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7-11-01

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

A.M., by and through his :
next friend and mother, :
J.M.K. :

Plaintiff :

v. :

LUZERNE COUNTY JUVENILE :
DETENTION CENTER, a department :
of Luzerne County, Pennsylvania; :
SANDRA M. BRULO, individually :
and in her official capacity as :
chief administrator of the :
Luzerne County Juvenile :
Detention Center; LOUIS P. :
KWARCINSKI, individually and in :
his official capacity as :
supervisor at the Luzerne :
County Juvenile Detention :
Center; ROBERT A. ROMAN, :
in his official capacity as :
supervisor at the Luzerne :
County Juvenile Detention :
Center; STEVE ADAMCHAK, :
in his individual capacity; :
"John Doe" LEVIN, in his :
individual capacity; :
JOHN DOE #1, in his individual :
capacity; JOHN DOE #2, in his :
individual capacity; :
JOHN DOE #3, in his individual :
capacity; JOHN DOE #4, M.D., :
in his individual capacity; :
ELAINE YOZINAK, R.N., :
in her individual capacity, :

Defendants. :

FILED
SCRANTON

JUL 10 2001

PER
DEPUTY CLERK

Civil Action No.

3: CV 01-1276

Jury Trial Demanded

COMPLAINT

INTRODUCTION

1. This civil rights action is brought by plaintiff, A.M., a minor, pursuant to 42 U.S.C. § 1983 to redress defendants' failure to protect plaintiff from physical assaults by other residents while plaintiff was in the physical custody of the Luzerne County Juvenile Detention Center, and defendants' failure to provide adequate treatment for plaintiff's mental health disorders during the same period of confinement.
2. As described herein, during the approximately five weeks that plaintiff was detained at the Luzerne County Juvenile Detention Center, plaintiff, who was 13 years-old at the time, was repeatedly assaulted by other juvenile residents in the facility. These assaults occurred at times when defendants were required to supervise plaintiff and the other residents. As a result, plaintiff suffered physical injuries, including but not limited to puncture wounds to plaintiff's leg and chest, black eyes, and multiple bruises over his body, as well as emotional and psychological trauma. Also, at the time of his placement in the Luzerne County Juvenile Detention Center, plaintiff had a history of mental health treatment and was under the care of a psychiatrist. Defendants, however, failed to provide adequate treatment for plaintiff's pre-existing and well-documented mental health conditions and disorders.
3. Defendants had a constitutional duty to ensure plaintiff's safety and well-being while plaintiff was in their custody.

Defendants also had a duty under Pennsylvania law and regulations to ensure plaintiff's safety and well-being. Defendants breached these affirmative federal and state duties by failing to take reasonable action to protect and treat plaintiff while in their custody, and instead acting with deliberate indifference to plaintiff's welfare, despite being repeatedly advised of plaintiff's mental health disability and of the ongoing abuse that plaintiff was suffering. Specifically, plaintiff alleges that defendants violated plaintiff's right to substantive due process under the Fourteenth Amendment to the United States Constitution, as well as his rights under Pennsylvania law to be free from harm and receive appropriate medical treatment while in state custody. Plaintiff seeks declaratory relief, compensatory and punitive damages, and attorneys' fees.

JURISDICTION

4. Jurisdiction of this Court is proper pursuant to 28 U.S.C. §§ 1331 and 1343(3) and (4), in that claims are brought under 42 U.S.C. § 1983 for the redress of rights secured by the Fourteenth Amendment to the United States Constitution. This Court has supplemental jurisdiction over plaintiff's state law claims pursuant to 28 U.S.C. § 1367(a).
5. Plaintiff's claims for declaratory relief are authorized by 28 U.S.C. §§ 2201 and 2202, and 42 U.S.C. § 1983. Plaintiff's claims for compensatory and punitive damages are authorized by

- 28 U.S.C. § 2202 and 42 U.S.C. § 1983. Plaintiff's claims attorneys' fees are authorized by 42 U.S.C. §§ 1983 and 1986.
6. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because the plaintiff and his mother reside in this district, the defendants are located in this district, and acts and omissions giving rise to the claims herein occurred in this district.

PARTIES

Plaintiff

7. Plaintiff A.M. was born on April 30, 1986 and is a citizen of the United States.
8. Plaintiff's permanent residence is with his mother, J.M.K., Kingston, Pennsylvania.
9. At the time of the incidents and omissions complained of here plaintiff was 13 years-old.
10. At the time of the incidents and omissions complained of here (July 12, 1999 through August 19, 1999) plaintiff was 4'10" tall. Between July 12, 1999 and August 19, 1999, plaintiff's weight dropped from 92 to 77 pounds.
11. Prior to the time of the incidents and omissions complained herein plaintiff had received various behavioral and mental health services -- including outpatient therapy, psychopharmacological intervention and monitoring, and partial hospitalization -- provided by the Children's Service Center Wilkes-Barre, Pennsylvania, since he was approximately 3 ½

years old.

12. Prior to the time of the incidents and omissions complained of herein Plaintiff had been previously diagnosed with a number of mental and behavioral disabilities including but not limited to: Attention Deficit Hyperactivity Disorder (ADHD); Anxiety Disorder, not otherwise specified (NOS); Depressive Disorder, NOS; Fetal Alcohol Syndrome/Effects; Atypical Bipolar Disorder; Intermittent Explosive Disorder; Specific Developmental Disorder, NOS; and Conduct Disorder, Childhood Onset Type.
13. Plaintiff had at least seven in-patient psychiatric hospitalizations between 1991 and 1995 for hyperactive and aggressive behavior.
14. At the time of the incidents and omissions complained of herein Plaintiff met the disability criteria for Social Security Insurance disability benefits.

Defendants

15. Defendant Luzerne County Juvenile Detention Center [hereinafter "the Detention Center"] is a secure detention facility for children alleged to be delinquent, or adjudicated delinquent and awaiting final disposition and placement. The facility is located in Wilkes-Barre, Pennsylvania and is a department of Luzerne County, Pennsylvania. As a secure juvenile detention facility in the Commonwealth, the Detention Center was at all relevant times subject to the requirements, inter alia, of the Pennsylvania Juvenile Act, 42 Pa.C.S.A. §§ 6301-6365, and Title

- 55 Pa. Code Chapter 3760¹, entitled "Secure Detention Facility".
16. Defendant Sandra M. Brulo was at all relevant times chief administrator of the Detention Center. As chief administrator of the Detention Center, Defendant Brulo had final policymaking authority for procedures at the Detention Center to ensure the safety, well-being, and appropriate medical treatment of plaintiff and other children detained there, and the responsibility of supervising and training subordinate staff. See 42 Pa.C.S.A. §§ 6301(b)(1.1) and 6327; 55 Pa. Code §§ 3760.3(3), 3760.41, 3760.51(e) and (f), 3760.53(a), and 3760.60(c). Defendant Brulo was required to comply, inter alia, with the requirements of the Pennsylvania Juvenile Act, 42 Pa.C.S.A. §§ 6301-6365, and Title 55 Pa. Code Chapter 3760. Defendant Brulo is sued individually and in her official capacity as chief administrator of the Detention Center.
17. Defendant Louis P. Kwarcinski was at all relevant times a supervisor at the Detention Center. As supervisor, Defendant Kwarcinski had final policymaking authority for procedures at the Detention Center to ensure the safety, well-being, and appropriate medical treatment of plaintiff and other children detained there, and the responsibility of supervising and

¹In 1999, the Pennsylvania Department of Public Welfare undertook an effort to consolidate regulations governing various types of child residential facilities. Consequently, the Chapter 3760 regulations for secure juvenile detention facilities were superceded by Title 55 Pa. Code Chapter 3800, which became effective on October 26, 1999. At the time of the incidents and omissions complained of herein, the Chapter 3760 regulations were still in effect.

training subordinate staff. See 42 Pa.C.S.A. §§ 6301(b)(1.1) and 6327; 55 Pa. Code §§ 3760.3(3), 3760.41, 3760.51(e) and (f), and 3760.60(c). Defendant Kwarcinski was required to comply, inter alia, with the requirements of the Pennsylvania Juvenile Act, 42 Pa.C.S.A. §§ 6301-6365, and Title 55 Pa. Code Chapter 3760. Defendant Kwarcinski is sued individually and in his official capacity as supervisor at the Detention Center.

18. Defendant Robert A. Roman was at all relevant times supervisor at the Detention Center. As supervisor, Defendant Roman had final policymaking authority for procedures at the Detention Center to ensure the safety, well-being, and appropriate medical treatment of plaintiff and other children detained there, and the responsibility of supervising and training subordinate staff. See 42 Pa.C.S.A. §§ 6301(b)(1.1) and 6327; 55 Pa. Code §§ 3760.3(3), 3760.41, 3760.51(e) and (f), and 3760.60(c). Defendant Roman was required to comply, inter alia, with the requirements of the Pennsylvania Juvenile Act, 42 Pa.C.S.A. §§ 6301-6365, and Title 55 Pa. Code Chapter 3760. Defendant Roman is sued in his official capacity as supervisor at the Detention Center.

19. Defendant Steve Adamchak, was at all relevant times a child care worker at the Detention Center, and was required to comply, inter alia, with the requirements of Title 55 Pa. Code Chapter 3760, in particular 55 Pa. Code §§ 3760.3(3), 3760.41, 3760.51(f), and 3760.55. Defendant Adamchak is sued in his individual capacity.

20. Defendant "John Doe" Levin, was at all relevant times a child care worker at the Detention Center, and was required to comply, inter alia, with the requirements of Title 55 Pa. Code Chapter 3760, in particular 55 Pa. Code §§ 3760.3(3), 3760.41, 3760.51(f), and 3760.55. Defendant Levin is sued in his individual capacity.
21. Defendant John Doe #1, known to the plaintiff as "Big Chris," was at all relevant times a child care worker at the Detention Center, and was required to comply, inter alia, with the requirements of Title 55 Pa. Code Chapter 3760, in particular 55 Pa. Code §§ 3760.3(3), 3760.41, 3760.51(f), and 3760.55. Defendant John Doe #1 is sued in his individual capacity.
22. Defendant John Doe #2, known to the plaintiff as "Chris #2," was at all relevant times a child care worker at the Detention Center, and was required to comply, inter alia, with the requirements of Title 55 Pa. Code Chapter 3760, in particular 55 Pa. Code §§ 3760.3(3), 3760.41, 3760.51(f), and 3760.55. Defendant John Doe #2 is sued in his individual capacity.
23. Defendant John Doe #3, known to the plaintiff as "Mike," was at all relevant times a child care worker at the Detention Center, and was required to comply, inter alia, with the requirements of Title 55 Pa. Code Chapter 3760, in particular 55 Pa. Code §§ 3760.3(3), 3760.41, 3760.51(f), and 3760.55. Defendant John Doe #3 is sued in his individual capacity.
24. Defendant John Doe #4, M.D. was at all relevant times under contract with the Detention Center to provide medical services

to its residents and, upon information and belief, was required to comply, inter alia, with the requirements of Title 55 Pa. Code Chapter 3760, in particular 55 Pa. Code § 3760.31.

Defendant John Doe #4, M.D. is sued in his individual capacity.

25. Elaine Yozniak, R.N., was at all relevant times a nurse on staff at the Detention Center, and was required to comply, inter alia, with the requirements of Title 55 Pa. Code Chapter 3760, in particular 55 Pa. Code § 3760.31. Defendant Yozinak is sued in her individual capacity.
26. Defendants have performed the acts and omissions complained about herein under color of state law.

FACTS

27. On July 12, 1999, plaintiff was arrested and taken into custody by the Lake Township Police in Luzerne County, Pennsylvania.
28. Plaintiff was charged with a delinquent act.
29. Plaintiff was taken to the Detention Center, where he was detained pending an initial hearing in the Luzerne County Court of Common Pleas, Juvenile Division. Plaintiff would remain at the Detention Center until August 19, 1999.
30. That night, July 12, 1999, plaintiff was assaulted by three unnamed residents while in the showers' room at the Detention Center. The three youth pushed plaintiff down to the floor of the showers' room and kicked him. At the time of this incident, defendant John Doe #1, known to the plaintiff as "Big Chris," was on duty and was responsible for supervising the

youth.

31. On or about July 12, 1999, plaintiff's mother received a phone call from a staff member at the Detention Center, requesting that plaintiff's mother come to the Detention Center the next day to sign a general medical release form.
32. On or about July 13, 1999, on information and belief, plaintiff's mother met with defendant Elaine Yozinak, R.N., a nurse on staff at the Detention Center.
33. Plaintiff's mother informed defendant Yozinak about plaintiff's prior medical history as described generally in Paragraphs 11-13 supra. Specifically, plaintiff's mother told defendant Yozinak, inter alia, that:
 - a. plaintiff had a diagnosis of Attention Deficit Hyperactiviy Disorder (hereinafter "ADHD");
 - b. plaintiff was under the care of a Dr. James Feussner, a psychiatrist at the Children's Service Center in Wilkes-Barre, Pennsylvania;
 - c. Dr. Feussner prescribed the medication dexedrine for plaintiff;
 - d. the prescription called for plaintiff to take 15 milligrams of dexedrine twice daily; and
 - e. plaintiff's last prescription for dexedrine had run out on June 11, 1999 and plaintiff no longer had any pills.
34. Detention Center records show that Defendant Yozinak recorded the information provided by plaintiff's mother regarding plaintiff's mental health history and treatment.

35. Plaintiff's mother signed a general medical release form authorizing the Detention Center medical staff to conduct a routine physical examination of plaintiff.
36. On July 14, 1999, plaintiff was examined by defendants Yozinak and John Doe #4, M.D.
37. According to Detention Center records, at the time of the physical examination defendants Yozinak and John Doe #4, M.D. noted, inter alia, that plaintiff weighed 92 1/2 pounds and was 4'10'' tall.
38. Upon information and belief, at no time during plaintiff's detention did defendants Yozinak or John Doe #4, M.D., or any member of the Detention Center staff contact plaintiff's treating psychiatrist, Dr. Feussner, to consult with him about continuing plaintiff's prescribed medication while he was detained at the Detention Center.
39. Upon information and belief, at no time during plaintiff's detention did defendants Yozinak or John Doe #4, M.D., or any member of the Detention Center's medical staff give plaintiff the medication prescribed for his condition.
40. On July 15, 1999, plaintiff appeared before the Honorable Patrick J. Toole, Jr. of the Luzerne County Court of Common Pleas, Juvenile Division, for a detention hearing.
41. On that date, plaintiff entered an admission to the charge pending against him.²

²Plaintiff's delinquency adjudication was subsequently vacated by the Superior Court of Pennsylvania on December 1, 2000, on the

42. The court then committed plaintiff to the custody of the Detention Center pending plaintiff's disposition hearing, and further ordered that a psychiatric evaluation be prepared to aid the court in determining plaintiff's disposition.
43. On July 15, 1999, after plaintiff's court hearing, plaintiff's mother and plaintiff's stepfather, K.K., met with defendant Steve Adamchak, at the Detention Center.
44. At that time, plaintiff's mother signed a second general medical release form authorizing the Detention Center to administer routine medical treatment to plaintiff.
45. At that time, plaintiff's mother and stepfather informed defendant Adamchak about plaintiff's medical history as described in Paragraphs 11-13 supra, the same medical history that plaintiff's mother had provided to defendant Yozinak on or about July 13, 1999.
46. On or about July 19, 1999, after plaintiff had been in the Detention Center for approximately one week, plaintiff's mother visited plaintiff at the Detention Center.
47. Plaintiff's mother observed bruises all over plaintiff's legs and noted that one of plaintiff's legs was swollen.
48. Plaintiff informed his mother that he was being beaten by other residents at the Detention Center, and that Detention Center staff were aware of the beatings.
49. On July 23, 1999, Paul Gitlin, M.D., a psychiatrist,

ground that plaintiff was unfairly denied counsel at his hearings.

interviewed plaintiff at the Detention Center for his court-ordered psychiatric evaluation.

50. According to a written report by Dr. Gitlin, the following occurred on that date:
- a. Dr. Gitlin observed a bruise on plaintiff's arm.
 - b. Plaintiff told Dr. Gitlin that plaintiff was often punched on the arm by other residents.
 - c. Dr. Gitlin alerted defendant Yozinak to the bruise on plaintiff's arm.
 - d. Dr. Gitlin learned that plaintiff was receiving no treatment for his ADHD at the Detention Center.
 - e. Dr. Gitlin learned that just prior to entering the Detention Center, plaintiff had been taking the medication dexedrine to treat his ADHD, at a dosage of 15 milligrams twice daily.
 - f. Dr. Gitlin determined that plaintiff was suffering from various symptoms -- including restlessness, and being provocative with fellow residents at the Detention Center -- as a result of not receiving dexedrine to treat his ADHD.
51. According to Dr. Gitlin's treatment notes, Dr. Gitlin entered an order for the medical staff at the Detention Center to administer 15 milligrams of dexedrine to plaintiff twice daily.
52. On or about July 23, 1999, Dr. Gitlin consulted with plaintiff's mother, who was in agreement with restarting plaintiff on dexedrine.

53. Upon information and belief, neither defendant Yozinak nor any member of the medical staff at the Detention Center ever administered dexedrine to Anthony in accordance with Dr. Gitlin's order during the remainder of plaintiff's detention.
54. On or about August 1, 1999, while plaintiff and other residents were watching television in the common room of the boys' unit of the Detention Center, fellow detainee Nathan D. stabbed plaintiff with an unknown object in plaintiff's right calf causing a puncture wound.
55. Plaintiff reported this incident to defendant John Doe #3, known to plaintiff as "Mike," who was on duty in the common room when this incident occurred.
56. Defendant John Doe #3 did not search Nathan D. nor did he search any of the other boys in the room to find the object used to stab plaintiff in the right calf.
57. Defendant John Doe #3 did not take plaintiff to the Detention Center nurse for examination of his leg.
58. On August 2, 1999, plaintiff was stabbed in the right chest with an unknown object by an unknown resident while playing basketball in the Detention Center's playground.
59. Defendant John Doe #3, known to plaintiff as "Mike," was supervising the basketball game at the time this incident occurred.
60. Plaintiff sustained a puncture wound which required medical treatment at the Wilkes-Barre General Hospital's emergency room.

61. On or about August 1999, plaintiff's mother learned from plaintiff that plaintiff had been stabbed in the chest and that plaintiff had been taken to a hospital emergency room for treatment.
62. Plaintiff's mother contacted the Detention Center to learn more details about the incident, but was unable to locate anyone with knowledge of the incident.
63. Two days after her call to the Detention Center to inquire about the chest wound, plaintiff's mother received a call from defendant Adamchak.
64. Defendant Adamchak told plaintiff's mother that plaintiff was injured when he ran into a fence during a basketball game.
65. On or about July or August, 1999, the medical staff of the Detention Center began administering the sedative adderax to plaintiff.
66. The Detention Center's administration of adderax to plaintiff was not "routine medical care" and was done without the prior knowledge or written consent of plaintiff's mother as required by regulation.
67. On or about July or August, 1999, plaintiff observed unnamed staff members at the Detention Center allow fellow residents to read plaintiff's confidential file.
68. After this unauthorized disclosure, the abuse by fellow residents against plaintiff escalated.
69. On or about July or August 1999, fellow resident Tommy M. committed the following acts against plaintiff on a number of

occasions:

- a. threw urine and feces on plaintiff's bed;
 - b. urinated on plaintiff's bed; and
 - c. took food away from plaintiff.
70. On or about July or August 1999, fellow resident Johnny D. punched plaintiff about plaintiff's body on a number of occasions.
71. On or about July or August 1999, defendant John Doe #1, known to the plaintiff as "Big Chris," repeatedly punched plaintiff in the arm while engaging in a "game" called "punch-for-punch" in which participants would take turns hitting each other.
72. On or about July or August, 1999, fellow resident Johnny D. hit plaintiff on the back of the head with a ping pong paddle.
73. At the time of this incident, plaintiff and fellow resident Johnny D. were in the Detention Center's visiting room.
74. As a result of being hit with the ping pong paddle, plaintiff momentarily lost consciousness.
75. At the time of this incident, defendant John Doe #3, known to plaintiff as "Mike," was supervising the residents in the visiting room.
76. Defendant John Doe #3 did not seek medical attention for plaintiff after this incident.
77. On or about August, 1999, fellow resident Chris H. punched plaintiff while in the common room of the boys' unit at the Detention Center.
78. Defendant John Doe #1, known to the plaintiff as "Big Chris,"

was supervising the residents in the common room at the time of the incident.

79. Defendant John Doe #1 did not seek medical attention for plaintiff after this incident.
80. On or about August 19, 1999, resident Johnny D. punched plaintiff in the eyes through a shower curtain while plaintiff was showering.
81. Defendant John Doe #1, known to the plaintiff as "Big Chris," was supervising the residents in the showers at the time plaintiff was assaulted.
82. Defendant John Doe #1 failed to seek medical attention for plaintiff after this incident.
83. On or about August 19, 1999, a resident known to the plaintiff as Antoine and a second unknown resident punched plaintiff in the eyes and kicked him.
84. This incident occurred in the common room of the boys' unit of the Detention Center.
85. Defendant John Doe #2, known to the plaintiff as "Chris #2", was on duty in the unit at the time plaintiff was assaulted.
86. Defendant John Doe #2 failed to seek medical attention for plaintiff after this incident.
87. On or about July and August 1999, residents at the Detention Center subjected plaintiff to ongoing abuse, including but not limited to:
 - a. throwing soiled toilet paper, feces and urine at plaintiff;

- b. placing human and other waste in plaintiff's bed;
- c. throwing food at plaintiff;
- d. punching plaintiff in the eyes and on his arms;
- e. kicking plaintiff about his body; and
- f. holding plaintiff upside down and placing plaintiff's head in a toilet bowl, and then flushing the toilet while plaintiff's head was in the bowl, a practice known as "giving a swirlie."

88. On or about July and August 1999, defendants John Doe #1, John Doe #2, and John Doe #3, and/or other Detention Center staff members, were supervising the residents at the times that these incidents occurred.
89. These staff were aware at the time of the assaults on plaintiff by fellow residents, or should have been aware of the assaults, but did not take reasonable steps to prevent the assaults and ensure plaintiff's safety.
90. On or about July or August, 1999, plaintiff complained to defendant Louis P. Kwarcinski about the abuse and the failure of Detention Center staff to keep plaintiff safe and unharmed.
91. On or about July, 1999, shortly after plaintiff's mother learned for the first time that other residents were assaulting plaintiff, plaintiff's mother contacted defendant Sandra M. Brulo.
92. Plaintiff's mother informed defendant Brulo about the attacks by other residents on plaintiff and the injuries that plaintiff had sustained.

93. Plaintiff's mother also informed Defendant Brulo about plaintiff's medical history as generally described in Paragraphs 11-13 supra.
94. On or about July and August 1999, Plaintiff's mother made approximately 20-30 calls to Detention Center staff during the five-week period to alert them to the assaults.
95. On or about July and August 1999, during the period that plaintiff was detained at the Detention Center, plaintiff's mother spoke by telephone on a number of occasions with various Detention Center staff, including but not limited to defendants:
 - a. Brulo;
 - b. Adamchak;
 - c. Kwarcinski;
 - d. "John Doe" Levin.
96. Plaintiff's mother notified these staff at the Detention Center of the physical abuse that plaintiff was suffering at the hands of other residents.
97. Plaintiff's mother also informed these Detention Center staff about plaintiff's medical history as generally described in Paragraphs 11-13 supra.
98. On or about August, 1999, after plaintiff's mother learned that plaintiff had been stabbed in the chest, plaintiff's mother contacted the District Attorney's Office of Luzerne County.
99. Plaintiff's mother spoke to Bridgette Casey-Godfrey in the District Attorney's Office to advise Ms. Casey-Godfrey about

the abuse her son was experiencing at the Detention Center.

Ms. Casey-Godfrey informed plaintiff's mother that her office would send an investigator to the Detention Center to look into the matter.

100. During the remainder of plaintiff's detention at the Detention Center, plaintiff's mother called Ms. Casey-Godfrey at the District Attorney's Office approximately 50 times and spoke with her on at least 20 occasions, to alert Ms. Casey-Godfrey that her son continued to be assaulted at the Detention Center despite the investigation by the District Attorney's Office.

101. On August 19, 1999, plaintiff appeared before the Honorable Mark A. Ciavarella, Jr., of the Luzerne County Court of Common Pleas, Juvenile Division, for a disposition hearing.

102. After reviewing court-ordered psychiatric and psychological evaluations of plaintiff, the court committed plaintiff to Northwestern Intermediate Treatment Facility in Northumberland County, Pennsylvania, for an indeterminate period of time.

103. At the disposition hearing, plaintiff's mother advised Judge Ciavarella of the abuse and injuries that plaintiff sustained while at the Detention Center.

104. During the approximately five weeks that plaintiff was in the physical custody of the detention center, plaintiff received a number of injuries from fellow residents at the Detention Center, including but not limited to:

- a. a puncture wound on his right chest;
- b. a puncture wound on the calf of his right leg;

- c. a swollen leg;
 - d. black eyes;
 - e. bruises all over his body; and
 - f. swollen lips.
105. On August 19, 1999, plaintiff was transported to Northwestern Intermediate Treatment Facility in Northumberland County Pennsylvania [hereinafter "Northwestern"].
106. When plaintiff arrived at Northwestern on August 19, 1999, immediately after being discharged from the Detention Center, he weighed 77 pounds, as compared to his weight of 92 pounds when he first arrived at the Detention Center. Plaintiff lost 15 pounds -- which constituted 15% of his body weight -- during his five-week detention at the Detention Center.
107. On August 19, 1999, upon plaintiff's arrival, Northwestern staff members noticed that plaintiff was bleeding from a small wound in his chest.
108. Northwestern staff members also noted that both of plaintiff's eyes were black and that he had bruises on his thighs.
109. On or about August 19, 1999, plaintiff informed Mr. John D'Angelo and other Northwestern staff members that he received these injuries from other residents at the Detention center.
110. Plaintiff also informed Mr. D'Angelo and Northwestern staff members that residents at the Detention Center would regularly abuse him, including kicking and punching him about his body, and throwing feces and urine on him.
111. Plaintiff told Northwestern staff that the Detention Center

staff was aware of the assaults on plaintiff by other residents, and sometimes even witnessed the assaults, but failed to intervene to stop the abuse.

112. When he first arrived, plaintiff requested that the Northwestern staff lock him in his room 24 hours a day.

113. Plaintiff also initially refused to eat in Northwestern's cafeteria.

114. When asked by Northwestern staff why he wanted to be secluded, plaintiff told the Northwestern staff that he feared that he would be hurt by the other children placed there.

115. Plaintiff suffered extreme humiliation, constant fear, and emotional distress as a result of the ongoing abuse and beatings by other residents at the Detention Center.

116. Plaintiff's emotional distress was evidenced by several physical symptoms, including but not limited to:

- a. a 15% weight loss in the five weeks he was in the custody of the Detention Center;
- b. an inability to sleep; and
- c. incontinence.

CLAIMS

Federal Law Claims

117. Plaintiff incorporates herein the allegations set forth in Paragraphs 1-116 of this Complaint.

118. At all times, defendants acted under color of state law.

119. As described above, plaintiff was first taken into state

custody by police on July 12, 1999, when he was physically detained at defendant Detention Center pending his initial hearing in a juvenile delinquency case.

120. Subsequently, on July 15, 1999, the Court of Common Pleas of Luzerne County, Juvenile Division, ordered that plaintiff remain in state custody at defendant Detention Center until a permanent placement could be found for plaintiff. Plaintiff remained in the custody of defendant Detention Center until August 19, 1999, when he was transferred pursuant to court order to Northwestern Intermediate Secure Facility.
121. Plaintiff was in state custody throughout the entire time period during which the acts and omissions described herein occurred.
122. When plaintiff was removed from his parents and taken into state custody against his will, he was deprived of any freedom he had to act on his own behalf to ensure his safety and well-being, and was rendered dependent upon the state to protect him from harm and provide him with appropriate health services and medical treatment.
123. When defendants took physical custody of the plaintiff and held plaintiff at the Detention Center against his will, they entered into a "special relationship" with plaintiff.
124. This special custodial relationship gave rise to a corresponding affirmative constitutional duty on the part of defendants to:
 - a. provide plaintiff with adequate protection from other

- children and ensure his safety and well-being;
- b. provide plaintiff with appropriate and informed health services and medical treatment; and
- c. ensure a qualified and sufficiently trained staff to fulfill the above-stated duties.

125. Defendants' affirmative duty to protect plaintiff from danger while plaintiff was in their custody also arose under Pennsylvania state law and regulations, see The Juvenile Act, 42 Pa.C.S.A. §§ 6301-6365; 55 Pa. Code Chapter 3760 generally, which provide in pertinent part:

- a. Those persons and/or facilities who take custody of children who come within the provisions of the Juvenile Act must "provide for the care, protection, safety and wholesome mental and physical development" of those children. 42 Pa.C.S.A. § 6301(b)(1.1).
- b. "Under no circumstances shall a child be detained in any facility ... where the child is apt to be abused by other children." 42 Pa.C.S.A. § 6327.
- c. "Detention center service provides at least the following:
... (3) An environment that creates a sense of security in residents by providing protection from abuse by other children or staff." 55 Pa. Code § 3760.3(3).
- d. **§3760.41. Acts of abuse against residents.**
(a) All detention centers are covered by the Child Protective Services Law (11 P.S. §§ 2201-2224), as implemented by Chapter 3490 (relating to child protective services -- child abuse). Acts of abuse directed against residents are absolutely

prohibited.

(b) Any act which may cause or causes serious physical or emotional harm or injury constitutes abuse. Actions such as striking or kicking a resident, or restraining a resident improperly or without authorization are strictly forbidden. Acts such as teasing, humiliation, degrading, or intentionally ignoring a resident may constitute abuse. Nonaction which results in serious emotional or physical injury also may constitute abuse. Staff interaction with residents will have as their legitimate goal the healthful, proper and humane care of the resident.

(c) All staff have a primary duty to respect the rights of all residents, to treat them with dignity and to prevent others from violating their rights as well. Any staff witnessing or having knowledge of an act which may constitute abuse to a resident is required to report such abuse to the administrator, designee, or to the toll-free ChildLine at (800) 932-0313, as appropriate. Failure to do so shall be considered a serious violation of the staff's responsibility concerning the care of residents.

126. Defendants' affirmative duty to provide plaintiff with all needed medical, psychological or psychiatric services also arose under the Pennsylvania Juvenile Act and 55 Pa. Code Chapter 3760, which provide in pertinent part:

- a. "The facility shall accept responsibility for arranging or referring for essential unique services as may be required to insure the well-being of children accepted into the facility. These needs shall be described in the child's records." 55 Pa. Code §§ 3760.6(r).
- b. **§ 3760.31. Continuing medical service.**
 - (a) A physician licensed to practice in the Commonwealth shall be designated to

assist the administrator in planning and coordinating the medical program.

(b) Registered nurses, preferably with experience and training in work with children, shall be available when recommended by the physician for the care of sick children, and to provide assistance for continuous health supervision and interpretation, medical, dental, and nutritional recommendations to other staff and to children. Practical nurses and volunteer aides may be used for simple nursing procedures under the supervision of a registered nurse or physician.

(c) Prompt diagnosis and treatment shall be arranged for needed or emergency medical, dental, psychological, or psychiatric services wherever the need is discerned and informed consent obtained as required by §3760.21(i) (relating to admission).

(d) All prescription medicine shall be administered only on the written order of a physician for a specific child. Facility staff shall be responsible to report immediately to the administrator, and follow established medical procedures for, any problems possibly relating to the medication. A record shall be kept of every medication given to the child, including the dosage, rate, time and method of administration, the purpose, and the staff person administering the medication. In the following instances, staff may assist residents in taking medication for a health condition not requiring administration by a physician:

(1) Medication which the resident's physician has authorized the resident to take with direct service staff's assistance.

(2) Assistance with medication during the resident's physical illness or ailment determined by a physician to be temporary and minor.

(e) Any medication prescribed to control behavior shall be administered only under the direct supervision of a psychiatrist.

55 Pa. Code § 3760.31.

- c. "When parental consent is necessary [for medical evaluation or treatment], the facility shall ensure either that written parental consent is obtained or that the court gives consent in *loco parentis*." 55 Pa. Code §§ 3760.21(i)
- d. "The child's [record] shall contain at the minimum the following identifying information: ... (4) Consent for necessary medical or surgical care, signed by parent or person acting in *loco parentis*." 55 Pa. Code 3760.93(4).

127. Defendants' affirmative duty to ensure that Detention Center staff were qualified and trained to, inter alia, protect plaintiff from abuse by other residents also arose under the Title 55 Pa. Code Chapter 3760 regulations, which provide in pertinent part:

- a. "It is the duty of the detention center and the administrator to see that the rights of both residents and staff are protected by establishing policies and procedures to be followed in the case of a suspected abuse. The detention center has an obligation through training and opportunity for discussion to assure understanding on the part of all employees as what type of actions might constitute abuse. Training to prevent or allay situations which could result in resident abuse are the responsibility of the administrator." 55 Pa. Code § 3760.41(d).

- b. "There shall be an ongoing program of training. This training shall include, but not necessarily be limited to, academic training programs and participation in professional conferences, institutes and workshops." 55 Pa.Code § 3760.51(e).
- c. "Either through formal or informal training and orientation procedures, each staff member shall be able to define clearly his own responsibilities and duties as they relate to the total program. Furthermore, each staff member shall be able to describe accurately the nature and responsibilities of other staff positions." 55 Pa.Code § 3760.51(f).
- d. The administrator of the facility shall:
- i. "[a]ccept the responsibility and be accountable for the program of the facility in its entirety. The administrator shall be responsible and accountable for his own direct action, for the interaction of staff members, for the implementation of programs and policy, for the safety and serviceability of the physical plant, and for the health and welfare of all residents in the facility." 55 Pa. Code § 3760.53(a)(1).
 - ii. "[b]e accountable for either designing a relevant, meaningful training program, or for accomplishing this task through the use of community resources or other staff members." 55 Pa. Code § 3760.53(a)(2).

- iii. "[d]evelop and suggest to the governing authority, for its review and appropriate action, general policy for operation of the program." 55 Pa. Code § 3760.53(a)(3).
 - iv. "[e]mploy and discharge members of the staff according to established personnel policies." 55 Pa. Code § 3760.53(a)(6).
 - v. "[d]esignate a staff member to be in charge at all times during the administrator's absence." 55 Pa. Code § 3760.53(a)(9).
- e. The child care worker, who is the person responsible for the direct daily care and supervision of the children in the facility, "shall plan, supervise, and participate in the children's activities as directed by the administrator or the administrator's designee. The child care worker is responsible to report to the administrator the child's need for service not directly provided by the facility, to ensure that each child has access to necessary services." 55 Pa. Code § 3760.55.

FIRST COUNT
VIOLATION OF SUBSTANTIVE DUE PROCESS
FOR FAILURE TO PROTECT FROM HARM AND FAILURE TO TREAT
(asserted against defendant Detention Center, and defendants
Bruilo, Kwarcinski, and Roman in their official capacities)

128. Plaintiff incorporates herein the allegations set forth in Paragraphs 1-127 of this Complaint.

129. Defendant Detention Center, and Defendants Brulo, Kwarcinski, and Roman in their official capacities as administrators and supervisors at defendant Detention Center, had final policymaking authority for Detention Center procedures to ensure the safety and well-being of plaintiff and other children detained there, and to ensure that the children in their care received proper health services and medical treatment. This authority extended to setting and implementing policy with regard to staff training and qualifications.
130. Defendants Detention Center, Brulo, Kwarcinski, and Roman knew that Detention Center personnel under their supervision, including defendants Adamchak, Levin, John Doe #1, John Doe #2, and John Doe #3 had the responsibility of round-the-clock monitoring of plaintiff and the other children in their care to protect them from harming one another.
131. Defendants Detention Center, Brulo, Kwarcinski, and Roman knew that medical personnel under their supervision, including defendants John Doe #4, M.D., and Yozinak -- hereinafter the "medical defendants" -- were responsible for providing appropriate health services and medical treatment to the children in their care.
132. Defendants Detention Center, Brulo, Kwarcinski, and Roman knew of the obvious risk that detainees in their care posed to one another if not adequately monitored by a trained staff. Specifically, these defendants knew that a significant number of children who come into their care suffer from severe

emotional, behavioral and psychiatric conditions and/or are detained for offenses involving harm to persons.

133. Defendants Detention Center, Brulo, Kwarcinski, and Roman knew that a significant number of children who come into their care suffer from serious psychological and psychiatric conditions that require ongoing monitoring and treatment by trained medical staff, including in some cases the administration of medication.
134. Defendants Detention Center, Brulo, Kwarcinski, and Roman knew that plaintiff in particular had a long history of psychiatric problems that required intervention and medication.
135. Defendants Detention Center, Brulo, Kwarcinski, and Roman knew that plaintiff, as well as the other children in their care with such psychological and psychiatric conditions, posed a threat to themselves and others if their conditions were not adequately monitored and treated.
136. Defendants Detention Center, Brulo, Kwarcinski, and Roman knew that plaintiff was being subjected to repeated physical attacks by other children in their care, but failed to take action to prevent further attacks.
137. Defendants breached their affirmative constitutional duty to ensure the safety and well-being of plaintiff, and provide appropriate health services and medical treatment to plaintiff, who was at all times in their physical custody, by their acts and omissions as described herein, including without limitation:

- a. failing to adequately monitor plaintiff and other residents;
- b. allowing other residents to routinely hit, kick, and throw objects at plaintiff;
- c. allowing other residents to inflict puncture wounds on plaintiff's body with unknown objects;
- d. failing to consult with plaintiff's treating psychiatrist, Dr. Feussner, about the necessity of continuing to administer prescribed medication, dexedrine, for plaintiff's diagnosed disability, despite being advised of plaintiff's disability and need for medication.
- e. failing to administer the medication dexedrine to plaintiff even after Dr. Gitlin entered an order on July 23, 1999 at the Detention Center that plaintiff was to be given the dexedrine;
- f. administering the sedative adderax to plaintiff without first obtaining specific written consent from plaintiff's mother to administer adderax to plaintiff; and
- g. failing to ensure a qualified and sufficiently trained staff who could protect plaintiff from harm and provide plaintiff with adequate medical and behavioral health treatment, as required by the United States Constitution and applicable Pennsylvania regulations.

138. Defendants Detention Center, Brulo, Kwarcinski, and Roman knew of, tolerated and acquiesced in a long-standing custom of:

- a. not providing adequate protection to children in their

care;

- b. not providing adequate health services and medical treatment to children in their care; and
- c. failing to adequately train Detention Center staff to fulfill the above-stated duties.

139. As a result of defendants' acts and omissions as described above, plaintiff suffered both physical and emotional injury, including but not limited to:

- a. a puncture wound on his right chest;
- b. a puncture wound on the calf of his right leg;
- c. a swollen leg;
- d. black eyes;
- e. bruises all over his body;
- f. swollen lips;
- g. a 15% loss in weight over a five-week period;
- h. constant fear and anxiety;
- i. an inability to sleep;
- j. incontinence; and
- k. unnecessary suffering due to a failure to treat a diagnosed mental disorder.

140. The conduct of Defendants Detention Center, Brulo, Kwarcinski, and Roman amounted to deliberate indifference to plaintiff's constitutional rights to be free from harm and to receive proper medical treatment while in state custody.

141. Defendants deprived plaintiff of his liberty interest in bodily integrity, in violation of his rights under the Due Process

Clause of the Fourteenth Amendment to the United States Constitution.

SECOND COUNT
VIOLATION OF SUBSTANTIVE DUE PROCESS
FOR FAILURE TO PROTECT FROM HARM AND FAILURE TO TREAT
(asserted against defendants Brulo and Kwarcinski in their
individual capacities)

142. Plaintiff incorporates herein the allegations set forth in Paragraphs 1-141 of this Complaint.
143. Defendants Brulo and Kwarcinski had ultimate responsibility for supervising defendants Adamchak, Levin, John Doe #1, John Doe #2 and John Doe #3 and other Detention Center staff to ensure the safety of plaintiff and the children in their care.
144. Defendants Brulo and Kwarcinski also had ultimate responsibility for supervising the medical defendants to ensure that the latter provided appropriate medical care to children in their custody including plaintiff.
145. Defendants Brulo and Kwarcinski breached their affirmative duty to plaintiff under federal and state law when they failed to adequately supervise defendants Adamchak, Levin, John Doe #1, John Doe #2 and John Doe #3 and other Detention Center staff who were responsible for round-the-clock monitoring of the children in their care, and the medical defendants who were directly responsible for administering appropriate health services and medical care to plaintiff.
146. Defendants Brulo and Kwarcinski acquiesced in and tolerated defendants Adamchak, Levin, John Doe #1, John Doe #2 and John

Doe #3's failure to adequately protect plaintiff from harm from other children in their care, and the medical defendants' failure to adequately treat plaintiff.

147. As a result of defendants' acts and omissions as described herein, plaintiff suffered both physical and emotional injury, including but not limited to those injuries enumerated in paragraph 139 supra.
148. Defendants Brulo and Kwarcinski acted with deliberate and reckless indifference to plaintiff's rights to be free from harm and to receive appropriate treatment for his mental disorder while in state custody, and their conduct substantially departed from accepted professional judgment, practice and standards.
149. Defendants deprived plaintiff of his liberty interest in bodily integrity, in violation of his rights under the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

THIRD COUNT
VIOLATION OF SUBSTANTIVE DUE PROCESS
FOR FAILURE TO PROTECT FROM HARM
(asserted against defendants Adamchak, Levin, John Doe #1,
John Doe #2 and John Doe #3)

150. Plaintiff incorporates herein the allegations set forth in Paragraphs 1-149 of this Complaint.
151. Defendants Adamchak, Levin, John Doe #1, John Doe #2 and John Doe #3 were directly responsible for round-the-clock monitoring of children committed to the physical custody of the Detention

Center, including plaintiff.

152. These defendants breached their affirmative duty to plaintiff under federal and state law and regulations when they failed to adequately protect plaintiff from harm from other children.
153. As a result of these defendants' acts and omissions as described herein, plaintiff suffered both physical and emotional injury, including but not limited to those injuries enumerated in paragraph 139 supra.
154. The conduct of these defendants amounted to deliberate and reckless indifference to plaintiff's right to be free from harm while in state custody, thus depriving plaintiff of his liberty interest in bodily integrity as protected by the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

FOURTH COUNT
VIOLATION OF SUBSTANTIVE DUE PROCESS
FOR FAILURE TO TREAT
(asserted against Defendants John Doe #4, M.D., and Yozinak)

155. Plaintiff incorporates herein the allegations set forth in Paragraphs 1-154 of this Complaint.
156. The medical defendants -- John Doe #4, M.D., and Yozinak -- were directly responsible for administering appropriate health services and medical care to all children housed at the Detention Center, including plaintiff.
157. These medical defendants breached their affirmative duty to provide appropriate health services and medical treatment to

plaintiff, who was in their physical custody, by their acts and omissions as described above in paragraphs 32-39, 49-53, and 65-66, including without limitation:

- a. failing to consult plaintiff's treating psychiatrist and obtain a prescription for medication previously prescribed to treat plaintiff's diagnosed mental health condition, in violation of, inter alia, 55 Pa. Code § 3760.31(c);
- b. failing to administer the medication dexedrine, or to ensure that qualified medical staff administered the medication, to plaintiff, even after Dr. Gitlin ordered the medication on July 23, 1999, in violation of, inter alia, 55 Pa. Code § 3760.31(c); and
- c. administering the medication adderax to plaintiff without the prior knowledge or consent of plaintiff's mother, who retained legal custody of plaintiff while plaintiff was in defendants' physical custody, in violation of, inter alia, 55 Pa. Code § 3760.31(i).

158. As a result of these defendants' acts and omissions as described above, plaintiff suffered both physical and emotional injury, including but not limited to the injuries listed in Paragraph 139 supra.

159. The conduct of the medical defendants amounted to deliberate and reckless indifference to plaintiff's right to appropriate medical care while in state custody, and their conduct substantially departed from accepted professional judgment, practice and standards.

160. Defendants deprived plaintiff of his liberty interest in bodily integrity, in violation of his rights under the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

State Law Claims

FIFTH COUNT

NEGLIGENCE FOR FAILURE TO PROTECT

(asserted against all defendants except Roman, John Doe #4,
M.D. and Yozinak)

161. Plaintiff incorporates herein the allegations set forth in Paragraphs 1-160 of this Complaint.
162. As described above, defendants had an affirmative duty under the United States Constitution and Pennsylvania state law and regulations to ensure the safety and well-being of plaintiff and provide him with adequate protection while in their custody.
163. Defendants breached their affirmative duty under the United States Constitution and Pennsylvania state law and regulations to ensure the safety and well-being of plaintiff by their acts and omissions as described above.
164. Defendants' breach of duty caused plaintiff to suffer numerous physical injuries at the hands of other residents in the defendants' physical custody as well as emotional distress, which include but are not limited to those injuries described in Paragraph 139 supra.

SIXTH COUNT
NEGLIGENCE FOR FAILURE TO TREAT
**(asserted against defendants Detention Center, Brulo,
Kwarcinski, John Doe #4, M.D., and Yozinak)**

165. Plaintiff incorporates herein the allegations set forth in Paragraphs 1-164 of this Complaint.
166. As described above, the affirmative duty of defendants Detention Center, Brulo, Kwarcinski, John Doe #4, M.D., and Yozinak under the United States Constitution and Pennsylvania state law and regulations to ensure the safety and well-being of plaintiff while he was in their custody included the duty to provide plaintiff with adequate health services and medical treatment. See 42 Pa.C.S.A. § 6326; 55 Pa. Code §§3760.21(h) and 3760.31.
167. Defendants breached their affirmative legal duty to provide adequate health services and medical treatment to plaintiff, who was in their physical custody, by their acts and omissions as described in paragraphs 32-39, 49-53, and 65-66 supra.
168. Defendants' breach of duty caused plaintiff to suffer unnecessary emotional distress due to a failure to treat a diagnosed mental disorder.

SEVENTH COUNT
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(asserted against all defendants except Roman)

169. Plaintiff incorporates herein the allegations set forth in Paragraphs 1-168 of this Complaint.
170. Defendants knew or should have known of the repeated physical

- abuse that plaintiff was suffering at the hands of other residents, who were also in defendants' physical custody.
171. Defendants were careless in failing to take reasonable precautions to protect plaintiff from abuse by other residents.
172. Defendants' acts and omissions violated their duty under the United States Constitution and Pennsylvania law and regulations to ensure plaintiff's safety while he was in state custody.
173. Defendants' careless conduct placed plaintiff in constant physical danger throughout his detention, causing plaintiff great emotional distress.
174. The severe emotional distress suffered by plaintiff is described in Paragraph 139 supra, and includes, but is not limited to:
- a. a 15% loss in weight over a five-week period;
 - b. constant fear and anxiety;
 - c. an inability to sleep; and
 - d. incontinence.

EIGHTH COUNT
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(asserted against all defendants except Roman)

175. Plaintiff incorporates herein the allegations set forth in Paragraphs 1-174 of this Complaint.
176. Defendants knew or should have known of the repeated physical abuse that plaintiff was suffering at the hands of other residents, who were also in defendants' physical custody.
177. Defendants were deliberately or recklessly indifferent in

failing to take reasonable steps to protect plaintiff from abuse, especially given the fact that defendants were repeatedly advised of the ongoing abuse.

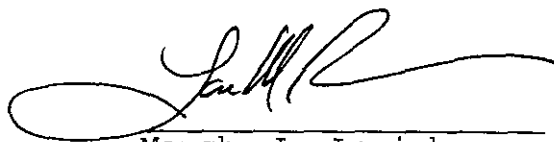
178. Defendants' failure to take reasonable steps to prevent plaintiff from abuse in light of this knowledge violated defendants' constitutional duty and duty under state law and regulations to protect plaintiff and ensure his safety while in defendants' custody.
179. Defendants' breach of duty in failing to take reasonable steps to prevent plaintiff from being victimized by other residents in defendants' care was conduct so outrageous in character and so extreme in degree as to be regarded as atrocious and utterly intolerable in a civilized society.
180. Defendants' extreme and outrageous conduct intentionally or recklessly caused severe emotional distress to plaintiff.
181. The severe emotional distress suffered by plaintiff includes but is not limited to that which is described in Paragraph 139 supra.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Court:

1. Assume jurisdiction of this action.
2. Enter a declaratory judgment that defendants, by their actions, omissions, and customs as described above, violated plaintiff's substantive rights under the Due Process Clause of the Fourteenth Amendment to the United States Constitution.
3. Enter a declaratory judgment that defendants, by their actions, omissions, and customs as described above, were negligent in failing to protect and in failing to appropriately treat plaintiff, and negligently and intentionally inflicted emotional distress on plaintiff, in violation of state laws and regulations.
4. Award compensatory damages and award punitive damages.
5. Award reasonable attorneys' fees.
6. Award such additional or alternative relief as this Court deems just, proper, or equitable.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Marsha L. Levick', written over a horizontal line.

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DATE: July 9, 2001