

# EXHIBIT A

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

CYNTHIA M. MINOR-JONES,

Plaintiff,

vs.

REED ELSEVIER, INC. d/b/a  
LEXISNEXIS, and  
LEXISNEXIS MEDICAL  
REVIEW SERVICES,

Defendants.

Civil Division

No.

GD-11-22107

CIVIL COMPLAINT

Code: 009

Filed on behalf of Plaintiff

Counsel for this Party:

Samuel J. Cordes  
Christine T. Elzer

Pa.I.D. No. 54874 (Cordes)  
Pa.I.D. No. 208157 (Elzer)

Samuel J. Cordes & Associates  
245 Fort Pitt Boulevard  
Pittsburgh, PA 15222  
(412) 471-8500

JURY TRIAL DEMANDED

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GD-11-022107

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**NOTICE TO DEFEND**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney, and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE OR KNOW A LAWYER, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

Lawyer Referral Service  
Allegheny County Bar Association  
11<sup>th</sup> Floor Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
Telephone: (412) 261-5555

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**CIVIL COMPLAINT**

Plaintiff, Cynthia M. Minor-Jones, by undersigned counsel, files this Civil Complaint, and in support states the following:

**I. The Parties**

1. Plaintiff is an adult individual who resides at 511 Pershing Drive, New Kensington, Pennsylvania 15068.
2. Defendant, LexisNexis Medical Review Services, is a corporation with a principal place of business located at 480 Quadrangle Drive Suite D, Bolingbrook, Illinois 60440.
3. Defendant, Reed Elsevier, Inc. d/b/a LexisNexis, is a Massachusetts corporation with a principal place of business located at 2 Newton Place Suite 350, Newton, MA 02458. LexisNexis is a registered fictitious name of Reed Elsevier, Inc.
4. Defendants regularly conduct business in Allegheny County, Pennsylvania.

**II. Factual Background**

5. On or about August 1, 2011, Minor-Jones received a conditional offer of employment from

PPG Industries, Inc. ("PPG"). This offer was contingent upon Minor-Jones passing a drug screening test.

6. Prior to receiving the offer of employment, Minor-Jones worked indirectly for PPG on a contract basis through Carol Harris Staffing, LLC.

7. PPG contracted with Defendants to conduct a drug screening for Minor-Jones.

8. On August 2, 2011, Minor-Jones completed Defendants' background check application.

9. On August 4, 2011, a PPG nurse took a sample of Minor-Jones' hair for the drug screening.

10. On August 9, 2011, Defendants' employee, Dr. Hoffman, informed Minor-Jones that she had tested positive for cocaine.

11. Minor-Jones has never used cocaine, and knew that the test result must have been false.

12. Minor-Jones informed Dr. Hoffman that she was not a drug user. Dr. Hoffman insisted that absolutely nothing could cause a positive reading except for actual cocaine. He also explained that a cocaine solution is sometimes used by dentists or in medical procedures.

13. On August 10, 2011, PPG suspended Minor-Jones from work and informed her that she would be terminated on August 17, 2011. However, PPG informed Minor-Jones that she could be retested.

14. On August 11, 2011, Minor-Jones requested a retest from Defendants, and sent Defendants a check \$150.00 via overnight mail.

15. On August 17, 2011, a representative of Defendants contacted Minor-Jones and informed her Defendants did not have enough of a hair sample to perform a retest.

16. Meanwhile, on August 15, 2011, Minor-Jones initiated a separate drug test through another

company, Omega Laboratories.

17. On August 22, 2011, Minor-Jones tested negative for cocaine and all other tested substances according to the Omega Laboratories' test.

18. As such, Defendants' drug test results were false.

19. On September 1, 2011, PPG notified Minor-Jones that "due to the positive test results provided by LexisNexis, you are no longer a candidate for the previously open administrative position. In addition, the results indicate a violation of PPG policy and prohibit you from working as a contract employee at this time."

20. Therefore, Minor-Jones lost her ability to work for PPG, either as an employee or a contractor, as a direct result of Defendants' erroneous drug test results.

**Count I  
Negligence**

21. Plaintiff incorporates the allegations set forth in Paragraphs 1 through 20 as if fully restated.

22. Defendants owed Minor-Jones a duty to exercise reasonable care in the collection, analysis, and handling of her hair specimen.

23. Defendants were aware that the purpose of the drug screening was for employment purposes, and therefore should have realized that any negligence with respect to the handling of the specimen could have harmed Minor-Jones' employment.

24. Defendants breached their duty of reasonable care to Minor-Jones by:

- a. failing to collect a sufficient sample of hair to perform an accurate test;
- b. failing to maintain a proper chain of custody;

- c. failing to adequately train and/or supervise the employee(s) who performed the drug test;
- d. failing to have in place adequate quality control measures to ensure a lack of tampering with test results and/or to ensure a false positive was not reported;
- e. failing to carefully conduct the test within the standards of the industry;
- f. failing to collect and/or maintain a sufficient sample of hair to perform a retest; and
- g. failing to inform PPG that the drug test results had been canceled following the unsuccessful retest.

25. Minor-Jones lost her job and her contract position from PPG as a direct and proximate result of Defendants' actions in conducting and reporting the erroneous drug test.

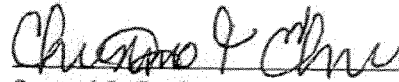
26. The loss of Minor-Jones' employment was a foreseeable consequence of the breach of Defendants' duty of reasonable care.

27. As a direct and proximate result of Defendants' erroneous drug test, Minor-Jones has suffered substantial monetary and non-monetary damages, including but not limited to lost wages, emotional distress, loss of reputation, humiliation, and inconvenience.

WHEREFORE, Plaintiff demands judgment against Defendants, and compensatory damages in an amount exceeding \$25,000.

Respectfully submitted,

**Samuel J. Cordes & Associates**



Samuel J. Cordes  
Christine T. Elzer

Pa. I.D. No. 54874 (Cordes)  
Pa. I.D. No. 208157 (Elzer)

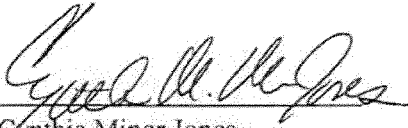
245 Fort Pitt Boulevard  
Pittsburgh, PA 15222  
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Attorneys for Plaintiff



VERIFIED STATEMENT

I, Cynthia Minor-Jones, declare under penalty of perjury that the **Civil Complaint** is true and correct to the best of my knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

  
Cynthia Minor Jones

10-16-11  
Date