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**JANE DOE AS PARENT OF MINOR  
CHILD, JANET DOE**

**Plaintiff**

**v.**

**ABRAHAM JOSEPH LAYON  
456 Stein Lane  
Lewisburg, PA 17837**

**And**

**GEISINGER HEALTH SYSTEM d/b/a  
GEISINGER MEDICAL CENTER  
100 North Academy Avenue  
Danville, PA 17822**

**Defendants**

**IN THE COURT OF COMMON PLEAS OF  
LUZERNE COUNTY**

**CIVIL ACTION – LAW**

**JURY TRIAL DEMANDED**

**NO. 14132 OF 2017**

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**NOTICE**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claim 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 other 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 A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

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**AVISO**

A USTED SE LE HA DEMANDADO EN LA CORTE. Si usted quiere defenderse contra la demanda expuesta en las siguientes páginas, tiene que tomar acción en un plazo de veinte (20) días después que reciba esta demanda y aviso, por presentar una notificación de comparecencia escrita personalmente o por un abogado y radicar por escrito en la Corte sus defensas u objeciones a las demandas presentadas en su contra. Se le advierte que si falla en hacerlo, el caso podría seguir adelante sin usted y un fallo podría ser dictado en su contra por la Corte sin previo aviso por cualquier dinero reclamado en la demanda o por cualquier otro reclamo o desagravio pedido por el/la demandante. Puede que usted perida dinero o propiedad u otros derechos importantes para usted.

**USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO, DIRÍJASE O LLAME, POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ABAJO. ESTA OFICINA PUEDE PROVEERLE CON INFORMACIÓN SOBRE COMO CONTRATAR UN ABOGADO. SI NO TIENE LOS FONDOS SUFICIENTES PARA CONTRATAR UN ABOGADO, ESTA OFICINA PODRÍA PROPORCIONARLE INFORMACIÓN ACERCA DE AGENCIAS QUE PUEDAN OFRECERLES SERVICIOS LEGALES A PERSONAS QUE REÚNAN LOS REQUQUISTITOS A UN HONORARIO REDUCIDO O GRATIS.**

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**IN THE COURT OF COMMON PLEAS OF  
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**CIVIL ACTION – LAW**

**JURY TRIAL DEMANDED**

**NO. 14132 OF 2017**

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**AMENDED COMPLAINT**

AND NOW COMES the Plaintiff, Jane Doe as parents of minor child, Janet Doe, by and through her counsel, Fellerman & Ciarimboli Law, to hereby file the following Amended Complaint in Civil Action and in support thereof, states as follows:

## **PARTIES**

1. Plaintiff, Jane Doe as parent of minor child, Janet Doe (hereinafter referred to as "Plaintiff"), is an adult guardian of the minor child, Janet Doe.

2. Defendant, Abraham Joseph Layon, M.D., F.A.C.P. (hereinafter referred to as "Dr. Layon" or "Defendant"), is an adult individual who resides at 456 Stein Lane, Lewisburg, PA 17837.

3. Defendant Geisinger Health System d/b/a Geisinger Medical Center (hereinafter referred to as "Geisinger") is a Pennsylvania corporation with a principal place of business at 100 North Academy Avenue, Danville, PA 17822.

4. At all relevant times hereto, Geisinger regularly and systematically conducted business in Luzerne County.

5. At all relevant times hereto, Geisinger operated multiple facilities in Luzerne County and hired, supervised and controlled thousands of employees, agents and/or ostensible agents in Luzerne County.

6. At all relevant times hereto, some of the occurrences related to this transaction occurred in Luzerne County.

## **JURISDICTION AND VENUE**

7. The Court possess jurisdiction over the parties, as well as the claims set forth herein, pursuant to 42 Pa. C.S.A. §5301.

8. Venue is appropriate in this Court, pursuant to Pa.R.C.P. No. 2179(a)(2), because Geisinger, regularly and systematically conducts business in Luzerne County, Pennsylvania; and Rule 2179(a)(3) due to some of the occurrences taking place in Luzerne County.

## **FACTUAL BACKGROUND**

9. At all times material hereto, Defendant Dr. Layon, was physician; System Director of Critical Care Medicine; Co-Chairman of Pulmonary and Critical Care Medicine at Defendant Geisinger.

10. At all times material hereto, Defendant Dr. Layon was acting in the course and scope of his employment and Geisinger is therefore vicariously liable for his actions.

11. At all times material hereto, Defendant Dr. Layon was also a clinical professor of medicine at the Temple University Lewis Katz School of Medicine.

12. At all times material hereto, Defendant Dr. Layon purported to oversee a research/learning/educational group he named the "ICU Reader Group" purportedly formed to educate high school students in an ICU setting within Geisinger (the "Dr. Layon Program"). Minor Janet Doe became a participant of the Dr. Layon Program as outlined herein.

13. Defendant Dr. Layon formed this program and created Geisinger badges for these individuals without any of the required Geisinger and/or parental consents.

14. Based upon information and belief, Defendant Geisinger allowed this Dr. Layon Program to continue within its walls for at least a period of one year without any monitoring and/or supervision and in direct violation of Geisinger's policies and procedures.

15. In and around December, 2016, Defendant Dr. Layon approached Plaintiff, Jane Doe suggesting Plaintiff's minor child, Janet Doe, participate in this Dr. Layon Program. Plaintiff and Defendant Dr. Layon subsequently met outside of

Montour County, and based upon information and belief, in Lackawanna County to discuss the Dr. Layon Program. Janet Doe joined the Program in and around January, 2017.

16. At all times material hereto, Dr. Layon touted the Dr. Layon Program as a research/learning/educational opportunity for minors, including Janet Doe whereby he would function as a physician, medical educator and mentor for said minors in the course and scope of his employment at Geisinger, however, there was absolutely no medical research conducted and little medicine included in the Dr. Layon Program.

17. In addition, at all times material hereto, Dr. Layon chaperoned these minors, including minor Janet Doe, in the course and scope of his employment throughout Geisinger allowing said minors to participate in patient care not only in violation of multiple Geisinger guidelines, policies and procedures but in clear violation of HIPAA and said patients' rights. This conduct occurred at Geisinger during the course and scope of Dr. Layon's employment at Geisinger.

18. Based upon information and belief, Geisinger allowed this unsanctioned, negligent, reckless and otherwise inappropriate conduct to continue for a period of at least one year.

19. In addition, at all times material hereto, Dr. Layon sent inappropriate emails and text messages to the minors, including Janet Doe. Said communication was incessant and inappropriate as outlined herein.

20. By way of representative examples, Defendant Dr. Layon sent minor Janet Doe emails containing the following messages:

- "...I asked you if you wanted to travel this path with me. That it would be painful. Thar there would be suffering. I explained how that was. I

mentioned that there was also wonderful things to be had by doing this. And I laid some of them out. I also explained that the examined life, the life of meaning was always going to be a challenging one. Do you, my fellow thinker? Do you?" (*sic*)

- "...You may call me Dr. Layon around others, but as we are partners now, when meeting together it's just Joe and [Janet Doe]. Ok?..." (*sic*)

21. Defendant Dr. Layon would also suggest minor Janet Doe read and consider books and passages from books that had absolutely nothing to do with medicine, but instead dealt with racist, provocative, sexually charged and/or other inappropriate topics -- including "The Plot Against America;" "On Tyranny;" "It Can't Happen Here;" "A People's History of the United States;" and "The Handmaid's Tale."

22. By way of representative examples, Defendant Dr. Layon would provide minor Janet Doe with these books discussing racism, power, sex slavery and other highly mature concepts wholly inappropriate and hand-write and then sign the following messages:

- "[Janet] We are closer to this than one might believe."
- "[Janet] Welcome to the pack."
- "[Janet] It can. It may have already happened. Read. Weep."

23. At various times during the span of the Dr. Layon Program, Defendant Dr. Layon would recommend minor Janet Doe read said books/passages along with his personal and sexually suggestive messages related to these topics that had absolutely nothing to do with medicine.

24. Based upon information and belief, Geisinger also allowed this unsanctioned, negligent, reckless and otherwise inappropriate conduct to continue for a period of at least one year.

25. At all times material hereto, Dr. Layon violated Geisinger guidelines, policies and procedures, including those which required parental consent and accompaniment for any minors within Geisinger.

26. At all times material hereto, Dr. Layon engaged in manipulative, coercive, and predatory behavior of a sexual nature toward minor, Janet Doe.

27. Then, on or about August 15, 2017, while conducting a meeting with minor, Janet Doe at Geisinger's Danville Campus, Dr. Layon forced himself on minor, Janet Doe; kissing her ear, neck, face and mouth without her consent or permission thereby physically and sexually assaulting and otherwise committing a battery on minor, Janet Doe (the "Incident").

28. Indeed, Defendant Dr. Layon actually gnawed on Janet Doe's ears; stuck his tongue in her ears; forced his tongue down her throat; licked her cheek and caressed her face without her consent or permission causing her to be terrified and fear an imminent threat of further sexual assault as outlined herein.

29. As a result of this Incident, minor Janet Doe suffered physical and emotional injuries as outlined herein.

30. Minor Janet Doe was ultimately able to free herself from Defendant Dr. Layon and phone her mother, Plaintiff Jane Doe for help.

31. Plaintiff immediately notified Geisinger of the Incident, and based upon information and belief Dr. Layon was reprimanded and ultimately terminated.

32. At the aforementioned time, date and place of the Incident, Dr. Layon sexually and physically assaulted and committed a battery upon minor Janet Doe while

functioning as the aforementioned mentor/leader of his purported research/educational/learning group – the Dr. Layon Program – at Defendant Geisinger.

33. At all times material to this cause of action, minor Janet Doe did not consent to the physical or sexual assault and in no way assumed the risk or contributed in any fashion to the Incident or resultant injuries and damages.

34. Following this Incident, local police were contacted and a report was made.

35. Following this Incident, Plaintiff filed a Temporary Petition for Sexual Violence Protection against Defendant Dr. Layon with the Court of Common Pleas in Lackawanna County, Pennsylvania.

36. The aforementioned Petition was granted and a Temporary Sexual Violence Protection Order was entered on August 18, 2017 by the Court of Common Pleas of Lackawanna County.

37. On September 15, 2017, a Sexual Violence Protection Order was entered against Defendant Dr. Layon to remain effective for a period of three (3) years or until September 15, 2020.

38. On February 5, 2018, charges were filed against Dr. Layon sounding in indecent assault (18 Pa. C.S.A §3126); harassment subjecting another to physical contact (18 Pa. C.S.A. §2709(1)); and harassment course of conduct with no legitimate purpose (18 Pa. C.S.A. §2709(3)).

39. As a direct and proximate result of the negligent, careless and/or reckless conduct of Defendants Dr. Layon and Geisinger, minor Janet Doe sustained serious, severe and permanent physical and mental injuries including but not limited to:

- a. Unwanted assault;
- b. Unwanted battery;
- c. Depression,
- d. Severe Anxiety;
- e. Embarrassment and humiliation;
- f. Loss of physical, social and recreational activities; and
- g. Loss of the ability to enjoy life's daily pleasures.

40. As a result of the aforesaid injuries caused by Defendants, and the natural consequences thereof, minor Janet Doe sustained mental and emotional injuries, all of which have required and will require medical care and treatment from the mental health care providers.

41. Minor Janet Doe continues to require treatment for the aforesaid injuries and the natural consequences thereof.

42. All of the aforementioned treatment for Janet Doe, together with her injuries and the natural consequences thereof, have been deemed reasonable and necessary.

43. As a result of the aforesaid injuries caused by Defendants, and the natural consequences thereof, minor Janet Doe has sustained a loss of the everyday pleasures and enjoyments of life, and may continue to suffer the same for an indefinite period of time into the future.

44. The aforementioned injuries to minor Janet Doe were solely, factually and/or exclusively caused by reason of the collective negligence, careless, and/or reckless conduct of Defendants.

**COUNT I**  
**ASSAULT AND BATTERY**  
**JANE DOE AS PARENT OF MINOR JANET DOE v. ABRAHAM JOSEPH LAYON**

45. Paragraphs 1 through 44 of the Complaint are incorporated herein by reference as if fully set forth.

46. Defendant Dr. Layon intentionally and without privilege caused offensive bodily conduct with minor, Janet Doe.

47. Defendant Dr. Layon intentionally and without privilege put minor Janet Doe in reasonable and immediate apprehension of harmful and offensive bodily contact.

48. The actions and conduct on the part of Defendant Dr. Layon caused said apprehension in minor, Janet Doe.

49. The foregoing conduct on the part of Defendant Dr. Layon constitutes an assault and battery.

50. Minor Janet Doe suffered physical and emotional injuries and damages as a result of Defendant Dr. Layon's assault and battery as outlined herein. The conduct of Defendant, Dr. Layon as set forth in the preceding paragraphs, was outrageous, done in a willful and wanton fashion, with a conscious indifference and/or reckless disregard for the safety of the participants of the Dr. Layon Program, including minor Janet Doe and was malicious and so egregious as to be beyond the bounds of decency in a civilized society, and was knowingly done in direct violation of Geisinger guidelines, policies and procedures.

51. The very nature, quantity and type of violations and egregious conduct which resulted in the severe mental and emotional injuries to minor Janet Doe evidences outrageous, malicious and intolerable conduct warranting the imposition of exemplary and/or punitive damages.

**WHEREFORE**, PLAINTIFF hereby seeks all damages allowed under the laws of the Commonwealth of Pennsylvania, including punitive damages, from the Defendant, ABRAHAM JOSEPH LAYON, in an amount in excess of \$50,000.00 under the applicable statutes of the Commonwealth of Pennsylvania and the local rules and all other relief this Court deems just and appropriate.

**COUNT II**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
**JANE DOE AS PARENT OF MINOR JANET DOE v. ABRAHAM JOSEPH LAYON**

52. Paragraphs 1 through 51 of the Complaint are incorporated herein by reference as if fully set forth.

53. As previously set forth above, the conduct on the part of Defendant Dr. Layon towards minor, Janet Doe was so outrageous in character and so extreme in degree going beyond all possible bounds of decency amounting to atrocious and intolerable behavior.

54. Defendant Dr. Layon intentionally caused minor Janet Doe severe motional distress and bodily harm.

55. Defendant Dr. Layon intentionally inflicted severe emotional distress upon minor, Janet Doe.

56. As a direct result of the foregoing intentional conduct on the part of Defendant Dr. Layon, minor Janet Doe was caused to suffer severe fear, anxiety, and

emotional distress which has manifested itself psychologically, emotionally, and physically and is expected to continue into the future.

57. Minor Janet Doe has suffered, is still suffering, and will continue to suffer from anxiety, depression and emotional distress.

58. Minor Janet Doe's anxiety, depression, and emotional distress are a direct and proximate result of the negligence and recklessness of Defendant Dr. Layon, as previously set forth.

59. As a result of the aforesaid emotional distress, minor Janet Doe has sustained and will continue to sustain a loss of the everyday pleasures and enjoyments of life.

60. Minor Janet Doe suffered physical and emotional injuries and damages as a result of Defendant Dr. Layon's assault and battery as outlined herein. The conduct of Defendant, Dr. Layon as set forth in the preceding paragraphs, was outrageous, done in a willful and wanton fashion, with a conscious indifference and/or reckless disregard for the safety of the participants of the Dr. Layon Program, including minor Janet Doe and was malicious and so egregious as to be beyond the bounds of decency in a civilized society, and was knowingly done in direct violation of Geisinger guidelines, policies and procedures.

61. The very nature, quantity and type of violations and egregious conduct which resulted in the severe mental and emotional injuries to minor Janet Doe evidences outrageous, malicious and intolerable conduct warranting the imposition of exemplary and/or punitive damages.

**WHEREFORE**, PLAINTIFF hereby seeks all damages allowed under the laws of the Commonwealth of Pennsylvania, including punitive damages, from the Defendant, ABRAHAM JOSEPH LAYON, in an amount in excess of \$50,000.00 under the applicable statutes of the Commonwealth of Pennsylvania and the local rules and all other relief this Court deems just and appropriate.

**COUNT III**  
**NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**  
**JANE DOE AS PARENT OF MINOR JANET DOE v. ABRAHAM JOSEPH LAYON**

62. Paragraphs 1 through 61 of the Complaint are incorporated herein by reference as if fully set forth.

63. As a direct result of the foregoing negligent and reckless conduct on the part of Defendant Dr. Layon, Minor Janet Doe was caused to suffer severe fear, anxiety, and emotional distress which has manifested itself psychologically, emotionally, and physically and is expected to continue into the future.

64. Minor Janet Doe has suffered, is still suffering, and will continue to suffer from anxiety, depression and emotional distress.

65. Minor Janet Doe's anxiety, depression, and emotional distress are a direct and proximate result of the negligence and recklessness of Defendant Dr. Layon, as previously set forth.

66. As a result of the aforesaid emotional distress, minor Janet Doe has sustained and will continue to sustain a loss of the everyday pleasures and enjoyments of life.

67. Defendant Dr. Layon could reasonably foresee that minor Janet Doe would suffer great fear, mental anxiety and emotional distress as a result of his negligence and recklessness.

68. Minor Janet Doe suffered physical and emotional injuries and damages as a result of Defendant Dr. Layon's assault and battery as outlined herein. The conduct of Defendant, Dr. Layon as set forth in the preceding paragraphs, was outrageous, done in a willful and wanton fashion, with a conscious indifference and/or reckless disregard for the safety of the participants of the Dr. Layon Program, including minor Janet Doe and was malicious and so egregious as to be beyond the bounds of decency in a civilized society, and was knowingly done in direct violation of Geisinger guidelines, policies and procedures.

69. The very nature, quantity and type of violations and egregious conduct which resulted in the severe mental and emotional injuries to minor Janet Doe evidences outrageous, malicious and intolerable conduct warranting the imposition of exemplary and/or punitive damages.

**WHEREFORE**, PLAINTIFF hereby seeks all damages allowed under the laws of the Commonwealth of Pennsylvania, including punitive damages, from the Defendant, ABRAHAM JOSEPH LAYON, in an amount in excess of \$50,000.00 under the applicable statutes of the Commonwealth of Pennsylvania and the local rules and all other relief this Court deems just and appropriate.

**COUNT IV**  
**VICARIOUS LIABILITY**  
**JANE DOE AS PARENT OF MINOR JANET DOE v. GEISINGER HEALTH SYSTEM**  
**D/B/A GESINGER MEDICAL CENTER**

70. Paragraphs 1 through 69 of the Complaint are incorporated herein by reference as if fully set forth.

71. Defendant Geisinger is vicariously liable for the negligence, carelessness and recklessness of its employees, agents, apparent agents, and/or ostensible agents, including Defendant Dr. Layon.

72. At all times relevant hereto, Defendant Dr. Layon was acting within the course and scope of his employment with Defendant Geisinger.

73. As previously set forth above, Dr. Layon touted the Dr. Layon Program as a research/learning/educational opportunity for minors, including Janet Doe, whereby he would function as a physician, medical educator and mentor for said minors in the course and scope of his employment at Geisinger.

74. In addition, Dr. Layon chaperoned these minors, including minor Janet Doe, in the course and scope of his employment throughout Geisinger allowing said minors to participate in patient care.

75. At all times relevant hereto, Defendant Dr. Layon was acting as an employee, agent, and/or ostensible agent of Geisinger, and therefore Geisinger is vicariously liable for his actions as set forth herein.

76. As a direct and proximate result of the negligent, careless and/or reckless conduct of Defendants Dr. Layon and Geisinger, minor Janet Doe sustained serious, severe and permanent physical and mental injuries including but not limited to:

- h. Unwanted assault;
- i. Unwanted battery;
- j. Depression,

- k. Severe Anxiety;
- l. Embarrassment and humiliation;
- m. Loss of physical, social and recreational activities; and
- n. Loss of the ability to enjoy life's daily pleasures.

77. As a result of the aforesaid injuries caused by Defendants, and the natural consequences thereof, minor Janet Doe sustained mental and emotional injuries, all of which have required and will require medical care and treatment from the mental health care providers.

78. Minor Janet Doe continues to require treatment for the aforesaid injuries and the natural consequences thereof.

79. All of the aforementioned treatment for Janet Doe, together with her injuries and the natural consequences thereof, have been deemed reasonable and necessary.

80. As a result of the aforesaid injuries caused by Defendants, and the natural consequences thereof, minor Janet Doe has sustained a loss of the everyday pleasures and enjoyments of life, and may continue to suffer the same for an indefinite period of time into the future.

81. The aforementioned injuries to minor Janet Doe were solely, factually and/or exclusively caused by reason of the collective negligence, careless, and/or reckless conduct of Defendants.

82. Minor Janet Doe suffered physical and emotional injuries and damages as a result of Defendant Dr. Layon's assault and battery as outlined herein. The conduct of Defendant, Dr. Layon as set forth in the preceding paragraphs, was outrageous, done in

a willful and wanton fashion, with a conscious indifference and/or reckless disregard for the safety of the participants of the Dr. Layon Program, including minor Janet Doe and was malicious and so egregious as to be beyond the bounds of decency in a civilized society, and was knowingly done in direct violation of Geisinger guidelines, policies and procedures.

83. Defendant Geisinger had actual and constructive knowledge of not only the actions of Defendant Dr. Layon as outlined herein, but was also fully aware of his sexual tendencies and predatory behavior.

84. Defendant Geisinger therefore knew of the conduct and actions of Defendant Dr. Layon as well as his sexual tendencies and predatory behavior, and despite said knowledge, allowed him to practice medicine and “mentor” minors, including minor Janet Doe, within its walls and facilities.

85. Alternatively, if Defendant Geisinger was somehow not aware of Defendant Dr. Layon’s tendencies and conduct outlined herein, it should have known in the exercise of reasonable care and failed to exercise such care in reckless disregard for its patients and the public generally, including minor Janet Doe.

86. The very nature, quantity and type of violations and egregious conduct which resulted in the severe mental and emotional injuries to minor Janet Doe evidences outrageous, malicious and intolerable conduct warranting the imposition of exemplary and/or punitive damages.

**WHEREFORE**, PLAINTIFF hereby seeks all damages allowed under the laws of the Commonwealth of Pennsylvania, including punitive damages, from the Defendant, ABRAHAM JOSEPH LAYON, in an amount in excess of \$50,000.00 under

the applicable statutes of the Commonwealth of Pennsylvania and the local rules and all other relief this Court deems just and appropriate.

**COUNT V**  
**NEGLIGENCE**  
**JANE DOE AS PARENT OF MINOR JANET DOE v. GEISINGER HEALTH SYSTEM**  
**D/B/A GEISINGER MEDICAL CENTER**

87. Paragraphs 1 through 86 of the Complaint are incorporated herein by reference as if fully set forth.

88. Defendant Geisinger had a duty and responsibility to their patients and to the public to hire, supervise, monitor and retain only qualified and competent physicians.

89. Defendant Geisinger had a duty and responsibility to monitor and supervise its physicians practicing within its facilities, including Defendant Dr. Layon.

90. As part of said duties and responsibilities, Geisinger also had an obligation to establish and enforce policies, procedures, and/or protocols regarding hiring, monitoring, supervision and retention, including monitoring and supervising physicians to ensure they were ensuring patient's rights and compliance with HIPAA standards.

91. As part of said duties and responsibilities, Geisinger also had an obligation to establish and enforce policies, procedures, and/or protocols regarding Geisinger sponsored programs like the Dr. Layon Program

92. Acting through their administrators, various boards, committees, and individuals, Geisinger was responsible for the standards of professional practice by members of their staff and/or any ostensible agents, including Defendant Dr. Layon.

93. Geisinger had a duty to oversee all persons who practice medicine and/or other activities within their facilities.

94. Geisinger failed to exercise the judgment of a reasonable healthcare provider and employer of health care providers under the circumstances and deviated from the standard of care as follows:

- a. Allowing Defendant Dr. Layon to practice within their facilities when they knew or should have known that he lacked the necessary skill and knowledge to safely perform all duties of a practicing physician and mentor;
- b. Allowing Defendant Dr. Layon to practice within their facilities when they knew or should have known that he had a propensity for inappropriate behavior and tendencies;
- c. Allowing Defendant Dr. Layon to teach and/or mentor minors within their facilities without ensuring parental consent;
- d. Allowing Defendant Dr. Layon to teach and/or mentor minors within their facilities in violation of policies, procedures or guidelines;
- e. Allowing Defendant Dr. Layon to start and continue the Dr. Layon Program without any supervision in direct violation of policies, procedures or guidelines;
- f. Failing to have in place and/or to enforce policies and procedures regarding hiring, supervision and retention;
- g. Failing to appropriately train and orient nurses, staff, physicians, and/or ostensible agents regarding Geisinger's policies and procedures.

95. Geisinger was on actual or constructive notice of the above reference failures of its staff, physicians, and/or ostensible agents.

96. Based upon information and belief, Geisinger was aware of Dr. Layon's history of inappropriate sexual behavior and tendencies.

97. Geisinger was on actual or constructive notice of the systemic negligence and recklessness plaguing the facility which created danger and risk of harm for patients and the public, including Janet Doe.

98. The failures of Geisinger's physician, Defendant Dr. Layon, as set forth in the preceding paragraphs of this Complaint, were a substantial factor in the serious and permanent injuries sustained by minor Janet Doe, including:

- a. Unwanted assault;
- b. Unwanted battery;
- c. Depression,
- d. Severe Anxiety;
- e. Embarrassment and humiliation;
- f. Loss of physical, social and recreational activities; and
- g. Loss of the ability to enjoy life's daily pleasures.

99. As a result of the aforesaid injuries and the natural consequences thereof, minor Janet Doe sustained physical and mental pain and suffering, all of which required medical care and treatment which will continue into the indefinite future.

100. As a result of the aforesaid injuries and the natural consequences thereof, Janet Doe has sustained a loss of the everyday pleasures and enjoyments of life which will continue into the indefinite future.

101. As a result of the aforesaid injuries and the natural consequences thereof, Janet Doe was obligated to expend various sums of money and incur various expenses for medical treatment which will continue into the indefinite future.

102. Minor Janet Doe suffered physical and emotional injuries and damages as a result of Defendant Dr. Layon's assault and battery as outlined herein. The conduct of Defendant, Dr. Layon as set forth in the preceding paragraphs, was outrageous, done in a willful and wanton fashion, with a conscious indifference and/or reckless disregard for the safety of the participants of the Dr. Layon Program, including minor Janet Doe and was malicious and so egregious as to be beyond the bounds of decency in a civilized society, and was knowingly done in direct violation of Geisinger guidelines, policies and procedures.

103. Defendant Geisinger had actual and constructive knowledge of not only the actions of Defendant Dr. Layon as outlined herein, but was also fully aware of his sexual tendencies and predatory behavior.

104. Defendant Geisinger therefore knew of the conduct and actions of Defendant Dr. Layon as well as his sexual tendencies and predatory behavior, and despite said knowledge, allowed him to practice medicine and "mentor" minors, including minor Janet Doe, within its walls and facilities.

105. Alternatively, if Defendant Geisinger was somehow not aware of Defendant Dr. Layon's tendencies and conduct outlined herein, it should have known in the exercise of reasonable care and failed to exercise such care in reckless disregard for its patients and the public generally, including minor Janet Doe.

106. The very nature, quantity and type of violations and egregious conduct which resulted in the severe mental and emotional injuries to minor Janet Doe evidences outrageous, malicious and intolerable conduct warranting the imposition of exemplary and/or punitive damages.

**WHEREFORE**, PLAINTIFF hereby seeks all damages allowed under the laws of the Commonwealth of Pennsylvania, including punitive damages, from the Defendant, GEISINGER HEALTH SYSTEM d/b/a GESINGER MEDICAL CENTER, in an amount in excess of \$50,000.00 under the applicable statutes of the Commonwealth of Pennsylvania and the local rules and all other relief this Court deems just and appropriate.

**COUNT VI**  
**NEGLIGENT HIRING, SUPERVISION AND RETENTION**  
**JANE DOE AS PARENT OF MINOR JANET DOE v. GEISINGER HEALTH SYSTEM**  
**D/B/A GESINGER MEDICAL CENTER**

107. Paragraphs 1 through 106 of the Complaint are incorporated herein by reference as if fully set forth.

108. Defendant Geisinger had a duty and responsibility to their patients and to the public to hire, supervise, monitor and retain only qualified and competent physicians.

109. Defendant Geisinger had a duty and responsibility to monitor and supervise its physicians practicing within its facilities, including Defendant Dr. Layon.

110. As part of said duties and responsibilities, Geisinger also had an obligation to establish and enforce policies, procedures, and/or protocols regarding hiring, monitoring, supervision and retention, including monitoring and supervising physicians to ensure they were ensuring patient's rights and compliance with HIPAA standards.

111. As part of said duties and responsibilities, Geisinger also had an obligation to establish and enforce policies, procedures, and/or protocols regarding Geisinger sponsored programs like the Dr. Layon Program

112. Acting through their administrators, various boards, committees, and individuals, Geisinger was responsible for the standards of professional practice by members of their staff and/or any ostensible agents, including Defendant Dr. Layon.

113. Geisinger had a duty to oversee all persons who practice medicine and/or other activities within their facilities.

114. Geisinger failed to exercise the judgment of a reasonable healthcare provider and employer of health care providers under the circumstances and deviated from the standard of care as follows:

- a. Allowing Defendant Dr. Layon to practice within their facilities when they knew or should have known that he lacked the necessary skill and knowledge to safely perform all duties of a practicing physician and mentor;
- b. Allowing Defendant Dr. Layon to practice within their facilities when they knew or should have known that he had a propensity for inappropriate behavior and tendencies;
- c. Allowing Defendant Dr. Layon to teach and/or mentor minors within their facilities without ensuring parental consent;
- d. Allowing Defendant Dr. Layon to teach and/or mentor minors within their facilities in violation of policies, procedures or guidelines;
- e. Allowing Defendant Dr. Layon to start and continue the Dr. Layon Program without any supervision in direct violation of policies, procedures or guidelines;
- f. Failing to have in place and/or to enforce policies and procedures regarding hiring, supervision and retention;
- g. Failing to appropriately train and orient nurses, staff, physicians, and/or ostensible agents regarding Geisinger's policies and procedures.

115. Geisinger was on actual or constructive notice of the above reference failures of its staff, physicians, and/or ostensible agents.

116. Based upon information and belief, Geisinger was aware of Dr. Layon's history of inappropriate sexual behavior and tendencies.

117. Geisinger was on actual or constructive notice of the systemic negligence and recklessness plaguing the facility which created danger and risk of harm for patients and the public, including Janet Doe.

118. The failures of Geisinger's physician, Defendant Dr. Layon, as set forth in the preceding paragraphs of this Complaint, were a substantial factor in the serious and permanent injuries sustained by minor Janet Doe, including:

- a. Unwanted assault;
- b. Unwanted battery;
- c. Depression,
- d. Severe Anxiety;
- e. Embarrassment and humiliation;
- f. Loss of physical, social and recreational activities; and
- g. Loss of the ability to enjoy life's daily pleasures.

119. As a result of the aforesaid injuries and the natural consequences thereof, minor Janet Doe sustained physical and mental pain and suffering, all of which required medical care and treatment which will continue into the indefinite future.

120. As a result of the aforesaid injuries and the natural consequences thereof, Janet Doe has sustained a loss of the everyday pleasures and enjoyments of life which will continue into the indefinite future.

121. As a result of the aforesaid injuries and the natural consequences thereof, Janet Doe was obligated to expend various sums of money and incur various expenses for medical treatment which will continue into the indefinite future.

122. Minor Janet Doe suffered physical and emotional injuries and damages as a result of Defendant Dr. Layon's assault and battery as outlined herein. The conduct of Defendant, Dr. Layon as set forth in the preceding paragraphs, was outrageous, done in a willful and wanton fashion, with a conscious indifference and/or reckless disregard for the safety of the participants of the Dr. Layon Program, including minor Janet Doe and was malicious and so egregious as to be beyond the bounds of decency in a civilized society, and was knowingly done in direct violation of Geisinger guidelines, policies and procedures.

123. Defendant Geisinger had actual and constructive knowledge of not only the actions of Defendant Dr. Layon as outlined herein, but was also fully aware of his sexual tendencies and predatory behavior.

124. Defendant Geisinger therefore knew of the conduct and actions of Defendant Dr. Layon as well as his sexual tendencies and predatory behavior, and despite said knowledge, allowed him to practice medicine and "mentor" minors, including minor Janet Doe, within its walls and facilities.

125. Alternatively, if Defendant Geisinger was somehow not aware of Defendant Dr. Layon's tendencies and conduct outlined herein, it should have known in the exercise of reasonable care and failed to exercise such care in reckless disregard for its patients and the public generally, including minor Janet Doe.

126. The very nature, quantity and type of violations and egregious conduct which resulted in the severe mental and emotional injuries to minor Janet Doe evidences outrageous, malicious and intolerable conduct warranting the imposition of exemplary and/or punitive damages.

**WHEREFORE**, PLAINTIFF hereby seeks all damages allowed under the laws of the Commonwealth of Pennsylvania, including punitive damages, from the Defendant, GEISINGER HEALTH SYSTEM d/b/a GESINGER MEDICAL CENTER, in an amount in excess of \$50,000.00 under the applicable statutes of the Commonwealth of Pennsylvania and the local rules and all other relief this Court deems just and appropriate.

Respectfully submitted:

FELLERMAN & CIARIMBOLI LAW, P.C.

BY: s/ Edward J. Ciarimboli  
EDWARD J. CIARIMBOLI, ESQUIRE  
MOLLY DEMPSEY CLARK, ESQUIRE