

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JASON LAURENCE BUTLER, individually and as parent and  
natural guardian of J. P. B., a minor,

Plaintiffs,

COMPLAINT

JURY DEMAND

-against-

NEW YORK-PRESBYTERIAN HOSPITAL/WEILL CORNELL  
MEDICAL CENTER, MEHRIN ISLAM, M.D., REBECCA KOW,  
M.D., MICHELE ROSENTHAL, M.D., MARY BIRMINGHAM,  
M.D., ROBERT FINKELSTEIN, M.D., NISHA NARAYANAN,  
M.D., JENNIFER HABEEB, LMSW, LAURIE DEAMER, LCSW,  
and EVA KERBY, M.D., each sued individually and, in their  
capacities, as employees and agents of NEW YORK-  
PRESBYTERIAN HOSPITAL/WEILL CORNELL MEDICAL  
CENTER

Defendants  
-----X

The Plaintiffs JASON LAURENCE BUTLER, and J. P. B., a minor, through their  
attorney, THE SANDERS FIRM, P.C., files this federal complaint against Defendants' NEW  
YORK-PRESBYTERIAN HOSPITAL/WEILL CORNELL MEDICAL CENTER, MEHRIN  
ISLAM, M.D., REBECCA KOW, M.D., MICHELE ROSENTHAL, M.D., MARY  
BIRMINGHAM, M.D., ROBERT FINKELSTEIN, M.D., NISHA NARAYANAN, M.D.,  
JENNIFER HABEEB, LMSW, LAURIE DEAMER, LCSW, and EVA KERBY, M.D.

**SUMMARY OF THE ALLEGATIONS**

This case arises from the unlawful detention of J. P. B., a now sixteen-year-old child with  
Williams Syndrome and developmental disabilities, and the interference with—and  
discrimination against—her and her father, JASON LAURENCE BUTLER, a Black retired  
NYPD officer and custodial parent. On April 23, 2024, during a dermatology visit at Weill

Cornell Dermatology, EVA KERBY, M.D. documented J.P.B.’s allegations of physical abuse by her father, called security and 911, and opposed J.P.B.’s immediate return home despite initial determinations that she could safely do so. NYPD transported J.P.B. to the 19th Precinct; when she refused to reenter the precinct after being taken outside, officers handcuffed her and brought her to the Emergency Department at NEW YORK-PRESBYTERIAN HOSPITAL/WEILL CORNELL MEDICAL CENTER (“NYP/WCMC”) for “elopement” and to obtain medication unavailable at the precinct.

At NYP/WCMC that night, Psychiatry Resident Dr. Anastasia Grieb, supervised by Attending Dr. Maria de Peña-Nowak, evaluated J.P.B., found her psychiatrically stable, and determined she did not meet admission criteria—conduct consistent with law and standards of care. The Administration for Children’s Services (ACS)—first via the overnight worker and then, after consultation, via CPS worker Bulter and Supervisor Lucille Martin—authorized discharge home with follow-up. Social Worker JENNIFER HABEEB, LMSW documented both psychiatric clearance and ACS authorization, yet recorded that the “medical team does not feel comfortable discharging,” and custody was not returned to the family. Through April 24–25, NYP/WCMC personnel—including ED attendings MEHRIN ISLAM, M.D.; MICHELE ROSENTHAL, M.D.; MARY BIRMINGHAM, M.D.; ROBERT FINKELSTEIN, M.D.; NISHA NARAYANAN, M.D.; resident REBECCA KOW, M.D.; and social worker LAURIE DEAMER, LCSW—continued to detain J.P.B. after clearance and after repeated ACS authorizations, invoking an extra-procedural, hospital-imposed requirement that ACS appear in person (a de facto “social hold”), re-interviewing the child to generate “safety” concerns, and conditioning release on restrictions ACS had not imposed. During this period, Lisandra Rivero (the mother) was denied or unreasonably restricted access and custody even after she presented

to take her daughter home. J.P.B.’s private psychiatrist, Dr. Guillermo Valdes, admonished the team for “washing your hands of your patient” and “separating a family against ACS determinations.” Only late on April 25—more than 36 hours after ACS first cleared discharge—was J.P.B. released.

Defendants also mischaracterized the family’s ACS history and racialized their risk assessment of Mr. Butler, repeatedly invoking the specter of a “gun in the home” while omitting his lawful status as a retired police officer, and relied on disability-based stereotypes about J.P.B. to discount clearances and prolong custody. These actions excluded both parents from meaningful participation in J.P.B.’s care and discharge planning and subordinated ACS determinations to NYP/WCMC’s own extra-legal hold.

These facts support the following claims, asserted in this Complaint in the sequence pled:

(1) Rehabilitation Act § 504 (29 U.S.C. § 794) — disability discrimination against J. P. B. and associational disability discrimination as to JASON LAURENCE BUTLER; (2) Title VI (42 U.S.C. § 2000d) — race discrimination in a federally funded program, asserted by both Plaintiffs: on behalf of J. P. B. as the patient subjected to race-based barriers in accessing hospital services, and on behalf of JASON LAURENCE BUTLER as a parent participant and intended beneficiary who was excluded or treated adversely on the basis of race during discharge planning; (3) 42 U.S.C. § 1981 — intentional race discrimination interfering with the making, performance, and enjoyment of contracts for hospital services, asserted by both Plaintiffs: by JASON LAURENCE BUTLER directly as a Black parent contracting for and participating in hospital services and discharge planning, and by J. P. B. as a patient and intended beneficiary who was denied the same contractual benefits and terms (including on an associational basis); (4) 42 U.S.C. § 1983 — Fourteenth Amendment familial association, asserted by both Plaintiffs: by

J. P. B. for unjustified state-imposed separation from her parents, and by JASON LAURENCE BUTLER for deprivation of the custody, care, and companionship of his child absent exigency or court order; (5) 42 U.S.C. § 1983 — Fourth Amendment unlawful seizure (J. P. B. only); (6) 42 U.S.C. § 1983 — Fourteenth Amendment substantive due process [pled in the alternative] (J. P. B. only); (7) N.Y. Exec. Law § 296(2)(a) (NYSHRL) — discrimination in a public accommodation based on race and disability, including associational disability, asserted by both Plaintiffs: by J. P. B. for denial of equal hospital services on the basis of disability and race; and by JASON LAURENCE BUTLER for race discrimination and discrimination because of his association with his disabled child; (8) N.Y.C. Admin. Code § 8-107(4)(a) (NYCHRL) — discrimination in a public accommodation based on race and associational disability, asserted by both Plaintiffs: by J. P. B. for unequal access and treatment; and by JASON LAURENCE BUTLER for race and association-based exclusion from full participation in his daughter’s care and discharge planning; (9) Negligence — asserted by both Plaintiffs: by J. P. B. for negligent custodial detention and mishandled discharge after clearance/ACS authorization; and by JASON LAURENCE BUTLER for negligent exclusion from participation in care/discharge and resulting harms; (10) Negligent Infliction of Emotional Distress — asserted by both Plaintiffs: by J. P. B. for serious emotional distress caused by the prolonged, unjustified confinement; and by JASON LAURENCE BUTLER for serious emotional distress from the negligent, unjustified separation and exclusion from his child’s care; and (11) False Imprisonment (J. P. B. only), with timeliness preserved by infancy tolling (CPLR 208).

Plaintiffs seek compensatory damages, punitive damages where permitted, injunctive and declaratory relief (including policy reform, training, and monitoring), and attorneys’ fees and costs as authorized by law.

### **JURISDICTION AND VENUE**

1. The jurisdiction of this Court is invoked under 18 U.S.C. § 1965, 28 U.S.C. §§ 1331, 1343, and 2202 to secure protection of and to redress deprivation of rights secured by:

- a. Rehabilitation Act § 504, 29 U.S.C. § 794;
- b. Racial Discrimination in Federally Funded Programs (Title VI), 42 U.S.C. § 2000d;
- c. Race Discrimination – 42 U.S.C. § 1981; and
- d. Civil Rights Act of 1871, 42 U.S.C. § 1983 (violations of the Fourth and Fourteenth Amendments, including the right to familial association, unreasonable seizure, and substantive due process)

2. This Court has supplemental jurisdiction under 28 U.S.C. § 1367 over related state and local law claims, including:

- a. Discrimination in Public Accommodations — N.Y. Executive Law § 296(2)(a) (race and disability, including associational disability);
- b. Discrimination in Public Accommodations — N.Y.C. Admin. Code § 8-107(4)(a) (race and associational disability);
- c. Negligence;
- d. Negligent Infliction of Emotional Distress (NIED); and
- e. False Imprisonment.

3. Venue is proper in this judicial district under 28 U.S.C. § 1391(b), as the events giving rise to these claims occurred within the Southern District of New York.

### **PROCEDURAL REQUIREMENTS**

4. Plaintiffs JASON LAURENCE BUTLER, and J. P. B., has filed suit with this

Court within the applicable statute of limitations period.

**PLAINTIFF JASON LAURENCE BUTLER**

5. Plaintiff JASON LAURENCE BUTLER is a male citizen, over twenty-one (21), is the parent and natural guardian of J. P. B., a minor and a resident of Queens County.

**PLAINTIFF J. P. B.**

6. Plaintiff J. P. B., is a sixteen-year-old female child with Williams Syndrome and developmental disabilities.

**DEFENDANTS'**

7. Defendant NEW YORK-PRESBYTERIAN HOSPITAL/WEILL CORNELL MEDICAL CENTER (“NYP/WCMC”) is a private hospital located in New York County, New York, that receives federal financial assistance and operates as a place of public accommodation. At all relevant times, and as alleged herein, NYP/WCMC, through its employees and agents, acted under color of state law in connection with the detention of J. P. B. by assuming and exercising custodial authority within the ACS/NYPD child-protection framework.

8. Defendant MEHRIN ISLAM, M.D. was at all relevant times an attending physician in the NYP/WCMC Emergency Department. Dr. Islam conducted the initial medical assessment of J. P. B. on April 23, 2024, documented allegations of abuse, and participated in Emergency Department disposition decisions during the period she was held.

9. Defendant REBECCA KOW, M.D. was at all relevant times a resident physician in the NYP/WCMC Emergency Department. Dr. Kow co-signed Dr. Islam’s evaluation, documented ACS disposition, and participated in discharge decision-making while J. P. B. remained in custody.

10. Defendant MICHELE ROSENTHAL, M.D. was at all relevant times an attending physician in the NYP/WCMC Emergency Department. On April 24, 2024, Dr. Rosenthal acknowledged psychiatric clearance yet maintained the custodial hold pending further social-work/ACS involvement despite ACS authorization to discharge.

11. Defendant MARY BIRMINGHAM, M.D. was at all relevant times an attending physician in the NYP/WCMC Emergency Department. Dr. Birmingham documented multiple handoffs and participated in decisions to continue holding J. P. B. overnight contrary to ACS directives.

12. Defendant ROBERT FINKELSTEIN, M.D. was at all relevant times an attending physician in the NYP/WCMC Emergency Department. On April 24, 2024, Dr. Finkelstein documented that although J. P. B. was psychiatrically cleared, “social work now says she will be here until tomorrow,” thereby ratifying continued detention without court order.

13. Defendant NISHA NARAYANAN, M.D. was at all relevant times an attending physician in the NYP/WCMC Emergency Department. On April 25, 2024, Dr. Narayanan acknowledged ACS clearance yet delayed discharge, recording that J. P. B. “does not feel safe,” and continued the hold until later that day.

14. Defendant JENNIFER HABEEB, LMSW was at all relevant times a social worker employed by NYP/WCMC. In the early morning of April 24, 2024, Ms. Habeeb documented psychiatric and medical clearance and explicit ACS authorization to discharge home, informed the medical team of ACS instructions, and recorded that the “medical team does not feel comfortable discharging” because ACS had not appeared in person and the patient continued to express not feeling safe at home—resulting in continued detention.

15. Defendant LAURIE DEAMER, LCSW was at all relevant times a social worker employed by NYP/WCMC. On April 24–25, 2024, Ms. Deamer acknowledged ACS worker Carlos Grullon and ACS Supervisor Lucille Martin had confirmed safety to return home, yet re-interviewed J. P. B., involved Child Life, pursued alternative placements, and supported continued separation contrary to ACS authorization, before later communicating that discharge should proceed.

16. Defendant EVA KERBY, M.D. was at all relevant times a physician in the Weill Cornell Dermatology Department. On April 23, 2024, Dr. Kerby documented J. P. B.'s allegations of abuse, called security, 911, and ACS, and insisted that J. P. B. not return home with her father despite NYPD and ACS indicating she could safely do so, thereby initiating the chain of events that led to J. P. B.'s subsequent unlawful detention at NYP/WCMC.

### **BACKGROUND**

17. Plaintiff J. P. B. is a now sixteen-year-old child diagnosed with Williams Syndrome, developmental delay, and behavioral disorders, and is prescribed Lithium, Aripiprazole, and Lamotrigine for psychiatric stability.

18. Plaintiff JASON LAURENCE BUTLER is J. P. B.'s father, custodial parent, and a retired officer of the New York City Police Department.

19. On April 23, 2024, Plaintiff J. P. B. attended a dermatology appointment at Weill Cornell Dermatology.

20. During this appointment, Plaintiff J. P. B. alleged to staff that her father had physically abused her.

21. Defendant EVA KERBY, M.D., a dermatologist employed at Weill Cornell Dermatology, documented Plaintiff J. P. B.'s statements, called hospital security and 911, and

insisted that she not return home with her father until a further investigation by a “trained professional” occurred.

22. Despite NYPD officers and ACS initially determining it was safe for Plaintiff J. P. B. to return home, Defendant EVA KERBY, M.D., opposed her release and triggered escalation to law enforcement and child protective authorities.

23. Plaintiff J. P. B. was transported by NYPD to the 19th Precinct.

24. When Plaintiff J. P. B. refused to reenter the precinct after being allowed outside, NYPD officers handcuffed her and transported her to Defendant NEW YORK-PRESBYTERIAN HOSPITAL/WEILL CORNELL MEDICAL CENTER (“NYP/WCMC”) for concerns of elopement and because she required Lithium medication that could not be administered at the precinct.

25. On the evening of April 23, 2024, psychiatry resident Dr. Anastasia Grieb, M.D., under the supervision of attending psychiatrist Dr. Maria De Pena-Nowak, M.D., evaluated Plaintiff J. P. B.

26. Drs. Grieb and Dr. De Pena-Nowak determined that Plaintiff J. P. B. was psychiatrically stable, did not meet criteria for inpatient admission, and could be safely managed at an outpatient level of care.

27. Drs. Grieb and Dr. De Pena-Nowak’s conduct was lawful, consistent with professional standards and statutory obligations, and demonstrated that Plaintiff J. P. B. did not require continued confinement.

28. In contrast, other staff at Defendant NYP/WCMC disregarded these psychiatric findings and unlawfully continued to detain Plaintiff J. P. B. despite clearance.

29. In the early morning hours of April 24, 2024, Plaintiff J. P. B.’s mother, Lisandra Rivero, arrived at Defendant NYP/WCMC and requested to speak with social work regarding ACS status; she reported NYPD told her ACS had cleared Plaintiff J. P. B. to go home with her.

30. Social worker Defendant JENNIFER HABEEB, LMSW, told Lisandra Rivero that the hospital would not discharge without ACS directive and, with the mother present, attempted to reach ACS caseworker Carlos Grullon; ACS did not immediately answer due to the hour.

31. Defendant JENNIFER HABEEB, LMSW, documented that Plaintiff J. P. B. was “both psychiatrically and medically cleared for discharge,” and later received an explicit authorization from ACS/CPS (after consultation with a supervisor) that Plaintiff J. P. B. “can be d/c home with mom and ACS case worker will follow up at home.”

32. Despite these clear instructions, Defendant JENNIFER HABEEB, LMSW, recorded: *“SW informed medical team of ACS instructions. Medical team does not feel comfortable discharging patient when ACS has not met with patient in person and she is still expressing not feeling safe at home.”*

33. As a direct result, Defendant NYP/WCMC denied and/or unreasonably restricted Lisandra Rivero’s access to, and custody of, her daughter—refusing to permit her to take Plaintiff J. P. B. home after ACS cleared discharge and thereby prolonging parent-child separation.

34. Defendant MEHRIN ISLAM, M.D., an attending physician in the Emergency Department, examined Plaintiff J. P. B., documented allegations of abuse, and noted “Family has a history of ACS cases, currently there is a case open, and NYPD filed a new case today.”

35. Defendant REBECCA KOW, M.D., a resident physician in the Emergency Department, co-signed Defendant MEHRIN ISLAM, M.D.’s assessment and recorded “medical clearance, ACS dispo,” acknowledging that disposition would rest with ACS.

36. On April 24, 2024, Defendant MICHELE ROSENTHAL, M.D., an attending physician in the Emergency Department, acknowledged psychiatric clearance but refused to release Plaintiff J. P. B., conditioning discharge on further social work involvement.

37. Later that day, Defendant ROBERT FINKELSTEIN, M.D., an attending physician in the Emergency Department, documented that although Plaintiff J. P. B. was psychiatrically cleared, “Social work now says she will be here until tomorrow around noon,” thereby authorizing continued detention without legal authority.

38. Defendant MARY BIRMINGHAM, M.D., another attending physician in the Emergency Department, participated in multiple handoffs and continued the unlawful detention of Plaintiff J. P. B. overnight contrary to ACS clearance.

39. On April 24, 2024, social worker Defendant LAURIE DEAMER, LCSW, received handoff from Defendant JENNIFER HABEEB, LMSW, and acknowledged that ACS worker Carlos Grullon and ACS Supervisor Lucille Martin confirmed Plaintiff J. P. B. was safe to return home and that ACS would safety-plan with Lisandra Rivero.

40. Despite ACS clearance, Defendant LAURIE DEAMER, LCSW, re-interviewed Plaintiff J. P. B., involved Child Life staff, asked leading questions about her relationship with her parents, and pursued “alternative placements,” even though ACS expressly declined to place Plaintiff J. P. B. on a social hold.

41. Defendant LAURIE DEAMER, LCSW, documented: *“Medical team asserted Pt has not yet been seen by SW and that SW needs to learn more about why Pt has repeatedly stated she feels unsafe to go home.”*

42. Because Defendant NYP/WCMC refused to discharge despite ACS authorization, Lisandra Rivero—who had stayed until the early morning on April 24 when discharge was again withheld—was prevented from taking custody of Plaintiff J. P. B. and was forced to return later; she notified staff she would come back to pick up her daughter at noon on April 25, 2024.

43. On April 25, 2024, Defendant NISHA NARAYANAN, M.D., an attending physician in the Emergency Department, documented that ACS had cleared Plaintiff J. P. B. for discharge at noon.

44. When Lisandra Rivero arrived shortly before 12:30 p.m. on April 25, discharge paperwork still was not complete; Defendant NYP/WCMC further delayed release while recording that Plaintiff J. P. B. “does not feel safe,” notwithstanding ACS’s plan for safety-planning with Lisandra Rivero and home supervision.

45. During the hospitalization, Defendant NYP/WCMC staff repeatedly mischaracterized the family’s history with ACS, emphasizing prior unsubstantiated investigations, and recorded misleading notations regarding Plaintiff JASON LAURENCE BUTLER, including claims of firearms in the home without acknowledging his lawful retired NYPD status.

46. On April 25, 2024, Plaintiff J. P. B.’s private psychiatrist, Dr. Guillermo Valdes, contacted Defendant NYP/WCMC staff and admonished them for “washing your hands of your patient” and “separating a family against ACS determinations.”

47. Only after Dr. Valdes's intervention did Defendant NISHA NARAYANAN, M.D., and Defendant LAURIE DEAMER, LCSW, proceed with discharge later that day—more than 36 hours after ACS first authorized Plaintiff J. P. B.'s release and after Lisandra Rivero had been repeatedly denied custody and meaningful access to her daughter.

48. As a result of Defendants' conduct, Plaintiff J. P. B. was unlawfully confined at Defendant NYP/WCMC from April 23 through April 25, 2024, without medical necessity, court order, or lawful authority.

49. Defendants' actions deprived Plaintiff JASON LAURENCE BUTLER of his constitutional right to the care, custody, and companionship of his child, stigmatized him on the basis of his race, mischaracterized his lawful exercise of parental rights, and excluded him from Plaintiff J. P. B.'s care and discharge planning.

50. Defendants' actions discriminated against Plaintiffs on the basis of disability, association with disability, and race, and further reflected bias against Plaintiff JASON LAURENCE BUTLER as a Black father.

51. Plaintiffs suffered emotional distress, reputational harm, humiliation, loss of familial association, and other damages as a direct and proximate result of Defendants' unlawful actions.

## **VIOLATIONS AND CLAIMS ALLEGED**

### **FIRST CLAIM FOR RELIEF**

#### **Rehabilitation Act § 504, 29 U.S.C. § 794 Against Defendant NYP/WCMC**

52. Plaintiffs repeat and reallege the preceding paragraphs as if fully set forth herein.

53. Plaintiff J. P. B. is a qualified individual with a disability within the meaning of Section 504. She has Williams Syndrome, developmental delay, and behavioral disorders, and at all relevant times was eligible to receive and participate in the services, programs, and activities provided by Defendant NEW YORK-PRESBYTERIAN HOSPITAL/WEILL CORNELL MEDICAL CENTER (“Defendant NYP/WCMC”), including emergency medical care, psychiatric evaluation, discharge planning, and family participation in care.

54. Defendant NYP/WCMC is a “program or activity” receiving federal financial assistance within the meaning of 29 U.S.C. § 794 and is subject to Section 504 and its implementing regulations.

55. Section 504 prohibits excluding a qualified individual with a disability from participation in, denying the benefits of, or subjecting such individual to discrimination under any program or activity receiving Federal financial assistance, solely by reason of her disability. 29 U.S.C. § 794(a).

56. Defendant NYP/WCMC knew of Plaintiff J. P. B.’s disabilities, as reflected throughout its records and by the psychiatric and medical evaluations completed on April 23–24, 2024.

57. Despite psychiatric clearance on April 23 and repeated ACS authorizations to discharge Plaintiff J. P. B. home, Defendant NYP/WCMC excluded her from and denied her the benefits of timely emergency/psychiatric services and discharge planning solely by reason of disability by substituting paternalistic assumptions for professional judgment and ACS determinations, imposing extra-procedural hurdles not applied to similarly situated non-disabled patients, prolonging custodial detention after clearance, and repeatedly re-interviewing and escalating “safety” concerns rooted in stereotypes about developmental disability.

58. Defendant NYP/WCMC further denied and unreasonably restricted the equal participation of Plaintiff JASON LAURENCE BUTLER in the services, programs, and activities of the emergency department and discharge planning by reason of his association with a qualified individual with a disability, including by excluding him from meaningful participation, imposing conditions not required when ACS first granted clearance, and perpetuating stigmatizing narratives that prevented reunification once discharge was authorized.

59. Defendant NYP/WCMC failed to provide reasonable modifications to policies, practices, and procedures necessary to afford Plaintiffs meaningful access to services without disability-based discrimination, including modifying any practice of requiring an in-person ACS visit after ACS has already authorized discharge and modifying practices that delay discharge of disabled minors who are psychiatrically and medically cleared.

60. The discriminatory actions described above were taken intentionally and/or with deliberate indifference to Plaintiffs' federally protected rights. Defendant NYP/WCMC had actual knowledge—documented in social work and physician notes—that Plaintiff J. P. B. was psychiatrically and medically cleared and that ACS had authorized discharge home with her mother, yet continued to refuse discharge for more than 36 hours.

61. As a direct and proximate result of Defendant NYP/WCMC's violations of Section 504, Plaintiff J. P. B. suffered loss of liberty, emotional distress, humiliation, and other damages; and Plaintiff JASON LAURENCE BUTLER suffered deprivation of the right to the care, custody, and companionship of his child, exclusion from participation in her care and discharge planning, emotional distress, and other damages.

62. Plaintiffs are entitled to compensatory damages and reasonable attorneys' fees and costs pursuant to 29 U.S.C. § 794a(b).

63. Plaintiffs also seek injunctive and declaratory relief, including but not limited to orders requiring Defendant NYP/WCMC to adopt and implement Section 504-compliant policies for discharge of disabled minors once medically and psychiatrically cleared and ACS has authorized discharge absent exigency or court order; to prohibit extra-procedural requirements that delay or deny discharge because of disability; to train emergency, psychiatry, and social work staff regarding Section 504 obligations, meaningful access, and reasonable-modification requirements; and to implement monitoring and auditing for compliance.

64. All conditions precedent to suit under Section 504, if any, have occurred or been satisfied, are not applicable to these claims, and/or would be futile under the circumstances alleged.

## **SECOND CLAIM FOR RELIEF**

### **Racial Discrimination in Federally Funded Programs – Title VI, 42 U.S.C. § 2000d Against Defendant NYP/WCMC**

65. Plaintiffs repeat and reallege the preceding paragraphs as if fully set forth herein.

66. Defendant NEW YORK-PRESBYTERIAN HOSPITAL/WEILL CORNELL MEDICAL CENTER (“Defendant NYP/WCMC”) is, upon information and belief, a “program or activity” receiving federal financial assistance within the meaning of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.

67. Title VI prohibits excluding a person from participation in, denying a person the benefits of, or subjecting a person to discrimination on the ground of race under any program or activity receiving Federal financial assistance. 42 U.S.C. § 2000d.

68. Plaintiffs are persons protected by Title VI. Plaintiff J. P. B. is the child patient who was subject to Defendant NYP/WCMC’s emergency/psychiatric and discharge-planning

services; Plaintiff JASON LAURENCE BUTLER is her Black father and custodial parent who sought to participate in those services and to secure his daughter's discharge once cleared.

69. Defendant NYP/WCMC, acting through its employees and agents—including MEHRIN ISLAM, M.D., REBECCA KOW, M.D., MICHELE ROSENTHAL, M.D., MARY BIRMINGHAM, M.D., ROBERT FINKELSTEIN, M.D., NISHA NARAYANAN, M.D., JENNIFER HABEEB, LMSW, and LAURIE DEAMER, LCSW—intentionally discriminated against Plaintiffs on the ground of race by portraying Plaintiff JASON LAURENCE BUTLER as inherently dangerous while omitting his lawful retired-NYPD status, discounting ACS clearances, imposing extra-procedural barriers such as an in-person ACS requirement, escalating ‘safety’ narratives after clearance, and excluding the parents—particularly Plaintiff JASON LAURENCE BUTLER—from meaningful participation in discharge planning once release was authorized.

70. Intentional discrimination is further evidenced by Defendant NYP/WCMC's knowing continuation of these actions after staff recorded: (i) psychiatric clearance; and (ii) explicit ACS authorization to discharge Plaintiff J. P. B. home with her mother—with social work notes memorializing that the “medical team does not feel comfortable discharging” notwithstanding ACS authorization.

71. In the alternative, Defendant NYP/WCMC acted with deliberate indifference to racially discriminatory treatment by its staff. Defendant NYP/WCMC had actual knowledge from its own records that discharge was authorized and that continued detention and exclusionary conduct were being justified through stigmatizing narratives about Plaintiff JASON LAURENCE BUTLER, yet failed to take timely corrective action for more than 36 hours.

72. As a direct and proximate result of Defendant NYP/WCMC's Title VI violations, Plaintiff J. P. B. suffered loss of liberty, emotional distress, and other damages; and Plaintiff JASON LAURENCE BUTLER suffered deprivation of the right to the care, custody, and companionship of his child, exclusion from participation in her care and discharge planning, emotional distress, reputational harm, and other damages.

73. Plaintiffs seek compensatory damages, injunctive and declaratory relief, and reasonable attorneys' fees and costs to the extent authorized by law, including orders requiring Defendant NYP/WCMC to implement Title VI-compliant policies and supervision to prevent race-based discharge decisions, prohibit extra-procedural discharge barriers once clearance is granted, provide mandatory Title VI/implicit-bias/nondiscrimination training for Emergency Department, psychiatry, and social work staff, and establish monitoring and auditing for compliance.

### **THIRD CLAIM FOR RELIEF**

#### **Race Discrimination – 42 U.S.C. § 1981 Against Defendant NYP/WCMC and the Individual Defendants**

74. Plaintiffs repeat and reallege the preceding paragraphs as if fully set forth herein.

75. 42 U.S.C. § 1981 guarantees to all persons the same right to make and enforce contracts, including the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.

76. Plaintiff JASON LAURENCE BUTLER is Black. Plaintiffs sought to enter into, perform, and enjoy contracts for medical and related hospital services with Defendant NEW YORK-PRESBYTERIAN HOSPITAL/WEILL CORNELL MEDICAL CENTER ("Defendant NYP/WCMC") for the evaluation, treatment, and discharge of Plaintiff J. P. B., and for Plaintiff

JASON LAURENCE BUTLER’s participation as parent in those services and discharge planning.

77. At all relevant times, Plaintiffs had actual and prospective contractual relationships with Defendant NEW YORK-PRESBYTERIAN HOSPITAL/WEILL CORNELL MEDICAL CENTER, including admission, consent-to-treat, discharge, and payment/insurance agreements for the evaluation, treatment, and discharge of Plaintiff J. P. B., in which Plaintiff JASON LAURENCE BUTLER, as custodial parent, was a party and/or intended beneficiary.

78. Defendant NYP/WCMC and the individual defendants—Defendant MEHRIN ISLAM, M.D.; Defendant REBECCA KOW, M.D.; Defendant MICHELE ROSENTHAL, M.D.; Defendant MARY BIRMINGHAM, M.D.; Defendant ROBERT FINKELSTEIN, M.D.; Defendant NISHA NARAYANAN, M.D.; Defendant JENNIFER HABEEB, LMSW; Defendant LAURIE DEAMER, LCSW; and Defendant EVA KERBY, M.D.—intentionally discriminated against Plaintiffs because of race, specifically the race of Plaintiff JASON LAURENCE BUTLER, and such discrimination was a but-for cause of the interference with Plaintiffs’ § 1981 rights.

79. Defendants portrayed Plaintiff JASON LAURENCE BUTLER as inherently dangerous by emphasizing an alleged “gun in the home” while omitting his lawful status as a retired NYPD officer licensed to possess a firearm, and used this portrayal to justify heightened suspicion.

80. Defendants discounted family explanations, overrode psychiatric clearance and ACS authorization, and imposed extra-procedural demands—including insisting upon in-person ACS presence—not required when ACS first authorized discharge, thereby modifying and delaying the benefits, privileges, terms, and conditions of hospital services.

81. Defendants excluded Plaintiff JASON LAURENCE BUTLER from meaningful participation in discharge planning and decision-making and impeded his ability, as parent, to secure his child's timely discharge on equal terms.

82. Defendants repeatedly re-interviewed Plaintiff J. P. B. and escalated "safety" narratives after clearance in a manner that weaponized suspicion against her Black father to justify continued detention and to alter the terms under which services and discharge would be provided.

83. Defendants caused and perpetuated delays and conditions on discharge and on parental access and custody that would not have been imposed but for race, including after staff documented that Plaintiff J. P. B. was "both psychiatrically and medically cleared for discharge" and that ACS had authorized discharge home with her mother.

84. The intentional nature of the discrimination is further evidenced by Defendants' continuation of the foregoing conduct after actual knowledge of psychiatric clearance and explicit ACS authorization, including notes stating the "medical team does not feel comfortable discharging" despite authorization.

85. But for race discrimination against Plaintiff JASON LAURENCE BUTLER, Plaintiffs would have received the same contract benefits, privileges, terms, and conditions as similarly situated families, including timely discharge once cleared and full parental participation.

86. Independently and in the alternative, Defendants' conduct also interfered with Plaintiff J. P. B.'s § 1981 rights because of her association and familial relationship with her Black father, Plaintiff JASON LAURENCE BUTLER, which Defendants used as the basis to deny and alter the benefits, privileges, terms, and conditions of the hospital's services.

87. Each individual defendant personally participated in, directed, approved, or knowingly acquiesced in the discriminatory conduct with discriminatory intent and/or deliberate indifference to Plaintiffs' § 1981 rights.

88. As a direct and proximate result of Defendants' violations of § 1981, Plaintiff J. P. B. suffered loss of liberty, emotional distress, and other damages; and Plaintiff JASON LAURENCE BUTLER suffered deprivation of the right to the care, custody, and companionship of his child, exclusion from participation in her care and discharge planning, emotional distress, reputational harm, and other damages.

89. Plaintiffs seek compensatory and punitive damages (against the individual defendants), injunctive and declaratory relief, and reasonable attorneys' fees and costs to the extent authorized by law.

#### **FOURTH CLAIM FOR RELIEF**

##### **Violation of the Right to Familial Association – 42 U.S.C. § 1983 / Fourteenth Amendment Against Defendant NYP/WCMC and the Individual Defendants Named Below**

90. Plaintiffs repeat and reallege the preceding paragraphs as if fully set forth herein.

91. Plaintiffs possess a fundamental liberty interest in the care, custody, companionship, and management of the parent-child relationship protected by the Fourteenth Amendment. Plaintiff J. P. B. also possesses a liberty interest in remaining with her parents and in freedom from unjustified state-imposed separation and custodial detention absent exigency, court order, or lawful authority.

92. At all relevant times, Defendant NEW YORK-PRESBYTERIAN HOSPITAL/WEILL CORNELL MEDICAL CENTER ("Defendant NYP/WCMC") and the individual defendants acted under color of state law by assuming and exercising custodial

authority over a minor within New York’s child-protection and mental-hygiene framework; by coordinating and jointly acting with ACS and law enforcement regarding custody and discharge; by invoking and enforcing an in-person ACS appearance requirement as a precondition to discharge notwithstanding prior ACS authorization; and by continuing custody after medical and psychiatric clearance as part of that state child-protection process, thereby functioning as a state actor through close nexus, joint action, and performance of a public function.

93. Defendant NYP/WCMC, through its employees and agents, and the following individual defendants—Defendants MEHRIN ISLAM, M.D.; REBECCA KOW, M.D.; MICHELE ROSENTHAL, M.D.; MARY BIRMINGHAM, M.D.; ROBERT FINKELSTEIN, M.D.; NISHA NARAYANAN, M.D.; JENNIFER HABEEB, LMSW; and Defendant LAURIE DEAMER, LCSW—intentionally and/or with deliberate indifference interfered with Plaintiffs’ familial association by continuing to hold Plaintiff J. P. B. and by preventing or unreasonably restricting parental access and custody after psychiatric clearance and explicit ACS authorization to discharge home.

94. Defendants lacked exigent circumstances, lacked a court order, and lacked lawful statutory authority to continue separation once ACS authorized discharge home and psychiatry documented stability and non-admission. Defendants nevertheless prolonged separation, re-interviewed Plaintiff J. P. B. to generate further obstacles, imposed extra-procedural conditions, and refused to release her to her mother, thereby burdening the family relationship without constitutionally adequate justification.

95. Defendant JENNIFER HABEEB, LMSW documented that Plaintiff J. P. B. was “both psychiatrically and medically cleared for discharge” and that ACS authorized discharge

home with the mother with follow-up, yet recorded that the “medical team does not feel comfortable discharging,” resulting in refusal to return custody to the parent.

96. Defendant LAURIE DEAMER, LCSW acknowledged ACS worker Carlos Grullon and ACS Supervisor Lucille Martin confirmed safety to return home, but pursued alternative placements, involved Child Life to prolong evaluation, and supported continued separation contrary to ACS authorization.

97. Defendants MEHRIN ISLAM, M.D.; REBECCA KOW, M.D.; MICHELE ROSENTHAL, M.D.; MARY BIRMINGHAM, M.D.; ROBERT FINKELSTEIN, M.D.; and NISHA NARAYANAN, M.D., as Emergency Department physicians responsible for disposition, ratified and enforced the continued detention and delayed discharge after clearance and ACS authorization, thereby directly causing ongoing separation of the family unit.

98. Defendant NYP/WCMC is liable under 42 U.S.C. § 1983 because the interference with familial association was undertaken pursuant to Defendant NYP/WCMC’s policies, practices, or customs, including a longstanding practice—commonly referred to as a “social hold”—of requiring in-person ACS presence as a precondition to discharge even after ACS has authorized release; permitting social work and medical staff to override ACS discharge decisions; and allowing Emergency Department physicians to maintain custodial holds over minors without court order once cleared.

99. In the alternative and additionally, the interference resulted from decisions of final decisionmakers within Defendant NYP/WCMC—including Emergency Department attending physicians with final discharge authority and service leadership responsible for ED disposition policy—who ratified the continued detention of Plaintiff J. P. B. after clearance and ACS authorization.

100. The foregoing actions were intentional and/or taken with deliberate indifference to Plaintiffs clearly established constitutional rights and shock the conscience in light of the absence of exigency, the repeated ACS clearances, and the duration of the separation imposed.

101. As a direct and proximate result, Plaintiff J. P. B. suffered loss of liberty, emotional distress, and other damages; and Plaintiff JASON LAURENCE BUTLER suffered deprivation of the care, custody, and companionship of his child, exclusion from participation in her care and discharge planning, emotional distress, reputational harm, and other damages.

102. Plaintiffs seek compensatory damages against all defendants, punitive damages against the individual defendants, injunctive and declaratory relief, and reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

#### **FIFTH CLAIM FOR RELIEF**

##### **Unlawful Seizure – Fourth Amendment, 42 U.S.C. § 1983 Against Defendant NYP/WCMC and the Individual Defendants Named Below**

103. Plaintiffs repeat and reallege the preceding paragraphs as if fully set forth herein.

104. Plaintiff J. P. B. has the right under the Fourth Amendment to be free from unreasonable seizures of her person.

105. At all relevant times, Defendant NEW YORK-PRESBYTERIAN HOSPITAL/WEILL CORNELL MEDICAL CENTER (“Defendant NYP/WCMC”) and the following individual defendants—Defendants MEHRIN ISLAM, M.D.; REBECCA KOW, M.D.; MICHELE ROSENTHAL, M.D.; MARY BIRMINGHAM, M.D.; ROBERT FINKELSTEIN, M.D.; NISHA NARAYANAN, M.D.; JENNIFER HABEEB, LMSW; and LAURIE DEAMER, LCSW—acted under color of state law by assuming and exercising custodial authority over Plaintiff J. P. B. within New York’s child-protection and mental-hygiene

framework, coordinating with ACS and law enforcement on custody and discharge, invoking and enforcing an in-person ACS appearance requirement notwithstanding prior ACS authorization to discharge, and continuing custody after medical and psychiatric clearance, thereby functioning as state actors through close nexus, joint action, and performance of a public function.

106. From the evening of April 23, 2024 until late on April 25, 2024, Defendants seized Plaintiff J. P. B. by refusing to discharge her, physically preventing her departure through hospital staff and security acting as agents of Defendant NYP/WCMC, and maintaining custody in the Emergency Department without a court order, exigent circumstances, probable cause, or other constitutional justification once she was psychiatrically and medically cleared and ACS had authorized release home.

107. The seizure was unreasonable under the Fourth Amendment because Defendants continued custody after clearance and ACS authorization, imposed extra-procedural conditions including an in-person ACS requirement not grounded in law or policy applicable to similarly situated non-disabled minors, and excluded her parents from effectuating discharge.

108. Defendant NYP/WCMC is liable under 42 U.S.C. § 1983 because the unlawful seizure resulted from Defendant NYP/WCMC's policies, practices, or customs, including a longstanding practice commonly referred to as a "social hold" requiring in-person ACS presence as a precondition to discharge even after ACS authorizes release, permitting social work and medical staff to override ACS discharge decisions, and allowing Emergency Department physicians to maintain custodial holds over minors without court order once cleared.

109. In the alternative and additionally, the seizure resulted from decisions of final decisionmakers within Defendant NYP/WCMC, including Emergency Department attending physicians with final discharge authority and service leadership responsible for ED disposition

policy, who ratified the continued detention of Plaintiff J. P. B. after clearance and ACS authorization.

110. As a direct and proximate result of the foregoing constitutional violations, Plaintiff J. P. B. suffered loss of liberty, emotional distress, and other damages.

111. Plaintiffs seek compensatory damages against all defendants, punitive damages against the individual defendants, injunctive and declaratory relief, and reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

### **SIXTH CLAIM FOR RELIEF**

#### **Substantive Due Process – Fourteenth Amendment, 42 U.S.C. § 1983 [Pled in the Alternative]**

#### **Against**

#### **Defendant NYP/WCMC and the Individual Defendants Named Below**

112. Plaintiffs repeat and reallege the preceding paragraphs as if fully set forth herein.

113. Plaintiff J. P. B. has a liberty interest, protected by the Fourteenth Amendment, in bodily integrity and freedom from arbitrary government confinement.

114. At all relevant times, Defendant NYP/WCMC and Defendants MEHRIN ISLAM, M.D.; REBECCA KOW, M.D.; MICHELE ROSENTHAL, M.D.; MARY BIRMINGHAM, M.D.; ROBERT FINKELSTEIN, M.D.; NISHA NARAYANAN, M.D.; JENNIFER HABEEB, LMSW; and LAURIE DEAMER, LCSW acted under color of state law by assuming and exercising custodial authority over Plaintiff J. P. B. within the state child-protection framework, coordinating with ACS and law enforcement regarding custody and discharge, invoking and enforcing an in-person ACS appearance requirement notwithstanding prior ACS authorization, and continuing custody after psychiatric and medical clearance, thereby functioning as state actors through close nexus, joint action, and performance of a public function.

115. Defendants arbitrarily deprived Plaintiff J. P. B. of her liberty by prolonging confinement for more than thirty-six hours after clearance and ACS authorization, by re-interviewing her to generate obstacles to release, by imposing extra-procedural requirements not grounded in law or medical necessity, and by refusing to permit her mother to take custody, which conduct shocks the conscience.

116. Defendant NYP/WCMC is liable under 42 U.S.C. § 1983 because the deprivation of liberty resulted from its policies, practices, or customs, including the “social hold” practice requiring in-person ACS presence after authorization to discharge, the permission given to social work and medical staff to override ACS discharge decisions, and the allowance for Emergency Department physicians to maintain custodial holds over cleared minors without court order; or, alternatively, from the decisions and ratification of final decisionmakers with final discharge authority and ED disposition policy responsibility.

117. As a direct and proximate result, Plaintiff J. P. B. suffered loss of liberty, emotional distress, and other damages.

118. Plaintiffs seek compensatory damages against all defendants, punitive damages against the individual defendants, injunctive and declaratory relief, and reasonable attorneys’ fees and costs pursuant to 42 U.S.C. § 1988.

#### **SEVENTH CLAIM FOR RELIEF**

**Discrimination in Public Accommodations –  
Race and Associational Disability –  
N.Y. Executive Law § 296(2)(a)  
Against**

**Defendant NYP/WCMC and the Individual Defendants Named Below**

119. Plaintiffs repeat and reallege the preceding paragraphs as if fully set forth herein.

120. Defendant NEW YORK-PRESBYTERIAN HOSPITAL/WEILL CORNELL MEDICAL CENTER (“Defendant NYP/WCMC”) operates facilities open to the general public and is a place of public accommodation within the meaning of the New York State Human Rights Law.

121. N.Y. Executive Law § 296(2)(a) makes it an unlawful discriminatory practice for any place of public accommodation to refuse, withhold from, or deny to any person any of the accommodations, advantages, facilities, or privileges thereof because of race or disability.

122. Plaintiffs are persons protected by § 296. Plaintiff J. P. B. is a person with disabilities who sought equal access to emergency, psychiatric, and discharge services at Defendant NYP/WCMC; Plaintiff JASON LAURENCE BUTLER is her Black father and custodial parent who sought to participate equally in those services and to secure his daughter’s discharge once cleared.

123. Defendants also discriminated against Plaintiff JASON LAURENCE BUTLER because of his association and relationship with his disabled child, J. P. B., thereby denying him the full and equal accommodations, advantages, facilities, and privileges of a public accommodation in violation of N.Y. Executive Law § 296(2)(a) and rendering the individual defendants liable under § 296(6).

124. Defendant NYP/WCMC, acting through its employees and agents, and the individual defendants—MEHRIN ISLAM, M.D.; REBECCA KOW, M.D.; MICHELE ROSENTHAL, M.D.; MARY BIRMINGHAM, M.D.; ROBERT FINKELSTEIN, M.D.; NISHA NARAYANAN, M.D.; JENNIFER HABEEB, LMSW; LAURIE DEAMER, LCSW; and EVA KERBY, M.D.—discriminated against Plaintiffs because of race and disability by refusing and delaying discharge after psychiatric clearance and ACS authorization, imposing extra-procedural

barriers including an in-person ACS requirement, excluding the parents—particularly Plaintiff JASON LAURENCE BUTLER—from meaningful participation in discharge planning, and mischaracterizing the family with racialized and disability-based assumptions.

125. Defendant NYP/WCMC is liable under § 296(2)(a) for discriminatory acts committed by its employees and agents within the scope of their employment and, independently, for failing to provide full and equal accommodations, advantages, facilities, and privileges without discrimination.

126. The individual defendants each aided, abetted, incited, compelled, or coerced the discriminatory conduct and are therefore liable under N.Y. Executive Law § 296(6).

127. The discrimination was intentional and/or carried out with reckless disregard or willful indifference to Plaintiffs' protected rights.

128. As a direct and proximate result, Plaintiff J. P. B. suffered loss of liberty, emotional distress, humiliation, and other damages; and Plaintiff JASON LAURENCE BUTLER suffered deprivation of the care, custody, and companionship of his child, exclusion from participation in her care and discharge planning, emotional distress, reputational harm, and other damages.

129. Plaintiffs seek compensatory damages, punitive damages to the extent permitted by law, injunctive and declaratory relief, and reasonable attorneys' fees and costs to the extent authorized by law.

### **EIGHTH CLAIM FOR RELIEF**

**Discrimination in Public Accommodations –  
Race and Associational Disability –  
N.Y.C. Admin. Code § 8-107(4)(a)  
Against**

**Defendant NYP/WCMC and the Individual Defendants Named Below**

130. Plaintiffs repeat and reallege the preceding paragraphs as if fully set forth herein.

131. Defendant NEW YORK-PRESBYTERIAN HOSPITAL/WEILL CORNELL MEDICAL CENTER (“Defendant NYP/WCMC”) operates facilities open to the public within New York City and is a place of public accommodation within the meaning of the New York City Human Rights Law.

132. N.Y.C. Admin. Code § 8-107(4)(a) makes it an unlawful discriminatory practice for any owner, lessee, proprietor, manager, superintendent, agent, or employee of any place or provider of public accommodation to withhold from or deny to any person any of the accommodations, advantages, facilities, or privileges thereof because of race or disability, including discrimination based on association with a person with a disability; this claim is to be construed liberally pursuant to N.Y.C. Admin. Code § 8-130.

133. Plaintiffs are persons protected by the NYCHRL. Plaintiff J. P. B. is a person with disabilities who sought equal access to emergency, psychiatric, and discharge services at Defendant NYP/WCMC; Plaintiff JASON LAURENCE BUTLER is her Black father and custodial parent who sought to participate equally in those services and to secure his daughter’s discharge once cleared, and is protected from discrimination because of his association and relationship with his disabled child.

134. Defendant NYP/WCMC, acting through its employees and agents, and the individual defendants—MEHRIN ISLAM, M.D.; REBECCA KOW, M.D.; MICHELE ROSENTHAL, M.D.; MARY BIRMINGHAM, M.D.; ROBERT FINKELSTEIN, M.D.; NISHA NARAYANAN, M.D.; JENNIFER HABEEB, LMSW; LAURIE DEAMER, LCSW; and EVA KERBY, M.D.—discriminated against Plaintiffs because of race and because of association with disability by refusing and delaying discharge after psychiatric clearance and ACS authorization,

imposing extra-procedural conditions including an in-person ACS requirement, excluding the parents—particularly Plaintiff JASON LAURENCE BUTLER—from meaningful participation in discharge planning, and mischaracterizing the family with racialized and disability-based assumptions.

135. Defendant NYP/WCMC is liable under § 8-107(4)(a) for discriminatory acts committed by its owners, managers, agents, and employees within the scope of their duties and for failing to provide full and equal accommodations, advantages, facilities, and privileges without discrimination based on race or association with disability.

136. Each individual defendant actually participated in, aided, abetted, incited, compelled, or coerced the discriminatory conduct and is therefore liable under N.Y.C. Admin. Code § 8-107(6).

137. The discrimination was intentional and/or carried out with reckless disregard or willful indifference to Plaintiffs' protected rights.

138. As a direct and proximate result, Plaintiff J. P. B. suffered exclusion from equal use and enjoyment of Defendant NYP/WCMC's facilities and services, emotional distress, and other damages; and Plaintiff JASON LAURENCE BUTLER suffered exclusion from participation in his child's care and discharge planning, loss of familial association, emotional distress, reputational harm, and other damages.

139. Plaintiffs seek compensatory and punitive damages to the extent permitted by law, injunctive and declaratory relief, and reasonable attorneys' fees and costs pursuant to N.Y.C. Admin. Code § 8-502(g).

## **NINTH CLAIM FOR RELIEF**

### **Negligence Against**

#### **Defendant NYP/WCMC and the Individual Defendants Named Below**

140. Plaintiffs repeat and reallege the preceding paragraphs as if fully set forth herein.

141. Defendant NEW YORK-PRESBYTERIAN HOSPITAL/WEILL CORNELL MEDICAL CENTER (“Defendant NYP/WCMC”) owed Plaintiffs a duty to exercise reasonable care in the operation of its emergency department and related services, including custody, discharge planning, communication with ACS, and parental access; to adopt and enforce reasonable policies consistent with law; and to train and supervise personnel to prevent unnecessary and unauthorized restraint or detention of patients.

142. The individual defendants—MEHRIN ISLAM, M.D.; REBECCA KOW, M.D.; MICHELE ROSENTHAL, M.D.; MARY BIRMINGHAM, M.D.; ROBERT FINKELSTEIN, M.D.; NISHA NARAYANAN, M.D.; JENNIFER HABEEB, LMSW; LAURIE DEAMER, LCSW; and EVA KERBY, M.D.—each owed Plaintiffs a duty to act with reasonable care in performing their respective roles concerning evaluation, disposition, discharge planning, communications with ACS, and parental access.

143. Defendants breached their duties by, among other things, failing to timely discharge J. P. B. after psychiatric and medical clearance and ACS authorization; imposing extra-procedural barriers including an in-person ACS requirement not grounded in law; continuing custodial detention without legal authority; failing to communicate and implement ACS directives; excluding the parents—particularly JASON LAURENCE BUTLER—from meaningful participation in discharge; and mismanaging coordination among medical, social work, and security staff.

144. Defendant NYP/WCMC further breached its duties by negligently training, supervising, and retaining personnel who engaged in the foregoing conduct, and by maintaining policies, practices, and customs (including a so-called “social hold”) that foreseeably resulted in unnecessary and unauthorized detention and interference with parental access.

145. As a direct and proximate result of Defendants’ negligence, Plaintiff J. P. B. was confined for more than thirty-six hours after clearance and ACS authorization and suffered loss of liberty, emotional distress, and other damages; and Plaintiff JASON LAURENCE BUTLER suffered deprivation of the care, custody, and companionship of his child, exclusion from participation in her care and discharge planning, emotional distress, reputational harm, and other damages.

146. Defendant NYP/WCMC is vicariously liable under the doctrine of respondeat superior for the negligent acts and omissions of its employees and agents committed within the scope of their employment.

147. The negligence alleged herein sounds in ordinary negligence concerning custodial, operational, and administrative conduct rather than medical diagnosis or treatment; to the extent any portion is deemed professional negligence, Plaintiffs plead such theory in the alternative.

148. Plaintiffs seek compensatory damages, pre- and post-judgment interest as allowed by law, and costs.

#### **TENTH CLAIM FOR RELIEF**

##### **Negligent Infliction of Emotional Distress**

##### **Against**

##### **Defendant NYP/WCMC and the Individual Defendants Named Below**

149. Plaintiffs repeat and reallege the preceding paragraphs as if fully set forth herein.

150. Under New York law, a defendant is liable for negligent infliction of emotional distress where it owes a duty of care to the plaintiff and, through a breach of that duty, unreasonably endangers the plaintiff's physical safety or otherwise engages in conduct that carries a special guarantee of genuineness of the emotional harm and foreseeably causes serious emotional distress.

151. Defendant NEW YORK-PRESBYTERIAN HOSPITAL/WEILL CORNELL MEDICAL CENTER ("Defendant NYP/WCMC") owed Plaintiffs a duty to exercise reasonable care in the custodial handling, evaluation, and discharge of J. P. B.; to timely implement psychiatric clearance and ACS authorization; to permit parental access and return of custody once authorized; and to adopt, train on, and enforce policies that prevent unnecessary separation and detention of minors and interference with the parent-child relationship.

152. The individual defendants—MEHRIN ISLAM, M.D.; REBECCA KOW, M.D.; MICHELE ROSENTHAL, M.D.; MARY BIRMINGHAM, M.D.; ROBERT FINKELSTEIN, M.D.; NISHA NARAYANAN, M.D.; JENNIFER HABEEB, LMSW; LAURIE DEAMER, LCSW; and EVA KERBY, M.D.—each owed Plaintiffs a duty to act with reasonable care in their respective roles concerning custody, discharge, communications with ACS, and parental access.

153. Defendants breached their duties by continuing to detain J. P. B. for more than thirty-six hours after psychiatric and medical clearance and after ACS authorized discharge home; by imposing extra-procedural conditions including an in-person ACS requirement not grounded in law or policy; by refusing to return custody to her parent once authorized; and by excluding JASON LAURENCE BUTLER from meaningful participation in discharge planning, despite his role as custodial parent.

154. Defendants’ negligent conduct unreasonably endangered J. P. B.’s personal security through custodial restraint and created a direct, foreseeable, and serious risk of emotional harm to both Plaintiffs, with a special guarantee of genuineness reflected in the objective and contemporaneous documentation of clearance, ACS authorization, and the prolonged detention and parent–child separation.

155. As a direct and proximate result, Plaintiff J. P. B. suffered severe emotional distress, humiliation, and other damages; and Plaintiff JASON LAURENCE BUTLER suffered severe emotional distress, loss of familial association, reputational harm, and other damages.

156. Defendant NYP/WCMC is vicariously liable under respondeat superior for the negligent acts and omissions of its employees and agents committed within the scope of their employment, and independently liable for negligent training, supervision, and retention of personnel whose actions caused the harms described.

157. This claim is pled in the alternative to Plaintiffs’ intentional and constitutional claims, and Plaintiffs seek compensatory damages, pre- and post-judgment interest as allowed by law, and costs.

#### **ELEVENTH CLAIM FOR RELIEF**

**False Imprisonment — New York Law  
By Plaintiff J. P. B. Against  
Defendant NYP/WCMC and the Individual Defendants Named Below**

158. Plaintiffs repeat and reallege the preceding paragraphs as if fully set forth herein.

159. Plaintiff J. P. B. had the right to be free from unlawful restraint and confinement.

160. From the evening of April 23, 2024 until late on April 25, 2024, Defendants NEW YORK-PRESBYTERIAN HOSPITAL/WEILL CORNELL MEDICAL CENTER (“NYP/WCMC”), MEHRIN ISLAM, M.D.; REBECCA KOW, M.D.; MICHELE

ROSENTHAL, M.D.; MARY BIRMINGHAM, M.D.; ROBERT FINKELSTEIN, M.D.; NISHA NARAYANAN, M.D.; JENNIFER HABEEB, LMSW; and LAURIE DEAMER, LCSW intended to and did confine Plaintiff J. P. B. in the Emergency Department by refusing discharge and maintaining custodial control after psychiatric and medical clearance and after ACS authorized release home.

161. Plaintiff J. P. B. was aware of her confinement and did not consent to it.

162. The confinement was not otherwise privileged or justified: there was no court order, no exigent circumstances, and no statutory authority to continue holding Plaintiff J. P. B. once she was cleared and ACS had authorized discharge.

163. Defendant NYP/WCMC is vicariously liable under respondeat superior for the acts and omissions of its employees and agents committed within the scope of their employment.

164. As a direct and proximate result, Plaintiff J. P. B. suffered loss of liberty, emotional distress, humiliation, and other damages.

165. Plaintiff J. P. B. seeks compensatory damages, pre- and post-judgment interest as allowed by law, and costs.

166. Timeliness and Tolling: At the time this claim accrued (no later than April 25, 2024), Plaintiff J. P. B. was and remains under the disability of infancy; accordingly, any limitations period applicable to this false-imprisonment claim is tolled pursuant to CPLR 208 and this action is timely.

167. No Notice-of-Claim Requirement: Defendant NYP/WCMC is a private hospital; no municipal notice-of-claim is required for this cause of action. To the extent any defendant asserts a shorter limitations period under CPLR 215(3), such period is tolled by CPLR 208 based on infancy.

**JURY TRIAL**

168. Plaintiffs JASON LAURENCE BUTLER and J. P. B. hereby demand a trial by jury on all issues so triable pursuant to Fed. R. Civ. P. 38 and 39.

**RULE 17(c) APPLICATION (MINOR PLAINTIFF)**

169. Pursuant to Fed. R. Civ. P. 17(c)(2), Plaintiffs respectfully request that the Court appoint JASON LAURENCE BUTLER as guardian ad litem for minor Plaintiff J. P. B. for all purposes in this action. Plaintiffs bring this application to ensure the minor's interests are adequately protected and note that the Complaint identifies the minor by initials consistent with Fed. R. Civ. P. 5.2(a)(3). A proposed order will be submitted at the Court's direction.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs JASON LAURENCE BUTLER and J. P. B. respectfully demand judgment against NEW YORK-PRESBYTERIAN HOSPITAL/WEILL CORNELL MEDICAL CENTER and the individual defendants, jointly and severally where permitted by law, as follows:

1. **First Claim (Rehabilitation Act § 504):** A declaration of violation; compensatory damages; injunctive relief requiring Section 504-compliant policies, reasonable-modification practices, training, and monitoring, and prohibiting extra-procedural discharge barriers once medically/psychiatrically cleared and ACS has authorized discharge; and reasonable attorneys' fees and costs pursuant to 29 U.S.C. § 794a(b).
2. **Second Claim (Title VI, 42 U.S.C. § 2000d):** A declaration of violation; compensatory damages and appropriate injunctive relief; and reasonable

attorneys' fees and costs pursuant to 42 U.S.C. § 1988; punitive damages are not sought under Title VI.

3. **Third Claim (42 U.S.C. § 1981):** A declaration of violation; compensatory damages; punitive damages against the individual defendants and against NYP/WCMC to the extent permitted by law; and reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988.
4. **Fourth Claim (§ 1983 – Fourteenth Amendment Familial Association):** A declaration of violation; compensatory damages; punitive damages against the individual defendants (and against NYP/WCMC to the extent permitted by law); appropriate injunctive relief; and reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988.
5. **Fifth Claim (§ 1983 – Fourth Amendment Unlawful Seizure):** A declaration of violation; compensatory damages; punitive damages against the individual defendants (and against NYP/WCMC to the extent permitted by law); appropriate injunctive relief; and reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988.
6. **Sixth Claim (§ 1983 – Fourteenth Amendment Substantive Due Process) [pled in the alternative]:** A declaration of violation; compensatory damages; punitive damages against the individual defendants (and against NYP/WCMC to the extent permitted by law); appropriate injunctive relief; and reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988.
7. **Seventh Claim (NYSHRL – N.Y. Exec. Law § 296(2)(a) (Race and Associational Disability):** A declaration of violation; compensatory damages;

injunctive relief; punitive damages to the extent permitted by law; and reasonable attorneys' fees and costs to the extent authorized by law.

8. **Eighth Claim (NYCHRL – N.Y.C. Admin. Code § 8-107(4)(a) (Race and Associational Disability):** A declaration of violation; compensatory damages; punitive damages; injunctive relief; and reasonable attorneys' fees and costs pursuant to N.Y.C. Admin. Code § 8-502(g).
9. **Ninth Claim (Negligence):** Compensatory damages and pre- and post-judgment interest as allowed by law.
10. **Tenth Claim (Negligent Infliction of Emotional Distress):** Compensatory damages and pre- and post-judgment interest as allowed by law.
11. **Eleventh Claim (False Imprisonment – New York Law):** Compensatory damages and pre- and post-judgment interest as allowed by law.
12. **On all claims:** Such other and further legal and equitable relief as the Court deems just and proper.

Dated: August 31, 2025  
New York, N.Y.

Respectfully submitted,

By: /s/Eric Sanders  
Eric Sanders (ES0224)

Eric Sanders, Esq.  
**THE SANDERS FIRM, P.C.**  
30 Wall Street, 8<sup>th</sup> Floor  
New York, NY 10005  
(212) 652-2782 (Business Telephone)  
(212) 652-2783 (Facsimile)

Website: <http://www.thesandersfirmpc.com>