

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

MY THI NHU TRAN,
MY THI NHU TRAN o/b/o T.V.,
TUNG DUC VO,
TRAN VO

Plaintiffs

v.

JEFFERSON PARISH SCHOOL BOARD,
JEFFERSON PARISH SHERIFF'S OFFICE,
CHILDREN'S HOSPITAL,
LOUISIANA CHILDREN'S MEDICAL
CENTER d/b/a/ LCMC HEALTH

Defendants

CIVIL ACTION:

JUDGE:

MAGISTRATE:

COMPLAINT

Plaintiffs, My Thi Nhu Tran, My Thi Nhu Tran o/b/o minor child T.V., Tung Duc Vo, and Tran Vo, for the complaint against Defendants, Jefferson Parish School Board, Jefferson Parish Sheriff's Office, Children's Hospital, Louisiana Children's Medical Center d/b/a LCMC Health, allege as follows:

INTRODUCTION

1. What was supposed to be another normal day of learning and joy turned into a nightmare that will last a lifetime – not just for the young victim but also for the whole family. A healthy thirteen-year-old honors female student with no disciplinary or medical history made an offhand joke. The school immediately investigated and definitively determined that she presented no credible and imminent risk, yet it detained her, and then called the police and EMS to remove

and deliver her to a hospital, where she spent three days unlawfully detained under invasive testing and observation, without any explanation and justification provided to either her or her Limited-English proficiency (LEP) parents.

JURISDICTION AND VENUE

2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1341 & 1343, and 42 U.S.C. §§ 1983, 1985, 1988, and 2000d. The Court has supplemental jurisdiction over this action pursuant to 28 U.S.C. § 1367.

3. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b), because this judicial district is where the substantial part of the events and omissions giving rise to the claims occurred.

PARTIES

4. Plaintiff, My Thi Nhu Tran, mother of minor child T.V., LEP person of Vietnamese origin, domiciled in Jefferson Parish, Louisiana. (“Mother”).

5. Plaintiff, My Thi Nhu Tran o/b/o minor child T.V.

6. Plaintiff, Tung Duc Vo, father of minor child T.V., LEP person of Vietnamese origin, domiciled in Jefferson Parish, Louisiana. (“Father”).

7. Plaintiff, Tran Vo, sister of minor child T.V., person of Vietnamese origin, domiciled in Jefferson Parish, Louisiana. (“Sister”).

8. Defendant, Jefferson Parish School Board, is a school board, political subdivision and local governmental entity, formed under the laws of the State of Louisiana, Parish of Jefferson, and recipient of federal financial assistance. C.T. Janet Elementary School, a school in Marrero, Louisiana, part of the JPSB system. (“School”).

9. Defendant, Jefferson Parish Sheriff's Office, is a sheriff's office, political subdivision and local governmental entity, formed under the laws of the State of Louisiana, Parish of Jefferson, and recipient of federal financial assistance. ("Police").

10. Defendant, Children's Hospital, is a non-profit corporation, incorporated under the laws of the State of Louisiana, and located and operating in the Orleans Parish. It includes the emergency department and behavioral health center. ("Hospital"). Children's Hospital is a part of the LCMC Health system.

11. Defendant, Louisiana Children's Medical Center, d/b/a LCMC Health, is a non-profit corporation, incorporated under the laws of the State of Louisiana, and located and operating in the Orleans Parish. LCMC Health system includes Children's Hospital.

FACTS

12. Minor Student attended seventh grade at C.T. Janet Elementary School. She had just turned thirteen, was a healthy young person, and an honors student with no disciplinary record, and no history of mental health issues.

13. On December 1, 2023, at School, when talking to a classmate, she made an offhand remark, a teacher overheard it and perceived it as a possible threat.

14. The teacher reported the remark to the school administrators, who conducted an interrogation and determined that she she posed no risk.

15. However, the School's counselor then called 911 and requested an EMS to take her to a hospital. The School's counselor also explained to the 911 dispatcher that he would not release the child to her Father, who was present at the School at the time.

16. Father was at the School to pick her up as he typically does. The School officials never informed Father about what was taking place and why his daughter was being detained. The

School officials segregated Mr. Vo and prevented him from accessing and communicating with his daughter. The School failed to provide the LEP Father with language access.

17. The School officials never provided Mr. Vo with the Threat of Violence form. Plaintiffs obtained the form at a later point. In answering the question “Does the student present a credible and imminent risk at this time?,” the administrator answered “No.”

18. The School failed to follow the Threat of Violence form instructions.

19. In the Threat of Violence form, counselor fabricated the information about her purported self-harm and hallucinations, as she never dreamed about harming herself and never communicated this information to counselor.

20. The Police did the same as the School officials: the two officers never informed Mr. Vo about what was taking place and why his daughter was being detained, and they prevented him from accessing and communicating with his daughter. The Police failed to provide the LEP Father with language access.

21. The Police failed to obtain an order for protective custody before allowing the EMS to transport her to the hospital.

22. The Police relied on the School’s Threat of Violence form, which clearly determined that she posed no threat or risk.

23. The Police facilitated her transfer by EMS to the emergency department at the Children’s Hospital.

24. The EMS staff strapped her to a gurney and wheeled her off to the emergency vehicle.

25. At the emergency department, she was sequestered in a room guarded by two personnel. Having arrived at the Hospital, Mother and Sister were denied critical information about the reason Minor Child was at the Hospital. The LEP Mother was denied adequate language access.

26. Mother knew that her daughter had not eaten all day and pleaded with the Hospital staff to allow her to bring her daughter snacks but was denied. For nearly six hours, her daughter was barred from consuming nourishment.

27. Mother was told that her daughter was in the emergency department due to an alleged joke that she had made to her classmate. The LEP Mother was not informed that her daughter was at the Hospital for a mental health evaluation. The LEP Mother was not provided adequate language access to critical information about her child's diagnosis and treatment.

28. The Hospital, through an interpreter, deceived and coerced Mother to sign a form agreeing to allow her daughter to spend a night at another room at the emergency department and be discharged the following morning. Once signed, the Hospital staff strapped her daughter to a stretcher and wheeled her off to another facility, which later turned out to be a psychiatric ward.

29. The Hospital never provided Minor Child and Parents with the reasons pertaining to the Minor Child's detention at the psychiatric ward. The Hospital never informed Minor Child about her purported diagnosis, and the reasons for her involuntary detention.

30. The Hospital failed to notify Parents about the decision to issue the involuntary Patient Emergency Certificate (PEC). The Hospital lacked proper justification and documentation for the PEC. The Hospital failed to conduct an actual mental health evaluation before issuing the involuntary PEC. The Hospital failed to advise Minor Child and Parents of their rights of access to counsel and petition for discharge.

31. The Hospital records later revealed that the Hospital exaggerated and fabricated the Minor Child's condition, and falsely described her as "gravely disabled."

32. Mother and Sister followed the ambulance and realized that she was instead being transported to a different facility. Mother and Sister parked and repeatedly rang the doorbell, and saw through the glass door two Hospital staff members dancing behind the desk while ignoring their pleas to open the door.

33. Mother and Sister were eventually allowed entrance and were taken up to the second floor, where they learned that she would not be discharged the following morning. Mother and Sister strongly objected, making it clear that they wanted her immediately discharged.

34. The Hospital engaged a Vietnamese interpreter through a video conference, who informed Mother that if she refused to sign the consent forms, her daughter would be held for seven days. Mother told the interpreter that they were being discriminated and mistreated. Mother was forced to electronically sign the consent forms written in English on a tablet under fear, coercion, and duress.

35. Mother was not provided with translated consent forms in a language that she could read and understand regarding the critical decisions affecting the Parents' rights and their child's well-being and rights.

36. Mother and Sister cried as they felt severely traumatized by the discriminatory treatment.

37. On December 2, 2023, Mother and Sister visited Minor Child at the Hospital and noticed that she had on a wrist bracelet, similar to the ankle bracelets Mother would see on some of her customers.¹ Mother began to realize and grew increasingly concerned that the Hospital

¹ Mother works as a nail technician and occasionally sees customers with ankle monitoring devices.

facility was a type of detention center.² Mother once again requested that her daughter be discharged but the Hospital denied her request.

38. On December 3, 2024, Mother and Sister, along with their private attorney, visited the Hospital to request the information about the admission and discharge. Charge nurse spoke to attorney and initially mentioned that she was admitted under a suicide diagnosis but changed this statement after attorney questioned the diagnosis. Charge nurse then stated that he did not know the reason she was admitted. Charge nurse finally brought down her chart, which contained limited information.

39. During the same visit, the Hospital stated that they had no idea about the identity of the attending physician, that there were no attending physicians on site during the weekends, and that one would be assigned to Minor Child Monday morning. The Hospital also stated that Minor Child was not scheduled to be discharged on Monday, December 4, 2023.

40. The Hospital also denied Minor Student a private meeting with her attorney.

41. On the morning of December 4, 2023, attorney spoke with the Hospital and was told that no attending physician was yet assigned to Minor Child, which was false since Minor Student had told Mother during her phone call that an attending physician had already seen her that morning – Dr. Ramzi A. Shalby. Minor Student stated that Dr. Shalby told her that he did not know why she was admitted to the Hospital, that she should not be there, and that he was going to get her discharged.

42. On the same morning, the Hospital contacted mother by phone through an interpreter and threatened to not discharge Minor Child if Mother refused to talk to them.

² Mother did not realize that the Hospital facility was a psychiatric ward until she sought legal representation.

43. Around 4:00 pm on December 4, 2023, Mother and attorney visited the Hospital and requested that Minor Child be discharged. The Hospital agreed, and required that Mother and attorney attend a “Discharge Conference,” with the Hospital officials and counsel.

44. The incident left Minor Child, Parents and Sister extremely upset and traumatized.

45. Minor Student transferred to another school because of the incident.

46. Since the incident, Minor Child has been undergoing weekly counseling with a licensed counselor. The incident has adversely affected the Minor Student’s health and social engagement.

47. As a result of the incident Mother had to take time off work to seek medical treatment for headaches and sleep issues, and mental anguish and emotional distress. Mother has constant nightmares. Mother has been seeking treatment with a licensed counselor, who recommended that she seek help from a psychiatrist. Mother has forgone all her other medical treatments because she has become terrified of the medical professionals.

48. Plaintiffs have sustained serious emotional distress, and financial injuries in terms of loss of work, medical and legal costs.

COUNT I – CIVIL RIGHTS VIOLATIONS UNDER 42 U.S.C. § 1983³

49. Plaintiffs state, repeat, and incorporate by reference each allegation stated above.

50. Defendants acted under color of state law. Defendants deprived the Minor Child’s liberty interests through the detention and hospitalization without adequate procedural safeguards. Defendants deprived the Parents of their rights to notice and an opportunity to participate in the decisions affecting their child. The Defendant’s arbitrary and excessive actions infringed on the

³ Plaintiffs allege the offenses of false arrest and/or imprisonment, and the violations of the substantive and procedural due process, and equal protection rights, under the Fourth and Fourteenth Amendments of the United States Constitution.

child's liberty and parental rights. Defendants acted with discriminatory intent by failing to provide language access or ensuring LEP Parents had meaningful involvement in critical decisions. Defendants violated the Plaintiffs' rights of liberty, substantive and procedural due process, and equal protection, in breach of the Fourth and Fourteenth Amendments of the United States Constitution.

51. The School deprived Minor Student of her liberty interests without adequate procedural safeguards. The School failed to notify or involve the Parents in the decisions regarding the detention, interrogation, and hospitalization of Minor Child. The School violated the Parents' fundamental right to make the decisions concerning the care, custody, and control of their child. The School's actions constitute interference with the Parents' fundamental rights to direct the upbringing and medical care of their child.

52. The School had no lawful authority to seize and detain Minor Child. The School's actions were arbitrary, capricious, and violated fundamental rights protected under substantive and procedural due process.

53. The School engaged in unnecessary escalation of the situation by involving the police and EMS after determining that Minor Student posed no threat.

54. The School acted intentionally in denying the Parents access to their child, and the necessary notice and information. The School maintains policies, practices, and customs that encourage arbitrary or excessive actions in response to non-credible threats. The School failed to train or supervise the school personnel regarding proper protocols for detaining students, notifying parents, and involving law enforcement. The School failed to provide language access to the LEP Parents about their and their child's rights and well-being.

55. The Minor Student's detention, and later transfer to the Hospital via police and EMS, constituted an unlawful seizure, arrest, and detention.

56. The Police continued and extended the unlawful detention of Minor Child. The Police relied on the School's Threat of Violence assessment, which clearly stated that Minor Child posed no risk.

57. The Police failed to inform and notify Parents about the reason for the imprisonment. The Police continued to deny Mr. Vo's access and communication with Minor Child. The Police facilitated the Minor Child's removal and transportation by the EMS to the Hospital.

58. The Police maintains policies, practices, and customs that encourage arbitrary or excessive actions in response to non-credible threats.

59. The Police failed to train or supervise the Police personnel regarding proper protocols for detaining students, notifying parents, involving medical facilities, and compelling medical examinations. The Police failed to provide language access to the LEP Parents about their and their child's rights and well-being.

60. The Hospital failed to conduct an actual mental health evaluation before issuing an involuntary PEC. The Hospital misrepresented and falsely reported the Minor Student's condition.

61. The Hospital failed to comply with its legal obligation and process regarding the involuntary PEC.

62. The Hospital maintains policies, practices, and customs that encourage arbitrary or excessive actions in regard to mental health examination, admission, treatment, and discharge. The Hospital failed to train or supervise the Hospital personnel regarding proper protocols for examining, admitting, detaining, treating, and discharging minor patients, and informing and

notifying parents and obtaining their consent. The Hospital failed to provide language access to the LEP Parents about their and their child's rights and well-being.

63. The Hospital unlawfully detained Minor Child by keeping her in the emergency department and psychiatric ward without parental consent. The Minor Child's detention was not justified by medical necessity or any legal authority.

64. The Hospital denied Minor Child's rights to counsel as well as the rights to petition for discharge by failing to advise Minor Child and Parents about them.

65. The Hospital acted under color of state law as it conspired and collaborated with the School and Police in detaining Minor Child.

66. Defendants acted willfully and showed reckless indifference to the Plaintiffs' federally protected rights.

67. WHEREFORE, considering the foregoing, Plaintiffs seek compensatory and punitive damages, and attorney fees and costs.⁴ Plaintiffs also seek a declaratory order finding the Defendants' policies and practices violative of the Plaintiffs' civil rights.

COUNT II – CIVIL RIGHTS VIOLATIONS UNDER 42 U.S.C. § 1985⁵

68. Plaintiffs state, repeat, and incorporate by reference each allegation stated above.

69. Defendants conspired with one another to interfere with and deprive Plaintiffs of their civil rights. Defendants agreed to and conspired to interfere with the Plaintiffs' exercise of their civil rights by unlawfully detaining Minor Student, first at the School and then at the Hospital. Without lawful authority, the School and Police agreed to detain Minor Student at the School,

⁴ 42 U.S.C. § 1988.

⁵ 42 U.S.C. § 1985(3).

while barring Father from accessing and communicating with Minor Student, and failing to inform Father of what was happening to his child.

70. The School coordinated with the Hospital by referring and ordering the transfer of Minor Student to the Hospital.

71. Defendants conspired to unlawfully detain and imprison Minor Child, in violation of the Fourth Amendment of the United States Constitution.

72. Defendants conspired to interfere with the Plaintiffs' substantive and procedural due process rights, in violation of the Fourteenth Amendment of the United States Constitution.

73. Defendants conspired, acted willfully and showed reckless indifference to the Plaintiffs' federally protected rights.

74. WHEREFORE, considering the foregoing, Plaintiffs seek compensatory and punitive damages, and attorney fees and costs.⁶ Plaintiffs also seek a declaratory order finding the Defendants' policies and practices violative of the Plaintiffs' civil rights.

COUNT III – VIOLATIONS OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964
(42 U.S.C. § 2000d)

75. Plaintiffs state, repeat, and incorporate by reference each allegation stated above.

76. Title VI prohibits discrimination on the basis of national origin in programs or activities receiving federal financial assistance, which includes schools, hospitals, and police departments. Failing to provide language assistance to LEP parents constitutes national origin discrimination.

77. Defendants, individually and collectively, as the recipients of federal financial assistance, failed to provide meaningful access to information, denying the LEP Parents equal

⁶ 42 U.S.C. § 1988.

participation. As a result, the LEP Parents were unable to effectively exercise their rights and advocate for their child.

78. Defendants, individually and collectively, as the recipients of federal financial assistance, failed to provide adequate interpretation or translation services during critical communications, such as the interrogation of the child or decisions about medical care. This failure contributed to the Parents' inability to protect their rights and their child's interests.

79. The Defendants' violations were consistent, repeated, systemic and egregious.

80. WHEREFORE, Plaintiffs seek damages, punitive damages, and attorney fees and costs.⁷ Plaintiffs also seek a declaratory order finding the Defendants' policies and practices to stand in violation of the Plaintiffs' Title VI civil rights.

COUNT IV – FALSE ARREST AND IMPRISONMENT⁸

81. Plaintiffs state, repeat, and incorporate by reference each allegation stated above.

82. Defendants arrested and detained Minor Child without legal authority or justification. At no point did any of the Plaintiffs in any way consent to the Minor Child's unlawful arrest and detention, at the School, by the Police and EMS, and at the Hospital.

83. The arrest and detention exceeded the bounds of the School's, Police's, and Hospital's authority.

84. The School unlawfully arrested, interrogated, and detained Minor Student, as she posed no threat to self or others.

85. The Police unlawfully arrested and detained Minor Student, as she posed no threat to self or others.

⁷ 42 U.S.C. § 1988.

⁸ La. Civ. Code art. 2315.

86. The Hospital unlawfully detained Minor Child by admitting her to the emergency department and psychiatric ward without consent or medical justification.

87. The student was held against her will and without parental consent.

88. There was no lawful or medical basis for the detention.

89. The arrest and detention directly and proximately caused harm to Minor Child.

90. WHEREFORE, Plaintiffs seek damages, and attorney fees and costs.

COUNT V – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS⁹

91. Plaintiffs state, repeat, and incorporate by reference each allegation stated above.

92. The Defendants' actions, individually and collectively, were extreme, outrageous, and caused severe emotional distress to Minor Child and her Parents and Sister.

93. Not informing and misinforming the LEP Parents and keeping the child in the psychiatric ward unnecessarily brought immense frustration and mental anguish upon the Family.

94. The unnecessary and prolonged detention, false and exaggerated diagnosis, mistreatment of Minor Child, and failure to inform and allow Parents to participate in the decision-making process have caused emotional trauma to all members of the Family.

95. The unlawful detention and hospitalization directly and proximately caused severe emotional distress to Minor Child, Parents, and Sister.

96. Plaintiffs continue to experience emotional trauma, fear, and ongoing psychological harm.

97. In addition to the severe emotional distress, Family has sustained medical costs for counseling and therapy, and has lost trust in the school system, police, and health systems.

98. WHEREFORE, Plaintiffs seek damages, and attorney fees and costs.

⁹ La. Civ. Code art. 2315, *et seq.*

COUNT VI – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS¹⁰

99. Plaintiffs state, repeat, and incorporate by reference each allegation stated above.

100. Defendants owed a duty of care to Plaintiff to avoid causing direct and foreseeable harm.

101. The School and Police had a duty to inform Mr. Vo about what was happening to his child at the School. The School and Police had a duty to allow Mr. Vo access to and communication with his daughter during the unlawful detention at the School. The School and Police breach their duty to disclose and inform, and to serve and protect Minor Child and Parents.

102. Defendants, collectively and individually, owed Plaintiffs' a duty to act reasonably, respect the minor's rights, and follow proper legal and educational procedures. Defendants failed to properly assess the purported threat, inform Minor Child and her Parents, provide meaningful access to the language service, and allow Parents to participate in the crucial decisions regarding their child. Defendants negligently detained Minor Child, and violated laws and procedures related to mental health evaluations and parental notification.

103. The Hospital had a duty to inform both Minor Child and Family about what was happening to Minor Child. The Hospital failed to properly communicate with the LEP Parents and failed to allow them meaningful access to the language services. The Hospital negligently detained Minor Child, and violated laws and procedures related to mental health evaluations, admissions, treatments, discharges, and parental rights and communications.

104. The unlawful detention and hospitalization directly and proximately have caused severe emotional distress to Minor Child, Parents, and Sister.

¹⁰ La. Civ. Code art. 2315, *et seq.*

105. Plaintiffs continue to experience emotional trauma, fear, and ongoing psychological harm.

106. In addition to the severe emotional distress, Family has sustained medical costs for counseling and therapy, and has lost trust in the school system, police, and health systems.

107. WHEREFORE, Plaintiffs seek damages, and attorney fees and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court provide the following relief:

- a. Award statutory, actual and compensatory damages, including but not limited to lost wages, loss of earning capacity, medical expenses, emotional distress, mental anguish, and loss of reputation;
- b. Award punitive damages;
- c. Award costs and reasonable attorney fees;
- d. Award declaratory relief;
- e. Order such other relief as the Court deems just and appropriate.

JURY DEMAND

Plaintiffs hereby demand trial by jury on all issues.

Respectfully submitted,

/s/ Vladimir Thomas
Vladimir Thomas, Esq. (39362)
Law Office of Vladimir Thomas
925 Behrman Hwy.
Suite G
Gretna, LA 70056
Tel: (504) 499-1878
Fax: (504) 399-8743
thomas@vthomaslaw.com

CERTIFICATE OF SERVICE

I certify that Defendants will be served shortly with the above Complaint along with the Notice of a Lawsuit and Request to Waive Service of a Summons.

/s/ Vladimir Thomas