickson by violently throwing him to the ground.

54. By virtue of the failure of Youth Opportunity Investments, LLC, to adequately train and supervise Alisha Johnson, Youth Opportunity Investments, LLC, aided and abetted their employees in the commission of a battery on Christian Dickson.

55. As a direct and proximate result of Youth Opportunity Investments, LLC's aiding and abetting the battery upon Christian Dickson, Plaintiff asserts a claim for judgment for all compensatory and punitive damages against Defendants including, but not limited to, medical expenses, pain and suffering, mental anguish, and emotional distress in an amount exceeding that required by federal court jurisdiction in diversity of citizenship cases to be determined by the jury, plus costs and all other relief to which Plaintiff is entitled by law.

COUNT THREE:
LIABILITY UNDER THE CIVIL ACTION BY CRIME VICTIMS ACT

56. Plaintiff incorporates herein all of the above allegations.

57. Christian Dickson sustained mental and physical injury as a result of actions of Defendants and their employees, actions that amount to battery in the second degree as defined pursuant to Arkansas Code Annotated § 5-13-202(a)(1), a D-Felony.

58. Christian Dickson sustained mental and physical injury as a result of actions of Defendants and their employees, actions that amount to endangering the welfare of a minor in the first degree as defined pursuant to Arkansas Code Annotated § 5-27-205(a), a D-Felony.

59. Christian Dickson sustained mental and physical injury as a result of actions of Defendants and their employees, actions that amount to permitting the abuse of a minor as defined pursuant to Arkansas Code Annotated § 5-27-221(c)(2), a D-Felony.

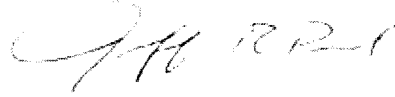
PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1. For damages in an amount adequate to compensate Plaintiff for the injuries and damages sustained.
2. For costs and attorney's fees as provided by Arkansas Code Annotated § 16-118-107.
3. For all general, compensatory, and special damages caused by the alleged conduct of Defendants including expenses for past and future medical expenses and services, and for his family, for loss of services, costs of litigating this case, and attorney's fees.
4. For punitive damages sufficient to punish Defendants for their egregious and malicious misconduct in reckless disregard and conscious indifference to the consequences to Christian Dickson, and to deter Defendants and others from repeating such atrocities.
5. For all other relief to which Plaintiff is entitled.

Respectfully submitted,

Christian Dickson, Plaintiff



By: _____

Jeff R. Priebe

AR Bar No. 2001124

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Attorneys for Plaintiff

IN THE CIRCUIT COURT OF OUACHITA COUNTY, ARKANSAS

CHRISTIAN DICKSON

PLAINTIFF

v.

CASE NO. 52CV-_____

YOUTH OPPORTUNITY INVESTMENTS, LLC;
ALISHA JOHNSON;
JIM HILL; AND
JOHN DOE 1 THRU 5, UNKNOWN DEFENDANTS

DEFENDANTS

AFFIDAVIT OF JEFF R. PRIEBE

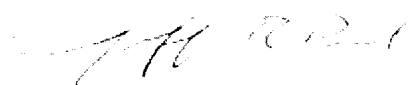
STATE OF ARKANSAS)
) SS:
COUNTY OF SALINE)

The undersigned, Jeff R. Priebe, having been duly sworn, states upon oath and affirmation as follows:

1. I am an attorney with Rainwater, Holt and Sexton, P.A., P. O. Box 17250, Little Rock, Arkansas 72222.
2. Rainwater, Holt and Sexton has been employed by CHRISTIAN DICKSON, to bring a cause of action against Defendants YOUTH OPPORTUNITY INVESTMENTS, LLC; ALISHA JOHNSON; JIM HILL; and JOHN DOES 1 THROUGH 5.
3. Plaintiff is currently unable to identify all potential tortfeasors liable for Plaintiff's claims, including John Does 1 through 5.

4. Plaintiff intends to serve discovery upon the named Defendants upon the service of this Complaint in order to determine the identity of all tortfeasors.

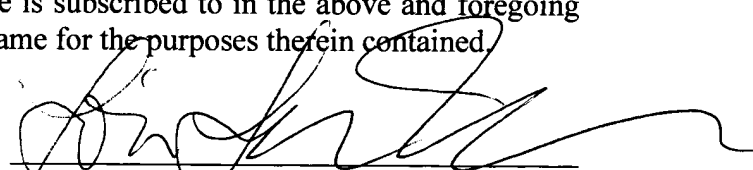
I, Jeff R. Priebe, state upon oath that the statements contained in the above and foregoing Affidavit are true and correct to the best of my knowledge and belief.



Jeff R. Priebe

ACKNOWLEDGEMENT

On this 12th day of June, 2020, before the undersigned officer, personally appeared Jeff R. Priebe, known to be the person whose name is subscribed to in the above and foregoing Affidavit, and acknowledged that he executed the same for the purposes therein contained.



NOTARY PUBLIC

My Commission Expires:

10/20/2029

