

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ELIZABETH MORT and ALEX )  
RODRIGUEZ, )

Plaintiffs, )

v. )

LAWRENCE COUNTY CHILDREN )  
AND YOUTH SERVICES; LAWRENCE )  
COUNTY, CHRISSE MONTAGUE, Lawrence )  
County Children and Youth Services )  
Caseworker; and JAMESON HEALTH )  
SYSTEM, INC. )

Defendants. )

C.A. No.: 10-01438

Judge David Stewart Cercone

**ANSWER TO PLAINTIFFS' AMENDED COMPLAINT**

AND NOW comes one of the defendants, Jameson Health System, Inc., by and through its attorneys, Dickie McCamey & Chilcote, P.C., John C. Conti, Esquire, and Richard J. Kabbert, Esquire, and hereby files the within Answer to Plaintiffs' Amended Complaint:

1. After reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

2. The allegations set forth in Paragraph 2 of the Amended Complaint are denied as stated. It is denied that, at any time relevant hereto, this defendant failed to administer and interpret the urine drug screen. On the contrary, it is averred that this defendant, at all times relevant hereto, acted in a lawful manner and properly administered and interpreted the urine drug screen given to plaintiff Mort. Regarding the remaining allegations set forth in this

paragraph, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth, the same being denied and strict proof thereof will be demanded at the time of trial.

3. The allegations set forth in Paragraph 3 of the Amended Complaint are admitted in part and denied in part. It is specifically denied that this defendant made an erroneous report. It is admitted that this defendant has a policy to test all obstetrical patients for drugs. The remaining allegations set forth in this paragraph are directed to another defendant and thus require no response from this defendant.

4. The allegations set forth in Paragraph 4 of the Amended Complaint contain legal and medical conclusions to which no response is required. To the extent a response is deemed necessary, it is specifically denied that this defendant conspired with co-defendants, or aided and abetted any alleged constitutional violation, it being denied that any such constitutional violation exists. It is further specifically denied that this defendant at any time aided and abetted and/or conspired with the co-defendants for the primary purpose of not providing medical care to patients. To the contrary, this defendant, at all times, acted reasonable and with the best interests of plaintiff and all patients who seek medical care at its facilities.

5. The allegations set forth in Paragraph 5 of the Amended Complaint contain conclusions of law to which no response is required. To the extent a response is deemed necessary, it is specifically denied that this defendant acted in an unlawful manner. It is further specifically denied that any fundamental right of plaintiffs was violated.

#### **PARTIES**

6. After reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 6 of

the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

7. After reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 7 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

8. After reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 8 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

9. The allegations set forth in Paragraph 9 of the Amended Complaint are directed to another defendant and thus require no response from this defendant.

10. The allegations set forth in Paragraph 10 of the Amended Complaint are directed to another defendant and thus require no response from this defendant.

11. The allegations set forth in Paragraph 11 of the Amended Complaint are directed to another defendant and thus require no response from this defendant.

12. The allegations set forth in Paragraph 12 of the Amended Complaint are directed to another defendant and thus require no response from this defendant.

13. The allegations set forth in Paragraph 13 of the Amended Complaint are admitted in part and denied in part. It is admitted that Jameson Health System, Inc. is a corporation with a principal place of business at 1211 Wilmington Road, New Castle, Pennsylvania 16105.

## **JURISDICTION AND VENUE**

14. The allegations set forth in Paragraph 14 of the Amended Complaint consist of conclusions of law to which no response is required by this defendant.

15. The allegations set forth in Paragraph 15 of the Amended Complaint are admitted.

16. The allegations set forth in Paragraph 16 of the Amended Complaint are admitted.

## **FACTS**

### **Jameson's Obstetrical Drug Testing Policy**

17. The allegations set forth in Paragraph 17 of the Amended Complaint are admitted.

18. The allegations set forth in Paragraph 18 of the Amended Complaint contain conclusions of law to which no response is required. To the extent a response is deemed necessary, the allegations set forth in Paragraph 18 of the Amended Complaint are denied as stated.

19. The allegations set forth in Paragraph 19 of the Amended Complaint refer to a writing which speaks for itself. Accordingly, no response is required. To the extent a response is required, the allegations in this paragraph are denied to the extent that they are inconsistent with or mischaracterize the writing referenced.

20. The allegations set forth in Paragraph 20 of the Amended Complaint are denied as stated. The particulars of the care and treatment provided to Elizabeth Mort are set forth in the medical records. By way of further response, the allegations set forth in Paragraph 20 of the Amended Complaint refer to a writing which speaks for itself. Accordingly, no response is required. To the extent a response is required, the allegations in this paragraph are denied to the extent that they are inconsistent with or mischaracterize the writing referenced.

21. The allegations set forth in Paragraph 21 of the Amended Complaint contain conclusions of law to which no response is required. By way of further response, it is specifically denied the cut-off levels produced a “false positive.” To the contrary, a positive result is a positive result. By way of further response, it is specifically denied that any federal government program for workplace drug testing would apply as defendant is unaware of any circumstance wherein this drug test was administered or used for the purposes of employment for Elizabeth Mort.

22. The allegations set forth in Paragraph 22 of the Amended Complaint contain conclusions of law to which no response is required. To the extent a response is deemed necessary, the allegations are denied. By way of further response, it is specifically denied that any federal government program for workplace drug testing would apply as defendant is unaware of any circumstance wherein this drug test was administered or used for the purposes of employment for Elizabeth Mort.

23. The allegations set forth in Paragraph 23 of the Amended Complaint refer to a writing which speaks for itself; therefore, no response is required. To the extent a response is required, the allegations in this paragraph are denied to the extent that they are inconsistent with or mischaracterize the writing referenced.

24. The allegations set forth in Paragraph 24 of the Amended Complaint refer to a writing which speaks for itself. Accordingly, no response is required. To the extent a response is required, the allegations in this paragraph are denied to the extent that they are inconsistent with or mischaracterize the writing referenced.

25. The allegations set forth in Paragraph 25 of the Amended Complaint refer to a writing which speaks for itself. Accordingly, no response is required. To the extent a response

is required, the allegations in this paragraph are denied to the extent that they are inconsistent with or mischaracterize the writing referenced.

26. The allegations set forth in Paragraph 26 of the Amended Complaint refer to a writing which speaks for itself. Accordingly, no response is required. To the extent a response is required, the allegations in this paragraph are denied to the extent that they are inconsistent with or mischaracterize the writing referenced.

27. The allegations set forth in Paragraph 27 of the Amended Complaint contain conclusions of law to which no response is required. To the extent a response is deemed necessary, the allegations set forth in Paragraph 27 of the Amended Complaint are denied.

28. The allegations set forth in Paragraph 28 of the Amended Complaint contain conclusions of law to which no response is required. To the extent a response is deemed necessary, the allegations set forth in Paragraph 28 of the Amended Complaint are denied.

29. The allegations set forth in Paragraph 29 of the Amended Complaint are denied as stated.

30. The allegations set forth in Paragraph 30 of the Amended Complaint contain conclusions of law to which no response is required. To the extent a response is deemed necessary, it is specifically denied that any involvement with the Children's Advocacy Center, or any attempt to prevent maltreatment of children, would constitute a violation of plaintiffs' Fourteenth Amendment rights, and any implication of such in Paragraph 30 of the Amended Complaint is specifically denied.

### **The Birth of Baby Rodriguez**

31. The allegations set forth in Paragraph 31 of the Amended Complaint are denied as stated. The particulars of the care and treatment provided to Elizabeth Mort, as well as her condition and the condition of Isabella Rodriguez, are set forth in the medical records.

32. The allegations set forth in Paragraph 32 of the Amended Complaint are denied as stated. The particulars of the care and treatment provided to Elizabeth Mort, as well as her condition and the condition of Isabella Rodriguez, are set forth in the medical records.

33. After reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 33 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

34. After reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 34 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

35. The allegations set forth in Paragraph 35 of the Amended Complaint are denied as stated. The particulars of the care and treatment provided to Elizabeth Mort, as well as her condition and the condition of Isabella Rodriguez, are set forth in the medical records.

36. The allegations set forth in Paragraph 36 of the Amended Complaint are denied as stated. The particulars of the care and treatment provided to Elizabeth Mort, as well as her condition and the condition of Isabella Rodriguez, are set forth in the medical records.

37. The allegations set forth in Paragraph 37 of the Amended Complaint are denied as stated. The particulars of the care and treatment provided to Elizabeth Mort, as well as her condition and the condition of Isabella Rodriguez, are set forth in the medical records.

38. The allegations set forth in Paragraph 38 of the Amended Complaint are denied as stated. The particulars of the care and treatment provided to Elizabeth Mort, as well as her condition and the condition of Isabella Rodriguez, are set forth in the medical records. By way of further response, it is specifically denied that any "cut-off" was "extremely low."

39. The allegations set forth in Paragraph 39 of the Amended Complaint are denied as stated. The particulars of the care and treatment provided to Elizabeth Mort, as well as her condition and the condition of Isabella Rodriguez, are set forth in the medical records.

40. After reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 40 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

41. After reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 41 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

42. The allegations set forth in Paragraph 42 of the Amended Complaint contain conclusions of law to which no response is required. To the extent a response is deemed necessary, the allegations set forth are denied. The particulars of the care and treatment provided to Elizabeth Mort, as well as her condition and the condition of Isabella Rodriguez, are set forth in the medical records.



43. After reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 43 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

44. The allegations set forth in Paragraph 44 of the Amended Complaint are directed to another defendant and thus require no response from this defendant.

45. The allegations set forth in Paragraph 45 of the Amended Complaint are denied as stated. The particulars of the care and treatment provided to Elizabeth Mort, as well as her condition and the condition of Isabella Rodriguez, are set forth in the medical records.

46. The allegations set forth in Paragraph 46 of the Amended Complaint are directed to another defendant and thus require no response from this defendant.

47. The allegations set forth in Paragraph 47 of the Amended Complaint contain conclusions of law. To the extent a response is deemed necessary, the allegations set forth in Paragraph 47 of the Amended Complaint are denied as stated. It is further specifically denied that poppy seeds can cause a "false positive" test result. With regard to the particulars of the care and treatment provided to Elizabeth Mort, those particular, as well as her condition, are set forth in the medical records.

48. The allegations set forth in Paragraph 48 of the Amended Complaint are denied as stated. The particulars of the care and treatment provided to Elizabeth Mort, as well as her condition and the condition of Isabella Rodriguez, are set forth in the medical records.

49. The allegations set forth in Paragraph 49 of the Amended Complaint are specifically denied. Insofar as this paragraph alleges conduct on the part of alleged agents and employees of this defendant and fails to identify with specificity these persons, after reasonable

investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations, the same being denied and strict proof thereof will be demanded at the time of trial.

50. The allegations set forth in Paragraph 50 of the Amended Complaint are specifically denied. Insofar as this paragraph alleges conduct on the part of alleged agents and employees of this defendant and fails to identify with specificity these persons, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations, the same being denied and strict proof thereof will be demanded at the time of trial.

51. The allegations set forth in Paragraph 51 of the Amended Complaint are denied as stated. By way of further response, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 51 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

52. The allegations set forth in Paragraph 52 of the Amended Complaint are denied as stated. The particulars of the care and treatment provided to Elizabeth Mort, as well as her condition and the condition of Isabella Rodriguez, are set forth in the medical records. By way of further response, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations directed toward the co-defendants, the same being denied and strict proof thereof will be demanded at the time of trial.

**The Removal of Baby Rodriguez by LCCYS**

53. The allegations set forth in Paragraph 53 of the Amended Complaint are denied as stated. The particulars of the care and treatment provided to Elizabeth Mort, as well as her condition and the condition of Isabella Rodriguez, are set forth in the medical records.

54. The allegations set forth in Paragraph 54 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 54 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

55. The allegations set forth in Paragraph 55 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 55 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

56. The allegations set forth in Paragraph 56 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 56 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

57. The allegations set forth in Paragraph 57 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 57 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

58. The allegations set forth in Paragraph 58 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 58 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

59. The allegations set forth in Paragraph 59 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 59 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

60. The allegations set forth in Paragraph 60 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 60

of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

61. The allegations set forth in Paragraph 61 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 61 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

62. The allegations set forth in Paragraph 62 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 62 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

63. The allegations set forth in Paragraph 63 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 63 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

64. The allegations set forth in Paragraph 64 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or

information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 64 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

65. The allegations set forth in Paragraph 65 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 65 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

66. The allegations set forth in Paragraph 66 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 66 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

67. The allegations set forth in Paragraph 67 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 67 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

68. The allegations set forth in Paragraph 68 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response

is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 68 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

69. The allegations set forth in Paragraph 69 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 69 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

70. The allegations set forth in Paragraph 70 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 70 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

71. The allegations set forth in Paragraph 71 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 71 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

72. The allegations set forth in Paragraph 72 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 72 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

73. The allegations set forth in Paragraph 73 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 73 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

74. The allegations set forth in Paragraph 74 of the Amended Complaint are denied as stated. The particulars of the care and treatment provided to Elizabeth Mort, as well as her condition and the condition of Isabella Rodriguez, are set forth in the medical records.

75. The allegations set forth in Paragraph 75 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 75 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

76. The allegations set forth in Paragraph 76 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response



is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 76 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

77. The allegations set forth in Paragraph 77 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 77 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

78. The allegations set forth in Paragraph 78 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 78 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

79. The allegations set forth in Paragraph 79 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 79 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

80. The allegations set forth in Paragraph 80 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 80 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

81. The allegations set forth in Paragraph 81 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 81 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

82. The allegations set forth in Paragraph 82 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 82 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

83. The allegations set forth in Paragraph 83 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 83

of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

84. The allegations set forth in Paragraph 84 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 84 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

85. The allegations set forth in Paragraph 85 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 85 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

86. The allegations set forth in Paragraph 86 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 86 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

87. The allegations set forth in Paragraph 87 of the Amended Complaint are admitted in that a Motion to Dismiss the Dependency Petition with the Court was filed on May 6, 2010. To the extent that this paragraph attempts to use the writing in the Motion as quoted therein as

evidence to support a claim of no illegal drug use by Ms. Mort, that portion of this paragraph is specifically denied.

88. The allegations set forth in Paragraph 88 of the Amended Complaint are admitted.

**LCCYS's Policy of Removing Newborns Based Solely  
on the Report of a Positive Prenatal Drug Test**

89. The allegations set forth in Paragraph 89 of the Amended Complaint are directed to another defendant and thus require no response from this defendant.

90. The allegations set forth in Paragraph 90 of the Amended Complaint are directed to another defendant and thus require no response from this defendant.

91. The allegations set forth in Paragraph 91 of the Amended Complaint are directed to another defendant and thus require no response from this defendant.

92. The allegations set forth in Paragraph 92 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 92 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

93. The allegations set forth in Paragraph 93 of the Amended Complaint are directed to another defendant and thus require no response from this defendant. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 93 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

**COUNT I**  
**FOURTEENTH AMENDMENT SUBSTANTIVE DUE PROCESS:**  
**PARENTS' RIGHT TO THE CARE AND CUSTODY OF THEIR CHILDREN**  
**(Plaintiffs Mort and Rodriguez vs. Defendants CYS, Lawrence County and Montague)**

94. Paragraph 94 of the Amended Complaint incorporates by reference the allegations set forth in Paragraphs 1 through 93 of that pleading. In response thereto, this defendant incorporates by reference its responses to Paragraphs 1 through 93 of the Amended Complaint as if the same were more fully set forth at length herein.

95. The allegations set forth in Paragraph 95 of the Amended Complaint are directed to another defendant and thus require no response from this defendant.

96. The allegations set forth in Paragraph 96 of the Amended Complaint are directed to another defendant and thus require no response from this defendant.

97. The allegations set forth in Paragraph 97 of the Amended Complaint are directed to another defendant and thus require no response from this defendant.

98. The allegations set forth in Paragraph 98 of the Amended Complaint are directed to another defendant and thus require no response from this defendant.

99. The allegations set forth in Paragraph 99 of the Amended Complaint are directed to another defendant and thus require no response from this defendant.

WHEREFORE, the defendant, Jameson Health System, Inc., denies any and all liability to plaintiffs and demands that judgment be entered in its favor and against plaintiffs.

**JURY TRIAL DEMANDED.**

**COUNT II**  
**CONSPIRACY TO VIOLATE PLAINTIFFS' FOURTEENTH AMENDMENT RIGHTS**  
**(Plaintiffs Mort and Rodriguez vs. Defendants Jameson, CYS and Lawrence County)**

100. Paragraph 100 of the Amended Complaint incorporates by reference the allegations set forth in Paragraphs 1 through 99 of that pleading. In response thereto, this

defendant incorporates by reference its responses to Paragraphs 1 through 99 of the Amended Complaint as if the same were more fully set forth at length herein.

101. The allegations set forth in Paragraph 101 of the Amended Complaint contain conclusions of law to which no response is required. To the extent a response is deemed necessary, it is specifically denied that this defendant entered into a combination, agreement, or understanding to violate plaintiffs' constitutional rights under the Fourteenth Amendment. It is further specifically denied that any constitutional rights of plaintiffs were violated at any time relevant hereto. All other allegations set forth in Paragraph 101 of the Amended Complaint are also denied.

102. The allegations set forth in Paragraph 102 of the Amended Complaint contain conclusions of law to which no response is required. To the extent a response is deemed necessary, it is specifically denied that this defendant entered into a combination, agreement, or understanding to violate plaintiffs' constitutional rights under the Fourteenth Amendment. It is further specifically denied that any constitutional rights of plaintiffs were violated at any time relevant hereto. All other allegations set forth in Paragraph 102 of the Amended Complaint are also denied.

103. The allegations set forth in Paragraph 103 of the Amended Complaint contain conclusions of law to which no response is required. To the extent a response is deemed necessary, it is specifically denied that this defendant entered into a combination, agreement, or understanding to violate plaintiffs' constitutional rights under the Fourteenth Amendment. It is further specifically denied that any constitutional rights of plaintiffs were violated at any time relevant hereto. All other allegations set forth in Paragraph 103 of the Amended Complaint are also denied.

104. The allegations set forth in Paragraph 104 of the Amended Complaint contain conclusions of law to which no response is required. To the extent a response is deemed necessary, it is specifically denied that this defendant entered into a combination, agreement, or understanding to violate plaintiffs' constitutional rights under the Fourteenth Amendment. It is further specifically denied that any constitutional rights of plaintiffs were violated at any time relevant hereto. All other allegations set forth in Paragraph 104 of the Amended Complaint are also denied.

105. The allegations set forth in Paragraph 105 of the Amended Complaint contain conclusions of law to which no response is required. To the extent a response is deemed necessary, it is specifically denied that any constitutional rights of plaintiffs were violated or that the defendants participated in any conspiracy to violate any alleged constitutional right.

106. The allegations set forth in Paragraph 106 of the Amended Complaint contain conclusions of law to which no response is required. To the extent a response is deemed necessary, after reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 106 of the Amended Complaint due to plaintiffs' failure to identify any "clearly established rights," the same being denied and strict proof thereof will be demanded at the time of trial. By way of further response, it is specifically denied that this defendant's actions in any way violated any clearly established right.

107. The allegations set forth in Paragraph 107 of the Amended Complaint contain conclusions of law to which no response is required. To the extent a response is required, it is specifically denied that this defendant acted intentionally to deprive plaintiffs of any

constitutional right. It is further denied that any constitutional right was violated, or that this defendant acted in a wanton, reckless manner.

108. The allegations set forth in Paragraph 108 of the Amended Complaint contain conclusions of law to which no response is required. To the extent a response is deemed necessary, it is specifically denied that this defendant's actions were a departure from the ordinary standard of care or were evidence of a conscious indifference to plaintiffs' constitutional rights under the Fourteenth Amendment. It is further specifically denied that plaintiffs' constitutional rights were violated.

109. The allegations set forth in Paragraph 109 of the Amended Complaint contain conclusions of law to which no response is required. To the extent a response is deemed necessary, the allegations are denied. By way of further response, with regard to the damage contentions set forth in Paragraph 109 of the Amended Complaint, after reasonable investigation, this defendant can neither admit nor deny these damage contentions. Hence, strict proof thereof will be demanded at the time of trial.

WHEREFORE, the defendant, Jameson Health System, Inc., denies any and all liability to plaintiffs and demands that judgment be entered in its favor and against plaintiffs.

**JURY TRIAL DEMANDED.**

**COUNT III  
NEGLIGENCE  
(Plaintiffs Mort vs. Defendant Jameson)**

110. Paragraph 110 of the Amended Complaint incorporates by reference the allegations set forth in Paragraphs 1 through 109 of that pleading. In response thereto, this defendant incorporates by reference its responses to Paragraphs 1 through 109 of the Amended Complaint as if the same were more fully set forth at length herein.



111. Count III of the Amended Complaint was dismissed pursuant to the August 31, 2011, Order of Court and thus no response is required. To the extent a response is deemed necessary, the allegations set forth in this paragraph are specifically denied.

112. Count III of the Amended Complaint was dismissed pursuant to the August 31, 2011, Order of Court and thus no response is required. To the extent a response is deemed necessary, the allegations set forth in this paragraph are specifically denied.

113. Count III of the Amended Complaint was dismissed pursuant to the August 31, 2011, Order of Court and thus no response is required. To the extent a response is deemed necessary, the allegations set forth in this paragraph are specifically denied.

WHEREFORE, the defendant, Jameson Health System, Inc., denies any and all liability to plaintiffs and demands that judgment be entered in its favor and against plaintiffs.

**JURY TRIAL DEMANDED.**

**COUNT IV  
FALSE LIGHT INVASION OF PRIVACY  
(Plaintiffs Mort vs. Defendant Jameson)**

114. Paragraph 114 of the Amended Complaint incorporates by reference the allegations set forth in Paragraphs 1 through 113 of that pleading. In response thereto, this defendant incorporates by reference its responses to Paragraphs 1 through 113 of the Amended Complaint as if the same were more fully set forth at length herein.

115. Count IV of the Amended Complaint was dismissed pursuant to the August 31, 2011, Order of Court and thus no response is required. To the extent a response is deemed necessary, the allegations set forth in this paragraph are specifically denied.

116. Count IV of the Amended Complaint was dismissed pursuant to the August 31, 2011, Order of Court and thus no response is required. To the extent a response is deemed necessary, the allegations set forth in this paragraph are specifically denied.

117. Count IV of the Amended Complaint was dismissed pursuant to the August 31, 2011, Order of Court and thus no response is required. To the extent a response is deemed necessary, the allegations set forth in this paragraph are specifically denied.

118. Count IV of the Amended Complaint was dismissed pursuant to the August 31, 2011, Order of Court and thus no response is required. To the extent a response is deemed necessary, the allegations set forth in this paragraph are specifically denied.

119. Count IV of the Amended Complaint was dismissed pursuant to the August 31, 2011, Order of Court and thus no response is required. To the extent a response is deemed necessary, the allegations set forth in this paragraph are specifically denied.

WHEREFORE, the defendant, Jameson Health System, Inc., denies any and all liability to plaintiffs and demands that judgment be entered in its favor and against plaintiffs.

**JURY TRIAL DEMANDED.**

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

120. Plaintiffs have failed to set forth a cause of action upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

121. Plaintiffs' claims are barred in whole or in part by the immunity provision of the Child Protective Services Law, 23 P.S. § 6318.

**THIRD AFFIRMATIVE DEFENSE**

122. Plaintiffs' claims are barred as this defendant is a private party and not a state actor, nor acting under the color of state law. As such, plaintiffs' claim for violation of their constitutional rights fails as a matter of law.

**FOURTH AFFIRMATIVE DEFENSE**

123. Any alleged injury of damage sustained by plaintiffs was a direct and proximate result of the conduct of others.

**FIFTH AFFIRMATIVE DEFENSE**

124. This defendant pleads the doctrine of collateral estoppel with respect to any matters decided or determined by another Court.

**SIXTH AFFIRMATIVE DEFENSE**

125. This defendant pleads the doctrine of res judicata with respect to any matters decided or determined by another Court.

**SEVENTH AFFIRMATIVE DEFENSE**

126. No constitutional rights of plaintiffs were violated.

**EIGHTH AFFIRMATIVE DEFENSE**

127. Plaintiffs' claimed injuries and/or damages were the result of independent, intervening and/or superseding causes which this defendant did not control, cause, or contribute to the happening thereof.

**NINTH AFFIRMATIVE DEFENSE**

128. This defendant pleads any and all applicable affirmative defenses as set forth in Rule 8(c) of the Federal Rules of Civil Procedure.

WHEREFORE, the defendant, Jameson Health System, Inc., denies any and all liability to plaintiffs and demands that judgment be entered in its favor and against plaintiffs.

**JURY TRIAL DEMANDED.**

\_\_\_\_\_  
s/ Richard J. Kabbert

John C. Conti

PA I.D. # 28071

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**CERTIFICATE OF SERVICE**

I, Richard J. Kabbert, Esquire, hereby certify that true and correct copies of the foregoing Answer to Plaintiffs' Amended Complaint have been filed this 10<sup>th</sup> day of October, 2011, by electronic filing through the Court's CM/ECF electronic filing system, to be served by operation of the Court's electronic system upon the following:

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s/ Richard J. Kabbert

Richard J. Kabbert

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