

IN THE CIRCUIT COURT OF THE
17TH JUDICIAL CIRCUIT IN AND
FOR BROWARD COUNTY, FLORIDA

CIVIL DIVISION

CASE NO.

JANE DOE (A Pseudonym),

Plaintiff,

v.

ROE F. CLARKE, PSY.D.,

and

ROE F. CLARKE, PSY.D., P.A.,

Defendants.

COMPLAINT AND JURY DEMAND

Plaintiff, Jane Doe (hereinafter "Plaintiff"), sues Defendant, Roe E. Clarke, Psy.D. (hereinafter "Defendant" or "Dr. Clarke"), and Roe E. Clarke, Psy.D., P.A. (hereinafter "Defendant," or "P.A."), and alleges:

1. This is an action for damages in excess of \$15,000, exclusive of interest and costs.
2. Plaintiff is sui juris and has been a resident of Broward County, Florida at all material times. Plaintiff is a woman who has filed this lawsuit using a pseudonym to protect her privacy and because she fears further psychological injury to herself and her family if her name were publicly disclosed, as this lawsuit deals with the most intimate, painful, and humiliating events in her life, including her childhood physical and sexual abuse.
3. At all times material hereto Dr. Clarke has been a licensed psychologist practicing psychology in Broward County, Florida. At all times material hereto, Dr. Clarke held herself out

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as and represented to Plaintiff that she was a skilled and ethical psychologist holding a doctoral degree in psychology from “the esteemed Illinois School of Professional Psychology in Chicago.”¹

4. At all times material hereto, Roe E. Clarke, Psy.D., P.A. is a professional association incorporated and authorized to do business in Florida with its principal situs in Broward County.

5. At all times material hereto, Roe E. Clarke, Psy.D., P.A. held itself out as a skilled and ethical psychological practice that complied with professional and ethical standards governing psychological care and patient treatment.

ALLEGATIONS COMMON TO ALL COUNTS

6. In or about July 2013, Plaintiff sought and obtained professional psychological services from Dr. Clarke. At that time she began weekly visits with Dr. Clarke for psychotherapy related to self-care for her underlying diabetes and, as was revealed to Dr. Clarke in the initial consultation, ultimately self-care related to her untreated trauma from childhood sexual and physical abuse. Defendant diagnosed Plaintiff’s condition as generalized anxiety disorder and advised Plaintiff to continue weekly psychological counseling sessions and then continue sessions as frequently as four times per week.

7. For approximately a year and a half, Plaintiff continued her psychotherapy with Dr. Clarke. The course of her treatment varied, from office visits and telephone contacts to sessions at Dr. Clarke’s home.

8. Starting in approximately September 2013 and continuing until the end of the patient/psychologist relationship, Dr. Clarke engaged in various boundary violations with Plaintiff,

¹ Dr. Clarke’s Website, thestressreliever.net, About Dr. Roe Clarke (last accessed March 17, 2017) at http://thestressreliever.net/?page_id=653.

who she knew to be a particularly vulnerable individual, not only because she was a patient who sought and was in psychotherapy, but because, as Dr. Clarke learned during the initial consultation, Plaintiff had suffered traumatic childhood physical and sexual abuse.

9. In or about September 2013, Dr. Clarke introduced Plaintiff to and solicited Plaintiff's participation in the Soka Gakkai International – USA, Inc. (“SGI”), an organization of the Japanese Buddhist religious movement that has been widely recognized as a religious cult.

10. As part of Plaintiff's participation in SGI, Dr. Clarke had Plaintiff attend mandatory meetings and events and symbolically became her “shakubuku mother” in a formal religious ceremony wherein Dr. Clarke would take on the “shakabuku” role of “breaking and subduing” (its literal definition) Plaintiff. Dr. Clarke exercised this role and incorporated other SGI principles, such as Buddhist chanting (a form of SGI prayer).

11. Dr. Clarke brought religious leaders from SGI to conduct a religious ceremony at Plaintiff's home in preparation for Plaintiff's formal conversion to SGI Buddhism.

12. “Therapy” included acts intended to break down Plaintiff included Plaintiff having to get on her knees before Dr. Clarke, crawl and beg for the chance to speak, being pushed and kicked by Dr. Clarke, and having objects thrown at Plaintiff, having to pick up papers, and other physical abuse.

13. The intimacy-related boundary violations included Dr. Clarke's requirement that Plaintiff rub her feet and put her to bed three nights per week and wait until Dr. Clarke fell asleep, being required to watch Dr. Clarke bathe fully nude and shave four days per week. Dr. Clarke required that each session begin and end with a long embrace. Dr. Clarke told Plaintiff that Plaintiff had intimacy problems and that she was teaching Plaintiff normal female intimacy. She requested that Plaintiff sleep over frequently at her house in her son's bedroom. She asked Plaintiff

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to strip and show Dr. Clarke her body and even barged into the shower to see what Plaintiff “was hiding.”

14. Twice she asked Plaintiff to take her and pay for a vacation with her to Amelia Island where Dr. Clarke and Plaintiff shared a bed every night for each four-night trip. During those trips, Dr. Clarke conducted therapy sessions in the car on the way Amelia Island and during the vacation.

15. Dr. Clarke told Plaintiff she wished Plaintiff was a man and would propose to her.

16. Dr. Clarke had Plaintiff wash Dr. Clarke’s soiled underwear by hand. Dr. Clarke had Plaintiff sweep up piles of her pubic hair off the bathroom floor and had Plaintiff go into the bathroom or bathroom stall when Dr. Clarke used the restroom.

17. On one occasion, Dr. Clarke grabbed Plaintiff’s arm so hard, digging in her fingernails, breaking the skin and causing bleeding, as punishment for Plaintiff supposedly not mentioning some information in her therapy session. The next day in therapy at a session in her office, Dr. Clarke asked Plaintiff to apologize for making her lose control.

18. Dr. Clarke covered the impropriety of her actions by claiming that she was trying to break down Plaintiff’s ego to make her more vulnerable and humble.

19. Dr. Clarke repeatedly belittled, degraded, and insulted Plaintiff and also said made similar remarks about Plaintiff to Plaintiff’s husband, who began seeing Dr. Clarke for psychotherapy in December 2013. Some examples of daily insults were that Plaintiff was the following: stupid, an imbecile, a moron, slow, a dumb blonde, lazy, and a liar.

20. Throughout the time Plaintiff was treated by Dr. Clarke, Dr. Clarke inappropriately caused Plaintiff to socialize with her under the guise of providing legitimate therapy. Dr. Clarke caused Plaintiff to go to multiple private dinners with her and engaged in excessive phone calls

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and texting with Plaintiff at odd hours of the night and in the early morning. Dr. Clarke did not permit Plaintiff to call her but was outraged if Plaintiff did not take or immediately return her calls.

21. Starting around February, 2014, after Dr. Clarke had foot surgery, Dr. Clarke asked Plaintiff to be her caretaker, which turned into a rigid schedule where Plaintiff was required to spend approximately 35-40 per week with Dr. Clarke on a rigid schedule. The rigid schedule developed over time after Dr. Clarke's foot surgery. Plaintiff started out getting Dr. Clarke's mail, bathing her, and taking her to the doctor. On Tuesday and Thursday nights, Plaintiff was to get dinner ready and stay with Dr. Clarke until she fell asleep. Friday night, Plaintiff had to leave work early to spend the night out with Dr. Clark; Plaintiff could leave after Dr. Clarke fell asleep. On Saturdays, Plaintiff was to be at Dr. Clarke's house from 8AM until 4PM and Sundays from 8AM until 1PM.

22. While Plaintiff was at Dr. Clarke's house, Dr. Clarke required Plaintiff to do manual labor and chores around the house, such as cleaning the pool, scrubbing floors, cleaning the cat litter, walking the dog, buying Dr. Clarke's groceries, doing her banking, and going to the post office and the cleaners. This continued until the end of therapist/patient relationship. Dr. Clarke would conduct therapy sessions in her home while Plaintiff was cleaning Dr. Clarke's house.

23. Dr. Clarke had Plaintiff pay for medical supplies for Dr. Clarke's practice, for household appliances. On two occasions, Plaintiff was asked to pay for Dr. Clarke's son's airfare to Florida to visit after Dr. Clarke's foot surgery. Dr. Clarke also asked Plaintiff to purchase clothes, jewelry, manicure/pedicures, holiday decorations, and dishes.

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24. Dr. Clarke pressured Plaintiff to provide assistance with various errands and personal matters on an almost daily basis, including asking for free legal services from Plaintiff, who is a practicing attorney in Florida.

25. Dr. Clarke also insisted that Plaintiff spend the holidays with her, including Halloween, Thanksgiving, and Christmas, despite knowing Plaintiff had a husband and two children. Dr. Clarke told Plaintiff to distance herself from her mother, children, friends and husband. Dr. Clarke made Plaintiff tell her that Dr. Clarke was more important to her than her own children.

26. Stressing the idea of karma, Dr. Clarke told Plaintiff that she has angels watching her and that people who have harmed Dr. Clarke have been harmed in car accidents or gotten cancer.

27. Dr. Clarke disclosed confidential information learned during sessions with Plaintiff to Dr. Clarke's friends, other patients.

28. Over the course of her therapy, Plaintiff's emotional state deteriorated, and Plaintiff suffered both physically and emotionally, but Dr. Clarke kept reassuring Plaintiff that these results were all part of the therapeutic process.

29. Dr. Clarke terminated the therapist/patient relationship abruptly in or about January 2016.

30. At the time, Dr. Clarke terminated the therapist/patient relationship, Plaintiff believed she herself was to blame. She fully believed that the goals of the therapy and means and methods employed by Dr. Clarke were therapeutic.

31. Dr. Clarke knew or should have known that her conduct was both ethically and professionally prohibited and would foreseeably cause emotional pain and harm to Plaintiff.

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32. At all times material, Dr. Clarke manipulated and controlled Plaintiff, preying on her vulnerability and hiding the impropriety of her conduct under her guise of legitimate therapy.

33. As a direct and proximate result of the wrongdoing of Dr. Clarke, Plaintiff has suffered substantial injury, both professionally and personally. Her damages include the cost of continuing psychological care, emotional harm, mental anguish, and the loss of capacity for the enjoyment of life. Such losses are permanent and continuing.

COUNT I
PROFESSIONAL NEGLIGENCE

34. Plaintiff re-alleges paragraphs 1 through 33 as if fully stated herein

35. Dr. Clarke's conduct above described constitutes professional negligence in that Dr. Clarke violated the standard of care for practicing psychologists in the State of Florida by engaging in prohibited boundary violations with Plaintiff.

36. Any and all conditions precedent to this action have been performed or waived.

37. Plaintiff reserves the right, upon the proper showing of record evidence, to amend her complaint to seek punitive damages resulting from the wanton and willful conduct of Dr. Clarke.

WHEREFORE, Plaintiff demands judgment for damages from Dr. Clarke together with costs and such other and further relief deemed appropriate by the Court.

COUNT II
(BREACH OF FIDUCIARY DUTY)

38. Plaintiff re-alleges paragraphs 1 through 33 as if fully stated herein.

39. At all times material hereto, the relationship between Plaintiff and Dr. Clarke, her psychotherapist, was a fiduciary relationship in which Plaintiff put her trust and confidence in Dr. Clarke, revealing confidences to her, and generally providing her with complete and unfettered

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access to the intimate details of her private life. Dr. Clarke had a position of influence and superiority over Plaintiff.

40. Dr. Clarke had a duty to act in the best interest of Plaintiff and to strictly maintain Plaintiff's confidences.

41. Plaintiff reserves the right, upon proper showing of record evidence, to amend the complaint to seek punitive damages resulting from Dr. Clarke's wanton and willful wrongs.

WHEREFORE, Plaintiff demands a judgment for damages from Dr. Clarke together with costs and such other and further relief deemed appropriate by the Court.

COUNT III
(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)

42. Plaintiff re-alleges paragraphs 1 through 33 as if fully stated herein.

43. By willfully engaging in prohibited boundary violations and an abusive relationship with Plaintiff, Dr. Clarke intentionally inflicted emotional distress upon Plaintiff. Her outrageous conduct exceeded all bounds reasonably tolerated by society and departed from all relevant professional constraints, criminal statutes, and administrative regulations.

44. Plaintiff reserves the right, upon the proper showing of record evidence, to amend her complaint to seek punitive damages against resulting from the wanton and willful conduct of Dr. Clarke.

WHEREFORE, Plaintiff demands a judgment for damages from Dr. Clarke together with costs and such other and further relief deemed appropriate by the Court.

COUNT IV
(RESPONDEAT SUPERIOR)

45. Plaintiff re-alleges paragraphs 1 through 44 as if fully stated herein.

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46. At all material times, Dr. Clarke acted within the course and scope of her employment as an agent, servant, or member of the professional association P.A. Therefore, P.A. is liable for the wrongful acts committed by Dr. Clarke under the vicarious liability doctrine of respondeat superior.

47. Plaintiff reserves the right, upon the proper showing of record evidence, to further amend the complaint to seek punitive damages resulting from the conduct of P.A.

WHEREFORE, Plaintiff demands judgment for damages against P.A. together with costs and such other and further relief deemed appropriate by the Court.

COUNT V
(NEGLIGENT SUPERVISION)

48. Plaintiff re-alleges and reincorporates paragraphs 1 through 44 as though fully stated herein.

49. At all times material, P.A. had a duty to properly supervise the psychologist in its employ to ensure that patient contact was appropriate and in conformity with professional and ethical standards and norms.

50. Defendant P.A. breached its duty of supervision by its failure to prevent and/or terminate the inappropriate misconduct with Plaintiff herein.

51. Plaintiff reserves the right, upon the proper showing of record evidence, to amend her complaint to seek punitive damages resulting from the reckless, wanton, and willful conduct of P.A.

WHEREFORE, Plaintiff demands judgment for damages from P.A. for damages together with costs and such other and further relief deemed appropriate by the Court.

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DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of all such claims as may be so triable as of right.

Dated: March 20, 2017

Respectfully submitted,

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