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DANIEL HOOD, Plaintiff, vs. LARRY N. SEIDMAN, Ph.D, JACQUELINE SEIDMAN, M.A., STATE OF NEW JERSEY, DIVISION OF CHILD PROTECTION AND PERMANENCY, (formerly the Division of Youth and Family Services, DYFS),YOLANDA PETERSON, ABC Company and/or ABC business entity, JOHN DOE, MARY JANE DOE, individually, jointly and severally, Defendants.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION ATLANTIC COUNTY Docket No. ATL-01199-16 Civil Action COMPLAINT AND JURY DEMAND RACE DISCRIMINATION
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Plaintiff, Daniel Hood (“Hood”), by counsel, for this Complaint against the Defendants,
states as follows:

INTRODUCTION

1. This is an action against the Defendants, Larry N. Seidman, Ph.D. and Jacqueline Seidman, M.A., father and daughter, respectively, who practice in the field of psychology, for negligence, professional malpractice and breach of fiduciary duty in

connection with a psychological examination and evaluation process provided to Plaintiff Hood by these Defendants.

2. This is also an action which involves potential Defendants the State of New Jersey, Division of Child Protection and Permanency (CP&P”) and Yolanda Peterson, a caseworker/investigator with CP&P for negligent and intentional misconduct.
3. A tort claims notice was filed against the State of New Jersey on or about June 1, 2016 to provide the Division of Child Protection and Permanency and Yolanda Peterson with the requisite notice in accordance with N.J.S.A. 59:1-1, et. seq.

THE PARTIES

4. Plaintiff, Daniel Hood is an adult male and father of four (4) children residing in Atlantic County, New Jersey.
5. Hood has full custody of all four of his children who reside with him in his home. He is the primary caregiver and natural biological father.
6. Defendants, Larry N. Seidman, Ph.D., (“L. Seidman”) is a psychologist and counselor with offices located in Cherry Hill, NJ.
7. L. Seidman is a contract psychologist who regularly performs psychological evaluations for and at the request of the CP&P.
8. Jacqueline Seidman, M.A., (“J.Seidman”) is a counselor associated with her father Dr. Larry N. Seidman.
9. The State of New Jersey, Division of Child Protection, CP&P (formerly the Division of Youth and Family Services, DYFS), is New Jersey's child protection and child welfare agency within the Department of Children and Families. Its mission is to ensure the

safety, permanency and well-being of children and to support families. CP&P is responsible for investigating allegations of child abuse and neglect and, if necessary, arranging for the child's protection and the family's treatment.

10. Yolanda Peterson, (“Peterson”) is a caseworker/investigator with CP&P who was assigned to investigate reports of abuse and neglect regarding the children of Hood and LaFontaine.

STATEMENT OF FACTS

11. On or about early May 2014 Hood filed a Complaint in Family Court, Law Division, Cumberland County seeking full custody of his twin sons, who were 8 months old at the time.
12. While in Court on the return date for the custody hearing, Hood explained to Judge Swift his concerns regarding the welfare of his sons while under the care of their mother Nicole LaFontaine (“LaFontaine”).
13. LaFontaine did not report to Court for the custody hearing.
14. Judge Swift ordered the attorney on behalf of Hood to contact CP&P to report abuse and neglect of the children while under the care of Ms. LaFontaine.
15. Consequently, LaFontaine became the subject of an investigation by the CP&P based on the report of abuse and neglect.
16. LaFontaine reacted by filing a charge of abuse and neglect against Hood.
17. The charges by LaFontaine were retaliatory and without merit.
18. On or about May 13, 2014, Peterson from the CP&P showed up unannounced at the home of Hood in order to conduct an investigation into the charges by LaFontaine.

19. There were a number of inappropriate comments made by Peterson to Hood such as comments pertaining to the fact that Hood had full custody of his two teenage children.
20. Peterson indicated that she was going to recommend that Hood and LaFontaine submit to a psychological evaluation. Hood agreed to same.
21. On June 13, 2014 Hood reported for an evaluation with L. Seidman.
22. Hood recorded the evaluation.
23. Hood recorded the evaluation because the comments made by Peterson did not sit well with him. He suspected possible foul play at hand.
24. Hood previously worked for the Division of Youth and Family Services and had some familiarity with the manner in which the financial arrangements operated by and between the CP&P and the psychologists that are selected by the CP&P.
25. The dynamic between the CP&P investigator may be suspect as well in that the investigators have the ability to speak to the psychologist before the evaluation to , directly or indirectly, sway and/or influence the psychologist's evaluation. Since the psychologist is selected by the caseworker/investigator and/or supervisor to the caseworker/investigator, an underlying current of maintaining good relationships is motivational for continued financial gain/opportunities.
26. During the psychological evaluation by L. Seidman, a number of disturbing statements and activities occurred by L. Seidman in the presence of Hood.
27. Hood revealed to Seidman his employment as a Social Worker employed by the State of New Jersey at the New Jersey State Prison. Seidman commented by laughing and stating that he had no intention of giving an inmate, who Seidman mentioned by name, a

favorable evaluation/recommendation for parole. Hood was alarmed as this revelation seemed to him to blatantly violate certain privacy rights and/or laws, such as the Health Insurance Portability and Accountability Act (“HIPAA”).

28. Also, during the interview of Hood by L. Seidman a phone call from a client was received by L. Seidman and while on the phone and in the presence of Hood, L. Seidman repeated the client’s first and last name and phone number. There appeared to be no concern for patient/client confidentiality.

29. Sometime after June 13, 2014 a report that was prepared by L. Seidman was issued and forwarded to the CP&P.

- A Certified Court Reporting Transcription of the Interview Reveals that Seidman’s Report Contains Information Based on the Interview Between Hood and Seidman that Simply Did Not Occur and Some Information Reported Which is Blatantly False-

30. On or about July of 2014, portions of the psychological report of L. Seidman were read aloud in Court in the presence of Hood and his fiancée.

31. Hood’s fiancée is a good friend with Hood’s mother and reported what she heard while in the courtroom to Hood’s mother.

32. Hood was flabbergasted as he listened to what was read to the Judge because it did not reflect what was actually conveyed during the interview with L. Seidman.

33. Indeed, the L. Seidman report does not match what was discussed between Hood and L. Seidman during the psychological interview.

34. To begin with, the “Reason for Referral” does not describe a condition of abuse and neglect pertaining to the twin boys whose welfare was the subject of investigation in accordance with N.J.S.A. 9:6-1.

35. Moreover, the “Reason for Referral” states that the DCP&P records indicate that Hood has a history of domestic violence which is not only damaging, stigmatizing, it is also false.
36. In preparing the psychological report, L.Seidman had a fiduciary duty to Hood to ensure the accuracy of the content of the report to the extent that he could control same.
37. Many of the statements set forth in the L.Seidman report assert that Hood made certain statements which is not accurate and/or are false.
38. The evaluation process between Hood and the Defendants was tape recorded.
39. A Certified Court reporting agency transcribed the audio tape of the psychological interviews.
40. Many of the statements alleged to have been made by Hood to L. Seidman as reflected in the psychological report were in fact not made by Hood.
41. L. Seidman also indicates in his report his observations of and about Hood, many of which are not consistent with a reasonable person’s assessment and can be plainly discerned by way of the audio of the interview.
42. Most disturbing are the recordations by L. Seidman that Hood allegedly reported that he had little to no contact with his daughter in middle school.
43. Hood’s middle school aged daughter has lived with him since she was eight years old and he had and continues to have daily contact with her. This daughter excels in scholastics and athletics. She is healthy and is thriving as a young teenager.
44. The psychological report is a reflection of an abuse of power and authority in order to maintain a financial relationship with the CP&P and to satisfy the CP&P representatives.

45. The psychological report is signed by L.Seidman and J. Seidman and represents a failure to act with reasonable care and negligent in the evaluation, fact gathering and report writing regarding the psychological examination and rendering of psychological opinion associated with “appropriate therapeutic treatment plan.”
46. The psychological report is signed by L.Seidman and J. Seidman and represents a reckless disregard for reasonable care in the evaluation, fact gathering and report writing regarding the psychological examination and rendering of psychological opinion associated with “appropriate therapeutic treatment plan.”
47. The psychological report is signed by L.Seidman and J. Seidman and represents an intentional departure from reasonable care that should have been associated with the evaluation, fact gathering and report writing regarding the psychological examination and rendering of psychological opinion associated with “appropriate therapeutic treatment plan.”
48. The Seidman psychological report does not match what was discussed between Defendant and Hood.
49. The psychological report contains fabrications of details which ultimately caused a disruption in Plaintiff’s family such as Plaintiff’s children being subjected to multiple investigations; embarrassment and stress.
50. Plaintiff’s daughter was distraught and fearful that she would be removed from the custody of Plaintiff. Plaintiff also was made to fear that his children would be removed from his care causing emotional upheaval, stress and anxiety.

51. As a direct and proximate cause of Defendants' actions, Plaintiff has been caused needlessly to suffer emotionally and financially; the report has caused Plaintiff's former fiancée to call off the relationship and has placed in a negative light amongst his family.

52. Fortunately, despite the significant emotional and financial upheaval caused by Defendants, Plaintiff has been able to obtain full custody of all 4 of his children who live with and thrive with Plaintiff in one family home.

COUNT ONE

Professional Negligence

53. The above paragraphs are incorporated herein as if set forth at length.

54. Defendants had a duty to Hood to use due care of a psychologist and/or mental health care provider in performing psychological evaluation and reports memorializing such evaluations.

55. Defendants breached a duty of care by failing to ensure the accuracy of critical information knowing that such information would be made public and would be relied upon by a Court of Law and the State of New Jersey in evaluating Plaintiff's fitness to parent and to maintain and obtain custody of all of his children.

56. The foregoing acts and omissions of Defendants were acts and omissions constituting conduct below the standards of the medical profession in Defendants' community and individually and collectively caused Plaintiff's damages.

57. Defendants ABC Company and/or ABC business entity are fictitiously named Defendants and represent the names, legal names and/or proper names of the business

and/or corporate structure of the psychological services business which are provided by Defendants, Larry N. Seidman and Jacqueline Seidman.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly, severally and in the alternative, for compensatory damages, bodily injury, punitive damages, interest, attorney's fees, costs of suit, together with such other relief as is just and equitable.

COUNT II

Breach of Fiduciary Duty

58. The above paragraphs are incorporated herein as if set forth at length.

59. Defendants entered into a psychological services relationship with Plaintiff and as such there existed a relationship of dependence and influence whereby defendants had a fiduciary duty to Plaintiff to act with the utmost good faith, honesty and fair dealing with Plaintiff, and not to favor their own interests at the expense of the interests of Plaintiff.

60. Through the conduct as described above, Defendants willingly and fraudulently breached their fiduciary duty owed to Plaintiffs by making material misrepresentations and omissions, and failing to accurately disclose material facts regarding the psychological status of Plaintiff and his capacity to safely parent his children.

61. As a direct and proximate result thereof, Plaintiff was damaged.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly, severally and in the alternative, for compensatory damages, bodily injury, consequential loss, back pay, front pay, punitive damages, interest, attorney's fees, costs of suit, together with such other relief as is just and equitable.

Count III

Negligent Infliction of Emotional Distress

62. The above paragraphs are incorporated herein as if set forth at length.

63. The underlying concept of a claim for negligent infliction of emotional distress is that one has a legal duty to use reasonable care to avoid causing emotional distress to another individual. If one fails in this duty and unreasonably causes emotional distress to another person, that actor will be liable for monetary damages to the injured individual.

64. Defendants' conduct, individually and collectively, caused physical symptoms and Physical manifestations of injury to Plaintiff.

65. Plaintiff was also in the "zone of danger" of the Defendants' negligent acts.

66. It was foreseeable that the Defendants' negligent conduct would have caused the Plaintiff emotional harm.

67. Plaintiff in fact was caused to suffer emotional harm as a result of the negligent infliction of emotional distress.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly, severally and in the alternative, for compensatory damages, bodily injury, punitive damages, interest, attorney's fees, costs of suit, together with such other relief as is just and equitable.

Count IV

Intentional Infliction of Emotional Distress

68. The above paragraphs are incorporated herein as if set forth at length.

69. The above described actions by Defendants constitute intentional and/or reckless acts resulting in emotional distress to Plaintiff; and it also was a deliberate disregard to the high degree of probability that emotional distress would follow.

70. The Defendant's actions in providing false information to a governmental agency which had the impact of life altering ramifications is outrageous and so extreme as to go beyond possible boundary of decency.

71. Defendants' actions are the proximate cause of Plaintiff's severe and substantial emotional distress.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly, severally and in the alternative, for compensatory damages, bodily injury, punitive damages, interest, attorney's fees, costs of suit, together with such other relief as is just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury as to all issues.

RULE 4:5-1 CERTIFICATION

The undersigned counsel certifies that there is no other action(s) pending or contemplated involving the subject matter of this controversy at this time. I certify the foregoing to be true. I am aware if the above is willfully false, I am subject to punishment.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Michelle J. Douglass, Esquire, is hereby designated as trial counsel in the within matter.

MY RIGHTS LAWYERS, L.L.C.

By: _____

Michelle J. Douglass, Esq.
Attorney for Plaintiff

Dated: June 1, 2016