

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

FILED

JAN 29 2010

CLERK OF CIRCUIT COURT #11
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

JANE DOE,)
)
 Plaintiff,)
)
 vs.)
)
 MAUREEN SACKMANN; and)
 QUEST DIAGNOSTICS INC.,)
)
 Defendants.)
 _____)

Case No. 10 L 101

COMPLAINT

COMES NOW Plaintiff, JANE DOE, by and through her undersigned counsel,
and for her Complaint against Defendants, Maureen Sackmann ("Sackmann") and Quest
Diagnostics ("Quest"), states as follows:

1. That at all times mentioned herein, the Court has allowed Plaintiff to appear under a fictitious name.
2. That at all times mentioned herein, Defendant Sackmann, was a resident of Jerseyville, Illinois.
3. That at all times mentioned herein, Defendant Quest was doing business in Madison County, Illinois.

JURISDICTION AND VENUE

4. Subject matter jurisdiction is proper in this Court pursuant to the Illinois Constitution and the laws of the State of Illinois. This Court has personal jurisdiction of the parties pursuant to the laws of Illinois.

5. Venue in this County is proper pursuant to 735 ILCS 5/2-101 and 735 ILCS 5/2-102, as this is the county in “which the transaction or some part thereof occurred out of which the cause of action arose,” and Defendant Quest does business regularly in Madison County, Illinois.

COMMON ALLEGATIONS

6. Plaintiff incorporates by reference all the above allegations as if fully set forth herein.

7. On or about September of 2008, Plaintiff went to Dr. Saima Ali in Alton, Illinois and was tested for sexually transmitted diseases. The specimen taken by Dr. Ali was submitted to Quest for analysis.

8. The lab results processed by Quest indicated that Plaintiff was positive for the Herpes Simplex Type 2 virus (“herpes”).

9. At all times relevant hereto Defendant Sackmann was employed as a Manager by Quest Diagnostics.

10. Defendant Sackmann had access to individual patient’s lab results, including Plaintiff’s lab results, stored in Quest Diagnostics electronic storage system.

11. Sackmann had previously had a relationship with Plaintiff’s boyfriend, John Doe. Plaintiff believes that Sackmann and John Doe were still having a sexual relationship at the time Plaintiff and John Doe were dating.

12. At all times relevant herein, Plaintiff believes that Sackmann was aware that John Doe was having a sexual relationship with both Plaintiff and herself (Sackmann) during July of 2008.

13. Sackmann knew the identity of the Plaintiff at all times relevant herein.

14. On or about September 2008, Sackmann contacted John Doe and told him that she had looked up Plaintiff's private lab results at Quest which revealed that Plaintiff had herpes. Sackmann further claimed that she also tested positive for the virus and that she must have gotten it from him (John Doe) because he must have gotten the virus from the Plaintiff. John Doe denied that he was positive for the virus and denied that he had passed the virus to Sackmann.

15. Sackmann then generated a fake lab result purporting to be from Quest diagnostics which showed that she was positive for herpes. She then showed the fake results to John Doe in an attempt to get him to admit that the Plaintiff (current girlfriend), in fact, had herpes. John Doe continued to deny that he had herpes. Sackmann then admitted to John Doe that she had lied and that she did not in fact have herpes, but that she was just trying to get him to admit that the Plaintiff had herpes.

16. John Doe asked Sackmann what would make her believe that Plaintiff had herpes and Sackmann admitted to John Doe that she had looked up the Plaintiff's private lab results at Quest which revealed that Plaintiff was positive for herpes. Sackmann offered to take John Doe to Quest's Alton, Illinois location and show him the Plaintiff's results. Sackmann also revealed to John Doe the name of the Plaintiff's physician, Dr. Ali, to confirm to John Doe that she had in fact seen the Plaintiff's results.

17. On or about October of 2008, Plaintiff's then boyfriend, John Doe, was tested for sexually transmitted diseases. John Doe's tests results were negative.

18. John Doe contacted the Plaintiff and told her that Sackmann had looked up her lab results at Quest.

19. John Doe also contacted Sackmann's supervisor at Quest and made a formal complaint about Sackmann's actions.

20. Plaintiff believes that Sackmann was terminated by Quest because of her actions.

21. Plaintiff has suffered severe emotional distress because of the disclosure of her private health information.

COUNT I-Intentional Infliction of Emotional Distress (Sackmann)

22. Plaintiff repeats and realleges paragraphs 1-21 above.

23. At all times relevant hereto, defendant Sackmann, as a Quest employee, had a duty to the Plaintiff to not look at her private health information and to not disclose her private health information to others.

24. During the course of her employment, defendant Sackmann, used her position of authority at Quest to look up Plaintiff's personal health information for Sackmann's own personal use.

25. Sackmann then disclosed Plaintiff's personal health information to John Doe.

26. At all times relevant hereto, Sackmann intended to cause severe emotional distress to plaintiff.

27. After the foregoing incidents described herein, plaintiff became deeply depressed and emotionally distressed.

28. As a direct and proximate result of Sackmann's actions, plaintiff sustained severe emotional distress.

29. As a direct and proximate result of one or more of the aforesaid acts by Sackmann, plaintiff sustained permanent emotional injury, Plaintiff experienced and will experience mental and physical pain and suffering, all of which damages are continuing.

WHEREFORE, plaintiff seeks judgment against defendant Sackmann in excess of \$50,000 as allowed by this court, plus attorneys' fees and all other and further relief as allowed by law.

COUNT II-Negligent Infliction of Emotional Distress (Quest)

30. Plaintiff repeats and realleges paragraphs 1-21 above.

31. At all times relevant hereto, defendant Quest was guilty of one or more of the following negligent acts and/or omissions:

- a. failing to properly and adequately monitor Sackmann's activities;
- b. failing to properly and adequately safeguard patient's private health information;
- c. failing to have the proper systems in place to keep a patient's identity separate from his/her lab results;
- d. failing to have a proper system in place which would only allow employees to access individual patient's lab results if that particular employee was involved in the analysis of the patient's results and communication with the patient's physician;

- e. failing to adequately and properly limit the amount of its employees who have access to patient's lab results; and
- f. failing to disclose to the Plaintiff that her private information had been breached by Quest's employee.

32. As a direct and proximate result of one or more or all of the foregoing wrongful acts and/or omissions of defendant Quest, plaintiff endured substantial pain and mental suffering and has suffered physical manifestations and emotional distress from defendant's acts and/or omissions.

WHEREFORE, plaintiff seeks judgment against defendant Quest for an amount in excess of \$50,000, plus costs incurred in bringing this action, attorney's fees, and for all other and further relief as allowed by law.

COUNT III-Breach of Fiduciary Duty (Quest)-Reckless Indifference

33. Plaintiff repeats and realleges paragraphs 1-21 above.

34. At all times relevant hereto, defendant Quest was reckless and indifferent in the following acts and/or omissions:

- a. failing to properly and adequately monitor Sackmann's activities;
- b. failing to properly and adequately safeguard patient's private health information;
- c. failing to have the proper systems in place to keep a patient's identity separate from his/her lab results;
- d. failing to have a proper system in place which would only allow employees to access individual patient's lab results if that

particular employee was involved in the analysis of the patient's results and/or communication with the patient's physician;

- e. failing to adequately and properly limit its employees who have access to patient's lab results; and
- f. failing to disclose to the Plaintiff that her private information had been breached by Sackmann.

35. As a direct and proximate result of one or more or all of the foregoing wrongful acts and/or omissions of defendant Quest, plaintiff endured substantial pain and mental suffering and has suffered physical manifestations and emotional distress from defendant's acts and/or omissions.

WHEREFORE, plaintiff seeks judgment against defendant Quest for an amount in excess of \$50,000, plus costs incurred in bringing this action, attorney's fees, and all other and further relief as allowed by law.

COUNT IV- Intrusion Upon the Seclusion of Another (Sackmann)

36. Plaintiff repeats and realleges paragraphs 1-21 above.

37. Plaintiff did not authorize Sackmann to view her private health information.

38. Sackmann's viewing of Plaintiff's private health information and disclosure of Plaintiff's private health information is offensive and objectionable.

39. As a direct and proximate result of one or more of the aforesaid acts by Sackmann, plaintiff sustained permanent emotional injury, Plaintiff experienced and will experience mental and physical pain and suffering, all of which damages are continuing.

WHEREFORE, plaintiff seeks judgment against defendant Sackmann in excess of \$50,000, plus attorney's fees and all other and further relief as allowed by law.

COUNT V- Public Disclosure of Private Facts (Sackmann)

40. Plaintiff repeats and realleges paragraphs 1-21 above.
41. Plaintiff repeats and realleges paragraphs 37-39 above.

WHEREFORE, plaintiff seeks judgment against defendant Sackmann in excess of \$50,000, plus attorney's fees and all other and further relief as allowed by law.

COUNT VI-Intrusion Upon the Seclusion of Another (Quest)

42. Plaintiff repeats and realleges paragraphs 1-21 above.
43. Plaintiff repeats and realleges paragraphs 31-35 above.

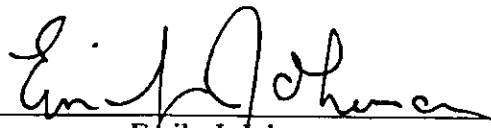
WHEREFORE, plaintiff seeks judgment against defendant Quest in excess of \$50,000, plus attorney's fees and all other and further relief as allowed by law.

COUNT VII- Public Disclosure of Private Facts (Quest)

44. Plaintiff repeats and realleges paragraphs 1-21 above.
45. Plaintiff repeats and realleges paragraphs 31-35 above.

WHEREFORE, plaintiff seeks judgment against defendant Quest in excess of \$50,000, plus attorneys' fees and all other and further relief as allowed by law.

JOHNSON LAW FIRM P.C.

By: 
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