

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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**Esther Haddad, as administrator of the Estate of
Mona Daniella Haddad,**

Plaintiff,

VERIFIED COMPLAINT

-against-

**Owen Muir, M.D., Carlene MacMillan, M.D.,
Brooklyn Minds Psychiatry, P.C., New York
University Langone Medical Center,
Brian Hessler, M.D., Gregg Chesney, M.D.,
Brian Roberts, D.O., Julia Marvel, P.A.,
Jamie Fridman, P.A., Daniel McFarland, M.D.,
Nora Perez-Camargo, John Does 1-10, and
Jane Does 1-10,**

Index No. 506528/2019

Defendants.

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Plaintiff, Esther Haddad, as personal representative and administrator of the Estate of Mona
Daniella Haddad, appears herein and complains as follows.

1. At all relevant times, Esther Haddad is the natural mother of Mona Daniella Haddad, hereafter "Mona."
2. Mona is deceased, d.o.d. Sept. 26, 2016.
3. Mona killed herself by hanging herself at her apartment approximately two hours after she was discharged from the ER of Defendants' New York University Langone Medical Center, hereafter "NYU Langone" and approximately six minutes after her last conversation with Def. Muir.
4. The last four (4) phone calls made by Mona were to Def. Muir.
5. Esther Haddad is the duly appointed administratrix of the Estate of the decedent and as such has standing to bring the instant action as its personal representative.

6. At all relevant times, Defendant Owen Muir is a medical doctor, billing himself as an M.D. who is “a psychiatrist and, more importantly, an advocate for my patients and their recovery.”
7. Def. Muir is a self-described superhero, whose “superpower” is “getting people to open up about things they’ve never talked about.”
8. Def. Muir is the host of a podcast, Self-Disclosure, where he purports to talk about “reducing stigma around mental health through frank, revelatory and difficult conversations with health professionals.”
9. Defendant Muir, upon information and belief is an owner, sole proprietor, partner, managing member, director, or other similar title with an entity called “Brooklyn Minds” (he bills himself as the CSO & Founder thereof).
10. Defendant Brooklyn Minds Psychiatry P.C. (hereafter “Brooklyn Minds”) has an office address at 347 Grand St. Brooklyn, NY 11211.
11. Upon information and belief, Brooklyn Minds is a public corporation, professional corporation, company, limited liability company, partnership, limited liability partnership, sole proprietorship, franchise, holding corporation, not-for-profit entity or other unnamed business entity licensed to do business in and doing business in the State of New York and the County of Kings.
12. Defendant Brooklyn Minds holds itself out to the public as an entity that purportedly:

“provide[s] customized and comprehensive mental health care to individuals and families across the lifespan. We take pride in our collaborative philosophy. Our concierge approach means greater clinician access (even by text!) and dedicated

administrative support to make the process of getting help go smoothly, rather than add additional stress.” www.brooklynminds.com.

13. Defendant Brooklyn Minds prides itself on being a “paper-free” practice:

“We text, we tweet, and we work with tech startups to bring forward-thinking mental health care to the community.” www.brooklynminds.com.

14. Defendant Carlene MacMillan, M.D., upon information and belief is an owner, sole proprietor, partner, managing member, director, or other similar title with an entity called “Brooklyn Minds” (she bills herself as the CEO & Founder thereof).

15. In sum and substance, Defendants Muir, MacMillan and the agents and employees of Brooklyn Minds purport to provide, as they advertise to the public, “concierge” mental health care services in exchange for money.

16. Upon information and belief, Defendants MacMillan and Muir are husband and wife.

17. Upon information and belief, Defendants MacMillan and Muir are and have commingled their personal finances, affairs, assets, debts, obligations and liabilities with those of each other and with those of Brooklyn Minds, P.C.

18. Upon information and belief, Defendants MacMillan, Muir, and each of them, have utter and complete dominion of the assets and resources of Defendant Brooklyn Minds, P.C., and are each alter egos of each other.

19. Defendants Brooklyn Minds, P.C., upon information and belief, exists primarily and/or solely to allow Defendants MacMillan and Muir, and each of them, to abuse the privilege of doing business in the corporate form, and perpetrating one or more wrongs that resulted in injury to the Plaintiff.

20. Def. Muir and Def. MacMillan purported to have treated Mona D. Haddad in a “team” approach; Def. MacMillan acted as Mona’s psychotherapist and Def. Muir initially was supposed to have seen Mona every week during the initial two months, thereafter reduced to once a month – with the initial plan having him acting solely as her pharmacologist - except in instances where Def. MacMillan was unavailable, such as when she was out for maternity leave.
21. This course of treatment was thereafter changed and Def. Muir continued to treat Mona in tandem with his wife.
22. Defendants Muir and MacMillan treated the decedent for approximately a year; billing her parents as much as \$20,000 per month for their services (the Def. Brooklyn Minds website somewhat proudly declares that they do not accept insurance except for one service).
23. Mona was profoundly depressed since her mid-teenage years. She suffered from depression; she had an eating disorder, a non-verbal learning disability and obsessive compulsive disorder.
24. In the year leading up to her death, Mona had experienced a renaissance of sorts; she had made a trip to Israel for BirthRight, visited her maternal grandmother overseas, moved into her own apartment, took classes at Hunter College where she received excellent grades, sang in a prestigious choir, worked with children, volunteered as an activist, and was awaiting imminent admission to Columbia University.
25. During the course of treatment with Defs. Muir, MacMillan and Brooklyn Minds, Mona experienced a sharp downturn in her progress fighting the debilitating illness and her parents, including her mother, were perplexed as to why; they were constantly assured by Defs. Muir, MacMillan and their agents and employees that treatment of Mona was

progressing, that their collaborative, cutting-edge “concierge” approach was gaining results and that any setbacks or spirals were par for the course, especially because, in the Defendants’ (*ex post facto* view) that Mona was an extreme, unusual, or outlier case.

26. Following Mona’s tragic death, Plaintiff however uncovered a macabre tapestry of grotesque machinations that went far beyond routine negligence or derelict absent-mindedness, or even gross negligence; when cumulatively considered, the documented events uncovered by Plaintiffs reveal unequivocally that Defs. Muir, MacMillan and Brooklyn Minds purposefully aided, abetted, coerced, cajoled, taunted, triggered, and otherwise ultimately convinced and caused Mona to take her own life.
27. In short, Defendants did everything but slip the noose upon Mona’s neck.
28. Defendants’ own records show alternatively and inconsistently that they, on the one hand, did not consider Mona an acute suicide risk and simultaneously that on the other hand they considered Mona an extraordinarily high suicide risk (Def. Muir claimed on 5/28/16 that she was “the highest risk for completed suicide of any patient I have ever evaluated) but wrote in earlier notes that he did not consider her an acute risk of suicide, merely someone that said provocative things to engender a response from her treatment providers.
29. As aforesaid, Defs. Muir, MacMillan and Brooklyn Minds, their agents and employees bill themselves to the public as cutting edge paperless mental health specialists, who “text” and “tweet”.
30. It is common knowledge that syntax, intent and tone cannot be conveyed accurately via a “text” or a “tweet” and that texts and tweets are among the most commonly misinterpreted forms of communication whether it’s due to spelling errors, grammatical variances, or outright inability to accurately convey the tone of the communication: e.g., is a certain

phrase meant to convey a joke, sarcasm, a polite jest, loving ribbing or something else entirely.

31. Both Defs. Muir and MacMillan wholeheartedly adopted their own mission statement, in sending thousands of texts to Mona over the course of their year-long treatment of her, despite the obvious and immediately apparent problem of these mediums' limited ability to deliver and convey accurate communication.
32. The text messages range from the stunningly glib to the astoundingly, jaw-droppingly unprofessional, such as when Def. Muir regaled Mona with stories of his being diagnosed as bi-polar (which he subsequently confirmed in an interview in August 2017), Def. MacMillan spoke to Mona about her borderline personality disorder, Def. Muir's dependence on Zyprexa (a medication used to treat, *inter alia*, schizophrenia); his being in a "terribly boring" relationship; that he and his wife, "Dr. Mac" were "freaks"; "total freaks"; about one of his friends having pictures of "high on meth gay sex"; and otherwise unhelpfully advising Mona to "let her Freak Flag Fly!"
33. On multiple occasions following Mona's death, Defendants Muir and MacMillan acknowledged to Mona's parents that they were not even remotely competent to have provided the services they billed the decedent hundreds of thousands of dollars for.
34. In an email four (4) days after her death, Def. Muir further acknowledged Defendants' Muir, MacMillan and Brooklyn Minds' culpability when he wrote to Mona's parents that he would like to speak to them in a way that "is frank but does not incriminate any of us who misunderstood" (Mona) (my emphasis).
35. In that same email, Def. Muir claimed that Mona was a "massively difficult to understand person born into a world that was not prepared to understand her..."; that she was allegedly

unique on the planet: “There are no other people like Mona. Never even heard of anyone close”;

36. Def. Muir, in a jarring, cloying tone-deaf email to Mona’s parents also called Mona his “greatest teacher” and “the most complex, infuriating, lovable person I’ve yet met.”

37. By his own admission, therefore, Muir was “infuriated” by his patient, Mona, whom he was supposed to at all times protect, make feel safe and in short, do no harm to.

38. Def. Muir also wrote posthumously that Mona was purportedly such a complex case that she was beyond the diagnosis capabilities of modern mental health sciences; though alternatively he classified her as having borderline personality disorder (but later admitted that this was done only for insurance billing purposes and that in fact Mona did not have borderline personality disorder), in addition to other disorders.

39. Incredibly, Dr. Muir claimed that “diagnosis in the end was the least important or interesting thing about Mona.”

40. Upon information and belief, Def. Muir suffers from one or more diagnosed or undiagnosed personality/mental health disorders, was taking (among others) Zyprexa, a medication used to treat mental disorders, including schizophrenia, shared with Mona that he struggled with a “need” for alcohol, and is and was prone to bouts of anger, paroxysms of extreme rage and vitriol which frightened and otherwise deeply shook and terrorized Mona and which in any event have no place in any relationship between a mental health provider and a patient where the paramount cornerstone is an inviolate sense of trust and safety.

41. Given his admission that Mona “infuriated” him, Def. Muir knew or should have known that he was not a right or a good fit to treat or continue to treat someone who would, by Def. Muir’s own words, trigger his explosive personality by “infuriating” him.
42. At all relevant times, Def. MacMillan knew or should have known of Def. Muir’s explosive rages and his unsuitability to act as a treating psychiatrist to anyone, much less Mona, and should have taken any and all steps to ensure that Def. Muir was not in a position to administer psychiatric treatment to anyone.
43. Def. MacMillan failed to do so, and thus aided and abetted Def. Muir’s mis-treatment of Mona.
44. In June 2016, after a one-on-one session with Def. Muir, Mona posted online on her Tumblr account that she had been in dire fear of being physically assaulted by Dr. Muir, who, upon information and belief, blew up at her and threatened to attack her, physically; resulting in her locking herself in the bathroom of his office out of fear for her life and limb.
45. Def. Muir led Mona to believe that he had called the police; in fact, he had instructed his wife, Def. MacMillan to call the police who then transported Mona to Bellevue hospital, which Def. Muir knew was one of Mona’s greatest self-admitted fears: being locked up in a mental hospital and specifically in Bellevue (an event that Mona’s parents had spent enormous amounts of money to attempt to prevent from ever happening).
46. Dr. Muir had previously sent Mona to Bellevue hospital and, upon information and belief, lorded it over Mona that he could keep her there as long as he wanted, as punishment, and as a way to subjugate and demean Mona and otherwise establish his dominance over her.

47. Def. Muir did not advise or alert either of Mona's parents about this incident; nor did he advise them that he had directed Mona, earlier, to remove them as health care proxies/agents and instead replace them with Def. MacMillan, his wife.
48. Def Muir was a witness to same. Among the conditions of the proxy was that Mona's mother, Esther Haddad, was to be specifically excluded.
49. Mona repeatedly complained about this and other outrageous and extremely frightening and dangerous misbehaviors of Def. Muir to his wife, Def. MacMillan, but was ignored, demeaned and belittled by Def. MacMillan, who at all times either ruefully patronized Mona or flatly deflected her concerns (except when Def. MacMillan, in violation of all precepts of a psychiatrist/patient relationship would confide in Mona about her marriage to Def. Muir, its ups and downs, an alleged affair that she had had, and her fear(s) and concerns, over, *inter alia*, Def. Muir's explosive personality and paroxysms of rage).
50. Mona advised Def. MacMillan that Dr. Muir had told her he would leave her in "Bellevue to rot if I didn't leave the bathroom. The police would come and he wouldn't call to get me out of the hospital."
51. Def. MacMillan replied: "You know this is a difficult time for you at night. He said leave you to rot? I have heard your mother say that phrase."
52. Neither Esther Haddad nor Alan Haddad (Mona's parents) had ever uttered such a phrase; to the contrary, they had refinanced their home and borrowed money all in order to make sure that Mona would receive the best possible treatment and that she would never be left in Bellevue, even for one night.
53. Upon information and belief, Defs. Muir, MacMillan and Brooklyn Minds orchestrated a scheme to bilk decedent's parents for exorbitant medical bills, coerced Mona to sign

voluntary health care proxies naming each of them her health care agent (under threat of sending her to Bellevue Hospital) and otherwise engaged in a concerted effort to estrange Mona from any person who could or would objectively question their unheard-of practices, especially her mother, Esther Haddad. In addition, Defendants attempted to and did continue to estrange Mona from her younger brother, Mac, with whom Mona had just started to have a closer relationship, all the while ensuring that the cash cow that was “treating” Mona would continue to give milk.

54. In a concerted and orchestrated scheme, upon information and belief, Defs. Muir and MacMillan manipulated, Svengali-like, Mona, encouraging the estrangement from her parents, especially her mother and spoke badly of her. They encouraged Mona to cancel lunches or dinners with her brother, which she did, by claiming, on Defendants’ advice, that it interfered with her treatment.

55. At various times during the course of treatment, Defs. Muir, MacMillan, Brooklyn Minds, their agents and employees, advised Mona to distance herself from her parents; that her mother was the “most disorganized attachment figure on the face of the planet”; blamed her mother for the manifestation of her symptoms “I’m pretty sure Esther never helped you learn how to soothe yourself”; that her continued treatment was contingent on “never getting your parents involved” (even though the Defendants Muir, MacMilla and Mona had agreed, as a condition of Mona’s parents continuing to pay for treatment, that Mona’s parents would remain fully informed at all times) ; that “your parents start to get nosy...and we don’t want them to get worried”; and other similar statements that evince a flagrant disregard for Mona’s actual well-being in eroding her only support system outside of the Defendants’ treating office.

56. Incredibly, Def. MacMillan acknowledged to Mona that she knew and was aware of that Def. Muir had severe and explosive anger issues.
57. After one such explosive incident, Mona texted Def. Muir to tell him that she felt that she felt really scared by his behavior: "You got really angry. It was scary. You pretty much lost it. I don't think I can do this anymore."
58. Here is Def. Muir's pat reply: "Well, it's something to discuss. Hope you have a great day"!!
59. On June 8, 2016 Mona texted Def. Muir to tell him that "I feel that I can no longer trust you. I'm not working with you. You're scummy."
60. On June 9, 2016 Mona texted Def. Muir to tell him that: "I don't feel like I can see you again because you're dishonest."
61. Mona advised Def. MacMillan (Def. Muir's wife) of her uneasiness with Def. Muir and that she wanted to die. "I have to die. Also I hate dr. Muir."
62. In response to this alarming statement and direct expression of intent that Mona wished to kill herself, Def. MacMillan (texted) simply: "Will see you tomorrow."
63. On another occasion, when Mona told Def. MacMillan that: "I kind of don't want to be in therapy anymore. I just want to be dead. I feel so hopeless. I don't want to be in school anymore. Nothing matters."
64. Def. MacMillan replied to Mona's clear, direct statement of her struggling with staying alive simply, stunningly, glibly: "I'm at the thing now. We can touch base later."
65. On another occasion, Mona texted Def. Muir to tell him that: "Hi Dr. Muir; I really want to die. I feel so stuck and there's too many steps to go outside and I binged and I wish I wasn't me, and everything feels awful."

66. In response to this clear, direct cry for help, Def. Muir texted: "At apt. Touch base after."
67. On another occasion, Mona texted Def. Muir to tell him to again express her suicidal ideations: "I just got home. I don't feel like I can do this anymore. Goodnight."
68. Def. Muir simply responded: "Sorry, I can't talk right now."
69. On multiple occasions Mona advised Def. MacMillan that she considered Def. Muir "dangerous", "callous", that "something is wrong with him"; that his behavior was abnormal: "this isn't normal"; and that "I have never felt that unsafe with a therapist" and that Mona believed that Def. Muir was grossly unqualified to treat her.
70. Each of these concerns were cumulatively ignored, belittled, or entirely deflected by each and every Defendant Muir, MacMillan and Brooklyn Minds, their agents, members and employees, in complete derogation of their own trumpeted mission statement as a "concierge" provider of mental health services.
71. On another occasion, on or about September 10, 2016, after another one-on-one session with Dr. Muir, which devolved, upon information and belief, into another episode of Dr. Muir becoming or threatening to become violent as against Mona, Dr. Muir called the NYPD, purportedly because Mona had become "extremely angry."
72. While on the phone with the NYPD, according to Dr. Muir's own notes, Mona had shouted that he "you raped me, he raped me."
73. Neither Muir, MacMillan nor any Brooklyn Minds agent or employee advised Mona's parents about this quite serious and troubling allegation, nor the 911 call made by Muir during which Mona screamed this out.
74. Instead, Def. MacMillan emailed Mona's parents in a transparent attempt to "get ahead of the story" to say that "Mona started taking out all her anger and frustration on Dr. Muir

and has become pretty irrational about it, at one point worrying he was going to chase her home and attack her. Obviously that is not something that would ever happen.”

75. According to both Muir and MacMillan, Mona was a truthful, forthcoming patient who had no indicia of making any false allegations, such as the allegation of rape by Dr. Muir.

76. Following this visit, and 15 days after her accusation of rape by Dr. Muir, Mona killed herself.

77. Text message exchanges following this visit between Def. Muir and Mona show that Def. Muir denied the claim and Def. MacMillan simply minimized the allegation, advising Mona to “calm down.”

78. Following this visit Mona left a negative Yelp review about Defendants and Brooklyn Minds and her experiences thereat.

79. After this incident, Defendants Muir and MacMillan repeatedly pestered Mona’s parents to persuade her to take down the review and/or for her parents to leave them a positive review on Yelp.

80. On Sept. 23, 2016, Mona advised Def. MacMillan that she had set up her own hanging, but the attempt failed because “the belt wasn’t securely attached over the door” and of her plans to “fix” this by tying it a knot and that she was “so scared.”

81. Def. MacMillan responded that she should go to the ER; when Mona declined, Def. MacMillan simply said: “Then be safe.”

82. Def. MacMillan, upon information and belief, advised Mona not to tell any ER staff member about her failed suicide attempt the night before and to otherwise omit this incident from any narrative she would make.

83. Def. MacMillan knew or should have known that advising a patient with severe suicidal ideation to hide a failed suicide attempt from hospital staff would necessarily reduce the level of attention administered to the patient and would make it easier for the patient to be discharged, so she could do the one thing she kept telling Def. MacMillan she wanted to do: kill herself.
84. Def. MacMillan called Mona's father, Alan Haddad, to tell to "spend some time with Mona" but incredibly did not advise him of the failed suicide attempt that had been detailed by Mona.
85. Neither Def. Muir nor Def. MacMillan nor any agent or employee of Brooklyn Minds ever alerted or advised Mona's parents that she had attempted to hang herself (having taken complex affirmative steps toward executing herself, rather than merely talking about it) and as such needed to be transported immediately to an ER for observation and attention.
86. Alan Haddad, Mona's father, relied on the placid assurances of Def. MacMillan that Mona merely needed some company and for him to spend some time with Mona. At no time did Def. MacMillan mention the word "suicide" or "suicidal" to Alan Haddad.
87. He went to Mona's apartment that same night, Friday, Sept. 23, 2016, and left before she had awakened.
88. Meanwhile, in a continued state of panic and distress, with an ever-growing urge to end her life, Mona continued making a series of texts and calls to both Defendants.
89. On Sept. 24, 2016, when Mona failed to show up to an important family affair, Def. Muir telephoned Alan Haddad to advise him to bring Mona to the ER as she was "agitated".
90. Again, neither Def. Muir nor Def. MacMillan nor any agent or employee of Brooklyn Minds ever alerted or advised Mona's parents that she had attempted to hang herself, nor

that she had persistent suicidal ideations (as Mona had been simultaneously advising both Def. Muir and MacMillan that she desperately, single-mindedly, wanted to end her life).

91. Alan Haddad brought Mona to the Def. NYU Langone ED (Emergency Department) later on into the afternoon/evening of Sept. 24, 2016.

92. Initially, Def. MacMillan advised Alan Haddad that he did not need to stay with Mona; later on Def. MacMillan reversed course and told him to return to the ED.

93. On Sept. 24, 2016, Esther Haddad texted Dr. Muir for an update on how Mona was doing in the ER; she relayed that her husband, Alan, had seen a “stepladder” in Mona’s apartment bathroom and a “belt hanging from the top of the door.”

94. In response, Dr. Muir only texted: “Will talk later” (but never in fact did).

95. While admitted to NYU Langone, Mona continued advising Defs. Muir and MacMillan that she wished to die and that she had increased depressive thoughts and suicidal ideation, begging, literally, each of the Defs. Muir and MacMillan to speak to her.

96. Def. Muir responded, eventually: “Can’t talk right now, haven’t eaten much all day, really need to do that. Also, if you can’t survive without calling (Defendants) you’ve got to go to the ER” that he was “Done with calls tonight”; that “you should be scripting, not calling me”.

97. Defendants Muir, MacMillan and Brooklyn Minds knew or should have known that certain triggers for Mona included “restraints”; “threats”; “being told or treated like I’m a hopeless case”; “being ignored”; “being made fun of, even in a joking way”; and “being confined to a room for longer than an hour.”

98. Defendants Muir, MacMillan and Brooklyn Minds knew or should have known this since Mona wrote these triggers down in the addendum to the health care proxy that Defendants directed Mona to sign as a condition to be released from Bellevue.
99. After her being brought to NYU Langone (ED), when Mona tried to reach out to Defs. Muir and MacMillan, for assurance and help, she was callously rebuffed by Muir: “Zero phone calls between now and tomorrow”; “I am done talking to you for tonight.”; when Mona told him that “talking makes me feel better”, Def. Muir acidly replied: “Mona what part of neither of us are talking to you do you not understand? The problem is that talking makes you feel better.”
100. Mona pleaded for Defs. Muir and MacMillan’s help: “I’m asking for help around my intense sadness”; “Can I talk to you or dr m [Def. MacMillan] not about going home? I am 10/10 sad and it feels so awful and there’s not one to talk to her[e].”
101. Def. Muir also advised Mona that she could not and would not be able to talk to his wife, Def. MacMillan, purportedly because she was sick and could not speak.
102. Upon information and belief, this was false; Def. MacMillan had full capacities to speak but simply did not wish to take the call, as a further means of triggering, punishing, subjugating and demeaning Mona, in violation of each and every precept of a treating psychiatrist’s behavior vis a vis a patient.
103. Each of the statements by Defs. Muir and MacMillan throughout Mona’s brief stay at NYU Langone fell squarely into one of Mona’s listed triggers, including but not limited to being ignored (by dint of Defs. Muir & MacMillan’s refusal to take her calls); being treated as if she was a hopeless case (ditto); and her being confined to the ED room by Def. Muir and MacMillan’s threats that if she did not stop calling she would not get to leave

(which in turn caused another downward spiral to Mona, who now pleaded with Defs. Muir and MacMillan that she would not call if she would only be allowed to leave).

104. Defs. Muir and MacMillan knew or should have known they were de facto triggering, inducing, egging on and otherwise cajoling Mona to follow through (again) on her threats to kill herself.

105. During her less-than-one-day stay at NYU (from 9/24/16 until 9/25/16, less than 24 hours), Mona was diagnosed with “Depression with Suicidal Ideation” by a treatment team of Defendants Robert Hessler, MD, Gregg L. Chesney, MD, Brian C. Roberts, DO, Julia Marvel, PA, Jamie Fridman, PA, and Daniel McFarland, MD, hereafter the NYU Defendants.

106. Upon information and belief, Def. Robert Hessler is a natural person and at all relevant times was an ER doctor with Def. NYU Langone.

107. Upon information and belief, Def. Gregg L. Chesney is a natural person and at all relevant times was an ER doctor with Def. NYU Langone.

108. Upon information and belief, Def. Brian C. Roberts is a natural person and at all relevant times was a Doctor of Osteopathy with Def. NYU Langone.

109. Upon information and belief, Def. Julia Marvel is a natural person and at all relevant times was a Physician’s Assistant with Def. NYU Langone.

110. Upon information and belief, Def. Jamie Fridman is a natural person and at all relevant times was a Physician’s Assistant with Def. NYU Langone.

111. Upon information and belief, Def. Daniel McFarland is a natural person and at all relevant times was an MD with Def. NYU Langone.

112. Defendant New York University Medical Center (NYU Langone) is a public corporation, professional corporation, company, limited liability company, partnership, limited liability partnership, sole proprietorship, franchise, holding corporation, not-for-profit entity or other unnamed business entity licensed to do business in and doing business in the State of New York and the County of New York with offices at 550 First Avenue, New York, NY 10016.
113. Upon information and belief, each of the foregoing persons named in Par. 105 was an agent, member, or employee of, the Defendant NYU Langone Medical Center, and was hired, retained and supervised by, the Defendant NYU Langone Medical Center.
114. Defendants John Does 1-10 and Jane Does 1-10 are as yet unnamed persons, whose names, job descriptions are unknown currently but subject to discovery but who, upon information and belief, were agents, members and/or employees of the NYU Langone Medical Center, and was hired, retained and supervised by, the Defendant NYU Langone Medical Center
115. Each of the aforesaid Defendants had a non-delegable duty to provide proper medical care to Mona, including but not limited to obtaining a complete and comprehensive medical history to ensure that their proposed treatment plan would be congruent with the symptoms that Mona was exhibiting.
116. Upon information and belief, each of the aforesaid Defendants only did a brief, cursory, surface-level examination into Mona's history, and failed to inquire and/or properly inquire as to her prior history, including the fact that she had tried to kill herself the day before.

117. During Mona's stay at NYU Langone, her father, Alan Haddad, was initially advised by the NYU Defendants that they were looking for a bed for Mona.
118. On Sept. 24, 2016, Def. Muir eventually reported to NYU Langone and met with Mona, solo, in private, in her room.
119. After Def. Muir's brief meeting with Mona, and in derogation of the NYU Defendants' stated intentions to Alan Haddad of keeping Mona hospitalized until further notice, Defendants NYU informed Mona's father that they were going to discharge Mona.
120. When Alan Haddad asked why Mona was being discharged, no answer was given by any NYU Defendant.
121. Upon information and belief, the NYU treatment team had the final authority to authorize a discharge of Mona; instead, and contrary to good and logical and standard medical practice, the NYU defendants inexplicably deferred, passed off and otherwise punted this critical decision to Def. Muir, who, upon information and belief, authorized the final discharge of Mona.
122. Upon information and belief, Def. Muir did authorize her discharge, in spite of Mona's repeated, numerous and unequivocal insistence that she was a) going to kill herself and that b) she had tried to kill herself the day before, but failed.
123. Def. Muir knew or should have known that his early discharge of Mona would likely lead and did lead to her killing herself.
124. Upon information and belief, no member of the NYU Defendants objected, cautioned against, or otherwise attempted to stop the discharge of Mona Haddad, who had been diagnosed by Defendants as having "Depression with Suicidal Ideation" and self-evidently was at a significant risk to kill herself.

125. Upon information and belief, no member of the NYU Defendants objected, cautioned against, or otherwise attempted to stop the discharge of Mona Haddad, who had been diagnosed by Defendants as having “Depression with Suicidal Ideation” and self-evidently was at a significant risk to kill herself, and for whom the NYU Defendants had initially charted a plan of indefinite hospitalization.

126. The NYU Defendants knew or should have known that it was against any and all protocols of reasonably prudent medical practice to allow the early discharge of a patient with an extensive history as Mona’s and in direct contravention to the initially established hospitalization plan (less than 12 hours after Mona was initially brought to the ED).

127. The sole “precaution” administered by the NYU Defendants, in tandem with Def. Muir, was to remove Mona’s medication, which, upon information and belief, made it even more likely that she was going to kill herself.

128. Defs. MacMillan and Muir never advised Alan Haddad of the imminent consequence of leaving Mona alone in her apartment following her early discharge from NYU Langone, despite their knowledge that Mona was at an extraordinary risk to kill herself.

129. Approximately one hour after being dropped off at her apartment, following her early discharge from NYU Langone, and after one final call with Def. Muir, Mona killed herself by hanging herself in her apartment.

130. Neither Def. Muir nor Def. MacMillan nor any agent or employee of Brooklyn Minds ever alerted or advised Mona’s parents that she had attempted to hang herself (having taken complex affirmative steps toward executing herself, rather than merely

talking about it) and as such needed to be monitored and not left alone after being discharged early from NYU Langone.

131. Upon information and belief, neither Def. Muir nor Def. MacMillan nor any agent or employee of Brooklyn Minds ever alerted or advised the NYU Defendants that she had attempted to hang herself (having taken complex affirmative steps toward executing herself, rather than merely talking about it) and as such needed to be hospitalized for an extended period of time rather than be allowed to be discharged early from NYU Langone.
132. Upon information and belief, no member of the NYU Defendants undertook to inquire of Defendants Muir, MacMillan, Brooklyn Minds, their agents and employees of Mona's actual prior medical history and they alternatively relied either on Mona's words alone (while she was under a directive by Def. MacMillan to not disclose her prior suicide attempt); or on the words of Defs. MacMillan and Muir, who at all relevant times, upon information and belief, withheld such information on purpose from the NYU Defendants.
133. Upon information and belief, Defs. MacMillan and Muir both denied speaking with or being in contact with Mona after her discharge.
134. Following Mona's death, it was discovered that Def. Muir was in fact in contact with Mona all the way up until her second, successful suicide attempt; Mona killed herself just minutes after hanging up with Dr. Muir on Sept. 26, 2016.
135. Following Mona's death, both Defs. Muir and MacMillan repeatedly acknowledged and conceded their culpability for and causation of Mona's death to each of her parents, Esther Haddad and Alan Haddad.
136. Following Mona's death, and unbeknownst to Mona's parents, Defs. MacMillan and Muir engaged, upon information and belief, in an orchestrated furtive scheme to

attempt to cover up, justify, explain away and otherwise shield themselves from potential civil and or criminal liabilities by their myriad in-competencies, malpractices and macabre misbehaviors with respect to their treatment of Mona, including but not limited to: a) deleting existing patient files; b) reconstruction of files from whole cloth that never existed; c) changing and otherwise falsifying Mona's existing and maintained medical records (by way of example, Def. Muir wrote, *ex post facto* in Mona Haddad's medical history, after her death, that Mona's mother (Esther Haddad) was diagnosed with severe borderline personality disorder and narcissistic personality disorder (this is categorically false)), while before her death, in the family history section, he had written "none", in an attempt to explain away his and Def. MacMillan's overt attempts to distance and estrange Mona from each of her parents; d) ransacking Mona's apartment, following her death, and prior to the discovery of her body and removing files and personal writings and journals, that, upon information and belief further incriminated each of the Defendants.

137. Before Mona's body had even arrived to the cemetery for her funeral, Defs. Muir and MacMillan were agitating that all of Mona's journals and laptop were to be given to them – claiming that these were Mona's wishes; this alleged precatory wish was repeated several times by Defs. Muir and MacMillan to several of Mona's family members.

**AS AND FOR A FIRST CAUSE OF ACTION: MEDICAL MALPRACTICE
AGAINST DEF. MUIR**

138. Plaintiff repeats by reference each and every allegation as though fully set forth herein.
139. Def. Muir, at all relevant times, had a duty to render basic, competent, good and standard and reasonably accepted treatment in accordance with the national standards of

those practicing in the field of psychiatry and in particular in the community wherein Def. MacMillan practiced.

140. Def. Muir's conduct, during his course of treatment of Mona, was a stark deviation and departure from generally accepted medical practice in the field of psychiatry; including but not limited to a) maintaining an incredibly inappropriate relationship with Mona that went far beyond any generally acceptable boundaries between psychiatrists and their patients; b) becoming enraged and violent or threatening towards Mona; c) establishing a subjugating and demeaning hierarchical relationship with Mona; d) ignoring, purposefully, each of Mona's known triggers (and instead actively taunting and egging on Mona) including being made fun of, being ignored, being threatened, restrained, and treated as a hopeless case, by dint of his failure and abject refusal to speak with Mona after her admittance to the ER on Sept. 24, 2016; e) failing to remove himself as her treating psychiatrist after she repeatedly advised him that she did not trust him and that she no longer felt safe or wished to work with him; f) being complicit in Def. MacMillan's directive to Mona that she hide and not disclose the failed suicide attempt to any other medical staff; g) alienating Mona from her parents who were her only support system; h) failing to inform NYU medical staff that Mona had an extensive prior history of suicidal ideation and that she had attempted a suicide the day prior to her admittance to NYU; i) authorizing an early discharge from the NYU Langone ED, despite good and accepted medical protocols that would have mandated that she be kept hospitalized for further observation and treatment; j) failing to advise any member of any hospital staff, mental health professional and/or the parents of Mona that she needed to be kept under observation once discharged and not left alone to follow through on her repeated insurances that she

wished to kill herself; k) failing to prevent Mona's suicide; l) and in fact overtly importuning, by his cumulatively aforesaid conduct, for example, triggering Mona on purpose and then telling her to do "grounding exercises", led Mona to kill herself.

141. At all relevant times, Def. Muir lacked the basic competency to treat Mona, as he eventually admitted, following her death.

142. At all relevant times, Def. Muir's base incompetence manifested itself into the foregoing sharp departures and deviations from standard and good medical practice in the field of psychiatry.

143. Upon information and belief, by dint of his aforesaid acts, Defendant Muir, failed to use any of his knowledge, skill and judgment, and otherwise departed and deviated from the reasonable standard of care, that a doctor or medical practitioner of ordinary and prudent knowledge in the field of psychiatry, skill and judgment, would possess and employ.

144. At all relevant times, Def. Muir's aforesaid deviations and departures from good and accepted standard medical psychiatric care proximately caused the death of Mona Haddad.

145. By reason therefore, the Estate of Mona Haddad is entitled to damages in an amount to be determined by the trier of fact, but in excess of the jurisdictional monetary threshold of all lower courts, treble punitive damages, as determined by the trier of fact, and the costs and disbursements plus interest of prosecuting this action.

**AS AND FOR A SECOND CAUSE OF ACTION: MEDICAL MALPRACTICE
AGAINST DEF. MACMILLAN**

146. Plaintiff repeats by reference each and every allegation as though fully set forth herein.

147. Def. MacMillan, at all relevant times, had a duty to render basic, competent, good and standard and reasonably accepted treatment in accordance with the national standards of those practicing in the field of psychiatry and in particular in the community wherein Def. MacMillan practiced.

148. Def. MacMillan's conduct, during her course of treatment of Mona, was a stark deviation and departure from generally accepted medical practice in the field of psychiatry; including but not limited to a) maintaining an inappropriate relationship with Mona that went far beyond any generally acceptable boundaries between psychiatrists and their patients and attempting to confide in and 'flip' the relationship of psychiatrist and patient with Mona; b) minimizing, deflecting, and otherwise explaining away Def. Muir's becoming enraged and violent or threatening towards Mona; c) establishing a subjugating and demeaning hierarchical relationship with Mona in tandem with Def. Muir; d) ignoring, purposefully, each of Mona's known triggers (and instead actively taunting and egging on Mona) including being made fun or, being ignored, being threatened, restrained, and treated as a hopeless case, by dint of her failure and abject refusal to speak with Mona after her admittance to the ER on Sept. 24, 2016, and prior to that, her callous disregard of Mona's repeated claims that she would kill herself and, upon information and belief, falsely claiming that she was too sick to speak to Mona; e) failing to remove Def. Muir as Mona's treating psychiatrist after she repeatedly advised Def. MacMillan that she did not trust him and that she no longer felt safe or wished to work with him; e1) failing to report Def. Muir to any relevant overseeing authority; f) actively directing Mona to conceal and hide the fact that she had attempted and failed a suicide attempt prior to her being admitted to any other medical staff; g) alienating Mona from her parents who were her only support system by

directing Mona to conceal the methods of treatment and suggestions and advice given by Def. MacMillan and Muir to Mona; h) failing to inform NYU medical staff that Mona had an extensive prior history of suicidal ideation and that she had attempted a suicide the day prior to her admittance to NYU; i) authorizing, in tandem with Def. Muir, an early discharge from the NYU Langone ED, despite good and accepted medical protocols that would have mandated that she be kept hospitalized for further observation and treatment; j) failing to advise any member of any hospital staff, mental health professional and/or the parents of Mona that she needed to be kept under observation once discharged and not left alone to follow through on her repeated insinuations that she wished to kill herself; k) failing to prevent Mona's suicide; l) and in fact overtly importuning, by her cumulatively aforesaid conduct, Mona to kill herself.

149. At all relevant times, Def. MacMillan lacked the basic competency to treat Mona, as she eventually admitted, following her death.

150. At all relevant times, Def. MacMillan's base incompetence manifested itself into the foregoing sharp departures and deviations from standard and good medical practice in the field of psychiatry.

151. Upon information and belief, by dint of his aforesaid acts, Defendant MacMillan, failed to use any of her knowledge, skill and judgment, and otherwise departed and deviated from the reasonable standard of care, that a doctor or medical practitioner of ordinary and prudent knowledge in the field of psychiatry, skill and judgment, would possess and employ.

152. At all relevant times, Def. MacMillan's aforesaid deviations and departures from good and accepted standard medical psychiatric care proximately caused the death of Mona Haddad.

153. By reason therefore, the Estate of Mona Haddad is entitled to damages in an amount to be determined by the trier of fact, but in excess of the jurisdictional monetary threshold of all lower courts, punitive damages as determined by the trier of fact, and the costs and disbursements plus interest of prosecuting this action.

**AS AND FOR A THIRD CAUSE OF ACTION: NEGLIGENCE AGAINST
DEFS. MACMILLAN, MUIR & BROOKLYN MINDS**

154. Plaintiff repeats by reference each and every allegation as though fully set forth herein.

155. Defendants knew or should have known that "texting" or "tweeting" which is the Defendants pronounced and preferred method of communicating with their patients, is singularly inadequate and unhelpful to treating persons with mental illnesses such as Mona Haddad, who needed, and who told Defendants that they needed, personal attention in the form of at least phone calls and not glib, short shrift text messages whose context, syntax, intonation and meaning were often susceptible to multiple varying interpretations which only caused Mona's (and those similarly situated to her) anxiety and panic to worsen.

156. Defendants' course of treatment which includes an enormous amount of communicating through text, is, upon information and belief, an entirely unapproved and deeply misguided method of providing mental health services to patients, including Mona Haddad in particular and per se negligence.

157. Defendants at all times had a duty to exercise a reasonable degree of skill, prudence and care in dealing with patients such as Mona Haddad and to provide reasonably

acceptable psychiatric and mental health services comporting with, at bare minimum, the reasonably acceptable and standard practices of providing psychiatric services nationwide and in particular where the Defendants practiced.

158. Defendants at all times breached said duty by fobbing off “texting” with patients (and billing for same) as providing actual mental health services.

159. Defendants at all times breached their own purported mission statement and purpose which claimed that they provided “concierge” mental health services by fobbing off “texting” with patients (and billing for same) as providing actual mental health services

160. By reason of the foregoing, Defendants proximately caused the death of Mona Haddad.

161. By reason therefore, the Estate of Mona Haddad is entitled to damages in an amount to be determined by the trier of fact, but in excess of the jurisdictional monetary threshold of all lower Courts, treble punitive damages as determined by the trier of fact, and the costs and disbursements plus interest of prosecuting this action.

**AS AND FOR A FOURTH CAUSE OF ACTION: MEDICAL MALPRACTICE
AGAINST THE NYU DEFENDANTS**

162. Plaintiff repeats by reference each and every allegation as though fully set forth herein.

163. The NYU Defendants, and each of them, at all relevant times, had a duty to render basic, competent, good and standard and reasonably accepted treatment in accordance with the national standards of those practicing in the field of psychiatry and in particular in the community wherein each of the NYU Defendants practiced.

164. The NYU Defendants’ conduct, and each of them, during their course of treatment of Mona, was a stark deviation and departure from generally accepted medical practice in

the field of psychiatry and medical practice in general; including but not limited to a) failing to properly evaluate Mona and the true high risk of her increased suicidal ideations; b) failure to create a proper care protocol for Mona that included continued hospitalization and observation; c) failure to contact and to properly inquire Mona's treating physicians, Def. Muir and MacMillan to ascertain Mona's true psychological state; d) failure to make an independent determination as to Mona's true psychological state; e) a wholesale pass-off of Mona's care to Def. Muir, who was allowed to meet with her alone, rather than in tandem or in conjunction with NYU Langone personnel; f) allowing Def. Muir and/or Def. MacMillan to substitute their judgment and override the initial protocol of NYU, which was to keep Mona hospitalized; g) failure to address any of the foregoing with Mona's parents; h) failure to inquire of Mona if that was what she truly wanted, along with a concomitant failure to recognize that her increased and intensified suicidal ideations manifested themselves into her willingly saying or doing anything if it would mean that she would be let out and discharged; i) failure to advise Mona's parents that NYU's initial diagnosis of depression with suicidal ideation necessarily meant she should be monitored and observed upon discharge, rather than being left alone; j) failing to prevent Mona's suicide, by dint of the foregoing.

165. Upon information and belief, by dint of their aforesaid acts, the NYU Defendants failed to use any of their knowledge, skill and judgment, and otherwise departed and deviated from the reasonable standard of care, that a doctor or medical practitioner of ordinary and prudent knowledge in the field of psychiatry, or medical practice, skill and judgment, would possess and employ.

166. At all relevant times, Defendants' aforesaid deviations and departures from good and accepted standard medical and psychiatric care proximately caused the death of Mona Haddad.
167. By reason therefore, the Estate of Mona Haddad is entitled to damages in an amount to be determined by the trier of fact, but in excess of the jurisdictional monetary threshold of all lower Courts, treble punitive damages as determined by the trier of fact, and the costs and disbursements plus interest of prosecuting this action.
168. Plaintiff has no adequate remedy at law.
169. Plaintiff demands a trial by jury.

CONCLUSION

WHEREFORE, the Plaintiff demands judgment on each cause of action, in an amount to be determined by the trier of fact but in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction, for punitive damages to be determined by the trier of fact, and for the costs and disbursements, plus interest of prosecuting this action, along with such other and further relief the Court deems just and proper.

Dated: Aug. 16, 2019
Miller Place, NY 11764

Yours, etc.,


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www.raymitevlaw.com

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
**Esther Haddad, as administrator of the Estate of
Mona Daniella Haddad,**

Plaintiff,

CERTIFICATE OF MERIT

-against-

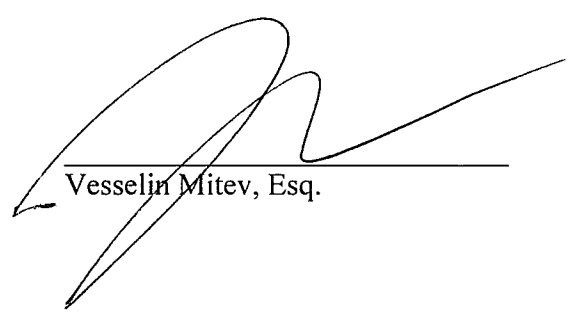
**Owen Muir, M.D., Carlene MacMillan, M.D.,
Brooklyn Minds Psychiatry, P.C., New York
University Langone Medical Center,
Brian Hessler, M.D., Gregg Chesney, M.D.,
Brian Roberts, D.O., Julia Marvel, P.A.,
Jamie Fridman, P.A., Daniel McFarland, M.D.,
Nora Perez-Camargo, John Does 1-10, and
Jane Does 1-10,**

Index No. 506528/2019

Defendants.

-----X
I, Vesselin Mitev, Esq., attorney for the Plaintiff, do hereby certify pursuant to CPLR 3012-
a that I have reviewed the facts of this case and have consulted with at least one physician
practicing in the field of medicine delineated in the complaint who is licensed to practice in this
state and who I reasonably believe is knowledgeable in the relevant issues involved in this action,
and that on the basis of such review and consultation, I conclude that there is a reasonable basis
for the commencement of this action.

Dated: Miller Place, New York
August 16, 2019



Vesselin Mitev, Esq.

VERIFICATION

STATE OF NEW YORK)

).SS::

COUNTY OF KINGS)

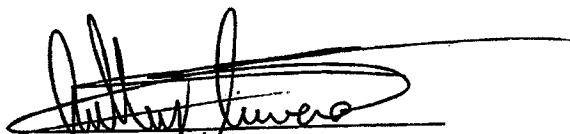
ESTHER HADDAD, being duly sworn, deposes and says:

She is the personal representative of the Plaintiff Estate in the within action; she has read and knows the contents of the foregoing Verified Complaint and the same is true to her own knowledge, and as to those matters therein asserted to be upon information and belief, she believes said matters to be true.

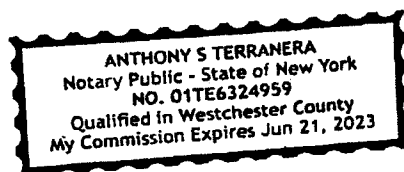


Esther Haddad

Sworn to before me on the
15th day of August 2019


Notary Public

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

Hon.
Index No.: 506528/2019

Esther Haddad, as administrator of the Estate of
Mona Daniella Haddad,

Plaintiff,

-against-

Owen Muir, M.D., Carlene MacMillan, M.D.,
Brooklyn Minds Psychiatry, P.C., New York
University Langone Medical Center,
Brian Hessler, M.D., Gregg Chesney, M.D.,
Brian Roberts, D.O., Julia Marvel, P.A.,
Jamie Fridman, P.A., Daniel McFarland, M.D.,
Nora Perez-Camargo, John Does 1-10, and
Jane Does 1-10,

Defendants.

VERIFIED COMPLAINT, CERTIFICATE OF MERIT

RAY, MITEV & ASSOCIATES, LLP
Attorneys for Plaintiff
122 North Country Road
P. O. Box 5440
Miller Place, New York 11764-1117
(631) 473-1000

To: All Defendants

Signature (Rule 130-1.1-a)

Attorney(s) for Plaintiff

Vesselin Mitev, Esq.

Service of a copy of the within is hereby admitted.

Dated,

Attorney(s) for:

PLEASE TAKE NOTICE:

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a(n) _____ duly entered in the office of
the clerk of the within named court on _____ 20____.

☐ NOTICE OF SETTLEMENT

that a(n) _____ of which the within is a true copy will be presented for
settlement to the HON. _____ one of the judges of the within named Court, at
_____ on the _____ day of _____, 20____, at _____ O'clock ____M

Dated: August 16, 2019

Yours, etc.

RAY, MITEV & ASSOCIATES, LLP