

RECEIVED AND FILED
DISTRICT COURT
IN THE DISTRICT COURT OF PITTSBURG COUNTY
STATE OF OKLAHOMA

2010 MAR -2 P 2: 26

VALERIE L. LANDMEIER, Individually)
and as Guardian for HEATHER M.)
LANDMEIER, an incapacitated adult, BY)

CINDY ELLER

DEPUTY

Plaintiff,

Case No.: CJ-2010-57

v.

ATTORNEY LIEN CLAIMED

NARCONON OF OKLAHOMA, INC.,)
d/b/a NARCONON ARROWHEAD, a)
Domestic Not for Profit Corporation; AND)
NARCONON INTERNATIONAL, a Foreign)
Corporation,)

Defendants.)

PETITION

COMES NOW the Plaintiff, Valerie Landmeier, individually and as Guardian of Heather Landmeier, an incapacitated adult, and for her cause of action against the Defendants, states as follows:

PARTIES, JURISDICTION AND VENUE

1. Heather Landmeier ("Ward" herein) was a resident of Pittsburg County, Oklahoma at all times relevant hereto.
2. Plaintiff is a resident of Kane County, Illinois.
3. Defendant Narconon of Oklahoma, Inc., is a domestic not for profit corporation doing business in Oklahoma as Narconon Arrowhead ("Arrowhead"), with substantial ties to this judicial district.
4. Defendant Narconon International ("Narconon") is a foreign corporation doing business in Oklahoma with substantial ties to this judicial district.

5. Ward was a resident at Defendants facility on several occasions between June 2005 and March 2008.

6. The accident and injury that is the subject of this dispute occurred in this judicial district.

7. This Court has jurisdiction and venue is proper in Pittsburgh County, Oklahoma.

STATEMENT OF FACTS

8. Paragraphs 1-7 are incorporated herein by reference.

9. Defendant Narconon International is a foreign corporation based in Hollywood, California with deep rooted ties to the Church of Scientology.

10. Defendant Narconon provides services to its licensed facilities including, but not limited to, providing managerial expertise, as well as monitoring and supporting the highest level of technical and administrative excellence throughout the network of facilities.

11. Defendant Arrowhead is a domestic corporation licensed by Defendant Narconon to provide drug rehabilitation services here in the State of Oklahoma.

12. On or around June 2005, Plaintiff contracted with Defendants to provide drug rehabilitation services to Ward, as Ward was struggling with an addiction to heroine drugs. Ward graduated from this program in October 2005.

13. On or around March 21, 2006, Ward returned to Defendants' facility as she had relapsed and had become dependant on heroine drug use again.

14. In October 2006 representantives from Defendants' facility phoned Plaintiff and requested she come pick up Ward as Ward was being asked to leave the facility for violating certain rules.

15. On or around August 26, 2007 Ward was re-admitted to Defendants' facility for the purpose of detoxification and drug rehabilitation treatment.

16. During the period of August 26, 2007 through March 4, 2008 employees of Defendants' facility provided drugs and alcohol to Ward. Furthermore, Ward was allowed to enter into sexual relationships with staff members at Defendants' facility.

17. On or around March 4, 2008, Defendants' forced Ward to leave its facility, knowing she had relapsed and had become addicted to heroine and oxycontin, all which had been provided to her by employees of Defendants' facility, and was under the influence of those chemical drugs at the time she was forced to leave said facility.

18. On or around March 5, 2008 Ward overdosed on heroine and oxycontin, resulting in her being left in a permanent vegetative state, completely paralyzed from the neck down.

CAUSE OF ACTION

(AS TO ALL DEFENDANTS)

A. NEGLIGENCE AND NEGLIGENCE *PER SE*

19. Paragraphs 1-18 are incorporated herein by reference.

20. Defendants owed both statutory and common law duties to Ward to use reasonable care in providing her day to day drug rehabilitation assistance through the Narconon Drug Rehabilitation Program.

21. The acts and/or omissions that constitute a breach of the duty of care owed to Ward by Defendants include, but are not limited to, the following:

- a. failing to act in a reasonable and proper manner when Defendants had knowledge, either actual and/or implied and/or constructive, of the health conditions of Ward, including, but not limited to, known drug addictions;

- b. failing to act in a reasonable and proper manner when hiring, training, supervising, and retaining employees who Defendants knew would be providing Ward with assistance and supervision, knowing said employees had provided drugs to other residents in the past.
- c. failing to comply with all applicable standards and regulations of both federal and Oklahoma law.

22. This breach was the actual and proximate cause of Ward's injuries.

23. As a result of defendants negligence, Ward has suffered serious bodily injuries and damages in excess of \$75,000.00, for which Plaintiff is entitled to recover on Ward's behalf.

B. BREACH OF CONTRACT

24. Paragraphs 1-23 are incorporated herein by reference.

25. Defendants Narconon and Arrowhead, for valuable consideration, agreed to provide Ward with all necessary medical supervision, treatment and support in her day to day life activities.

26. Defendants breached said contract by failing to provide Ward with these services as set forth above.

27. The breach of said contract by Defendants resulted in Ward suffering serious bodily injuries, extreme mental anguish and physical pain, and other actual damages in excess of \$75,000.00, for which plaintiff is entitled to recover individually and on her behalf.

C. VIOLATION OF THE OKLAHOMA CONSUMER PROTECTION ACT

28. Paragraphs 1-27 are incorporated herein by reference.

29. Defendants, by and through its agents, servants, contractors and/or employees, solicited Ward and her family, including Plaintiff herein, with false, fraudulent and misleading

representations and/or assurances and/or promises which are contrary to and in violation of Oklahoma's Consumer Protection Act, Okla. Stat. tit. 15, § 751 *et seq.*

30. As a direct result of the false, fraudulent and misleading solicitation of Defendants, by and through its agents, servants, contractors and/or employees, Ward and her family have sustained actual damages in excess of \$75,000.00.

D. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

31. Paragraphs 1-30 are incorporated herein by reference.

32. Defendants' actions in the setting in which they occurred were so extreme and outrageous as to go beyond all possible bounds of decency and would be considered atrocious and utterly intolerable in a civilized society.

33. Defendants intentionally and/or recklessly caused severe emotional distress to Ward beyond that which a reasonable person could be expected to endure.

34. As a result of Defendants' actions, Plaintiff, Ward and her family have sustained personal injuries including medical expenses, mental and physical pain and suffering, loss of wages, and other actual damages in excess of \$75,000.00.

E. PUNITIVE DAMAGES

35. Paragraphs 1-34 are incorporated herein by reference.

36. Defendants' intentional, wanton and reckless conduct toward the Ward, Plaintiff and others is, and was, conducted with full knowledge in that Defendants knew, or should have known, of the severe adverse consequences of their actions upon the decedent and others.

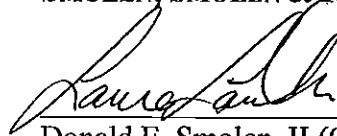
37. Defendants' conduct was directed specifically at acquiring substantial wealth for themselves at the expense of the rights of Ward, Plaintiff and others, and their actions are contrary to acceptable norms of business and are in contravention of public policy thus

subjecting Defendants herein to the imposition of exemplary and punitive damages in excess of \$75,000.00.

WHEREFORE, based on the foregoing, Plaintiff prays this Court grant her the relief sought including, but not limited to, actual damages in excess of seventy five thousand dollars (\$75,000.00), with interest accruing from date of filing of suit, punitive damages in excess of seventy five thousand (\$75,000.00), reasonable attorneys fees, and all other relief deemed appropriate by this Court.

Respectfully submitted,

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