

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

TREJAH SHINES,

Plaintiff,

Case No.: 25-
Hon.

-NO

vs.

VHS OF MICHIGAN, INC.,
TENET HEALTHCARE, INC.,
VHS SINAI-GRACE HOSPITAL, INC.,
WILFREDO FIGUEROA-BERRIOS, an individual.

Defendants.

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COMPLAINT AND DEMAND FOR JURY TRIAL

*There is no other pending or resolved civil action
arising out of the transaction or occurrence
alleged in the complaint.*

Plaintiff, TREJAH SHINES, by and through her attorneys, Michigan Sexual Assault
Lawyers, states as follows for her Complaint:

INTRODUCTION AND OVERVIEW

Plaintiff, TREJAH SHINES, presented to Sinai Grace Hospital at the emergency department on July 26, 2025, seeking treatment for ovarian cysts. She thought she was going to receive medical care. Instead, TREJAH SHINES was sexually assaulted by a Defendant employed by Sinai Grace Hospital as a registered nurse, Wilfredo Figuero-Berrios. Defendant Figuero-Berrios, acting under the pretense of performing a second pap smear, after one had already been performed by a female physician, sexually assaulted Plaintiff. Thereafter, Defendant Figuero-Berrios administered a drug that caused Plaintiff to lose consciousness, during which time he again assaulted her and subjected her to further physical and sexual abuse.

Defendants Tenet Healthcare, VHS of Michigan and VHS Sinai Grace Hospital, hired Defendant Wilfredo Figueroa-Berrios despite his history of misconduct. Prior to his employment at SINAI GRACE, Defendant FIGUEROA-BERRIOS had been terminated from another hospital following multiple complaints of sexual misconduct, had been arrested for an assault in 2019, and had publicly posted inappropriate and sexually suggestive content on social media. These red flags, along with other concerning acts, were known to Defendant SINAI GRACE HOSPITAL or should have been known had it exercised reasonable care. Nevertheless, Defendant SINAI GRACE HOSPITAL negligently and recklessly placed Defendant FIGUEROA-BERRIOS in a position of trust with access to vulnerable patients. As a result, Defendant FIGUEROA-BERRIOS exploited this position and sexually assaulted and abused numerous patients, including Plaintiff, while employed at Defendant SINAI GRACE HOSPITAL.

Hospital Defendants knew about FIGUEROA-BERRIOS. They had all the records, saw all the red-flags and chose to hire him anyway. The actions of Defendant FIGUEROA-BERRIOS

went on for a long time. The actions of Defendant FIGUEROA-BERRIOS were in rooms that were monitored. The supplies used by Defendant FIGUEROA-BERRIOS were the Defendants.

JURISDICTION, VENUE, AND PARTIES

1. Plaintiff is a resident of Wayne County and was on the date of the incident complained of herein.

2. Defendant VHS of Michigan, Inc. (“VHS of Michigan”) is a foreign, for-profit corporation that owns and operates the Detroit Medical Center (“DMC”), including Sinai Grace Hospital, located in the City of Detroit, Wayne County, Michigan.

3. Defendant Tenet Healthcare, Inc. (“Tenet”) is a foreign, for-profit, publicly traded healthcare corporation with its principal place of business in Dallas, Texas. Tenet operates hospital facilities throughout the United States, including in the City of Detroit, Wayne County, Michigan, through a network of healthcare facilities known as the Detroit Medical Center (“DMC”).

4. Defendant VHS Sinai Grace Hospital, Inc. (“Sinai Grace Hospital”) is a foreign, for-profit corporation that owns and operates Sinai Grace Hospital as part of the Detroit Medical Center (“DMC”), located in the City of Detroit, Wayne County, Michigan.

5. Defendant Wilfredo Figueroa-Berrios (“Figueroa-Berrios”) is, or at all relevant times was, a registered nurse employed by and acting as an agent, representative, and/or employee of Defendants Tenet, VHS of Michigan, and Sinai Grace Hospital.

6. Venue is proper in Wayne County as to the Defendants pursuant to MCL §600.162 as this is the County where the Defendants conduct business and the amount in controversy from

7. The amount in controversy exceeds One Hundred Fifty Million (\$150,000,000)

dollars, excluding interests, costs, and attorneys' fees.

GENERAL ALLEGATIONS

8. Plaintiff realleges, reaffirms, and incorporates by reference all allegations in paragraphs 1 through 7 as though fully set forth herein.

9. Sinai-Grace Hospital is a 383-bed facility, designated as a Level II trauma center, and serves primarily low-income patients with high-acuity needs.

10. The Detroit Medical Center was purchased by Vanguard Health Systems in 2010 and later acquired by Tenet Healthcare in 2013, including Sinai-Grace Hospital.

11. Tenet, VHS of Michigan, and Sinai Grace Hospital at all times material and relevant owned, operated, controlled, and maintained Sinai Grace Hospital located at 6071 West Outer Drive, Detroit, Michigan.

12. In pursuit of higher profits, Tenet and its subsidiaries consistently reduced staffing expenditures, undermining patient care and safety.

13. In 2024, the Michigan Department of Health and Human Services found Sinai Grace Hospital to be in "less than substantial compliance" with patient rights protections, citing widespread deficiencies including failures to investigate abuse complaints, lack of training, and inadequate reporting systems.

14. According to the Michigan department of Health and Human Services, Sinai Grace Hospital scored only 149 out of 346 points in compliance reviews, far below the 277 required for compliance.

15. Sinai Grace Hospital also received an "F" grade from Leapfrog in 2024 for hospital safety, reflecting systemic shortcomings in protecting patients from errors and abuse.

16. The Michigan Department of Health and Human Services (MDHHS) conducted a compliance review of Sinai-Grace Hospital and determined that the facility fell substantially short of the requirements set forth in MCL 330.1755, MCL 330.1722, and MCL 330.1788, together with their subsections. The inspection uncovered serious, systemic problems, including but not limited to the following:

- a. No written protections to ensure complainants would be safeguarded against retaliation or harassment for exercising their rights.
- b. Contracts with outside providers omitted mandatory provisions requiring training on recipient rights and cooperation with investigations.
- c. Patients were not consistently notified of advocacy organizations, nor were they offered help in preparing rights-related complaints.
- d. The hospital lacked a proper logging system to track reports of apparent or suspected rights violations.
- e. New staff were not trained on patient-rights protections within 30 days of hire.
- f. The facility did not maintain or provide basic training materials addressing patient rights.
- g. In approximately 84% of cases, complainants never received acknowledgment letters confirming their rights complaint had been received.
- h. In nearly 25% of abuse, neglect, serious injury, or death incidents, no immediate investigation was undertaken.
- i. Investigation files were incomplete in roughly 41% of cases, lacking interview notes, reviewed documents, and other supporting evidence.
- j. In 25% of cases, a final investigative report was not delivered to the Hospital Director after completion.

k. In about 43% of cases, the Hospital Director failed to submit a signed summary report to the complainant.

l. Where plans of action were identified, follow-up steps were frequently skipped, and required notifications to affected individuals were not made.

m. Remedial or disciplinary measures were absent from rights case files in 62% of matters.

n. Nearly half of investigative reports (44%) failed to include a clear statement of the rights violation being investigated.

o. About 50% of reports lacked detailed findings that demonstrated a systematic review of the complaint.

p. More than half of investigative reports failed to include conclusions analyzing the evidence or determining whether a violation occurred.

q. Over half of the reports also failed to make remedial recommendations or suggest preventative measures to avoid recurrence.

r. In 80% of substantiated abuse or neglect cases, the Hospital Director did not ensure disciplinary or preventive measures were carried out.

s. In half of substantiated abuse or neglect cases, the Hospital Director failed to take remedial steps to correct the violation or stop it from happening again.

17. MDHHS ultimately rated Sinai-Grace Hospital at only 60% compliance with mandatory abuse and neglect reporting policies, and gave the facility a score of 0% compliance regarding the qualifications and training of staff responsible for protecting patient rights.

18. Sinai Grace Hospital also received an “F” grade from Leapfrog in 2024 for hospital safety, reflecting systemic shortcomings in protecting patients from errors and abuse.

19. By neglecting to properly train staff, maintain accurate complaint records, investigate reported violations, and enforce corrective or disciplinary actions, the Defendant Corporations fostered an unsafe and dangerous environment in which serious risks were ignored. As a result, every patient admitted to Sinai-Grace Hospital was exposed to preventable harm.

20. The shortcomings described above were not isolated or unknown. At all times relevant, the Corporate Defendants had both actual and constructive knowledge of these systemic failures and nevertheless allowed them to persist.

21. Sinai Grace Hospital has surveillance in rooms where professional and patient conduct is monitored.

22. Defendant Wilfredo Figueroa-Berrios has been a licensed registered nurse since approximately 2012.

23. Throughout his career, Defendant Figueroa- Berrios displayed a pattern of troubling, assaultive, and predatory behavior, making him unfit to provide direct patient care.

24. Defendant Figueroa- Berrios used social media to post sexually inappropriate and suggestive remarks, including comments trivializing breast cancer events and sexualizing vulnerable populations. These public posts reflected attitudes that posed serious risks to patients under his care.

25. In 2019, Defendant Figueroa- Berrios was arrested by the Wayne Police Department on a charge of assault, further demonstrating a pattern of violent conduct.

26. Defendant, Figueroa- Berrios arrests are publicly available for all to see specifically, Defendants.

27. Between 2020 and 2021, Defendant Figueroa- Berrios was employed at a medical facility in Livonia, Michigan. During that period, he was investigated for multiple instances of

sexual assault against patients. Law enforcement reports associated with that investigation span hundreds of pages and document at least five separate victims.

28. Despite this alarming history, Defendant Figueroa- Berrios was later hired and placed in direct patient care at Sinai-Grace Hospital, including overnight shifts where oversight was minimal.

29. Defendants had direct knowledge of Defendant Figueroa- Berrios propensity to sexually harass and assault.

30. Defendants had direct knowledge of Defendant Figueroa- Berrios past arrests.

31. Defendants had direct knowledge of Defendant Figueroa- Berrios misconduct.

32. Defendants had direct knowledge of Defendant Figueroa- Berrios firing.

33. Conducting background checks on person(s) directly involved in patient care is a State of Michigan requirement.

34. The purpose of the background checks is to keep patients safe.

35. In October 2024, the Michigan Department of Licensing and Regulatory Affairs (LARA) cited Sinai-Grace for failing to conduct fingerprint-based criminal background checks of unit employees, including nurses, before assigning them to patient care.

36. This regulatory failure allowed Defendant Figueroa- Berrios to continue treating vulnerable patients despite his known risks.

37. Upon information and belief, while employed at Sinai Grace Hospital, Defendant Figueroa- Berrios continued to engage in inappropriate and abusive conduct, including an incident on May 9, 2025, where he assaulted a female outside of the hospital grounds.

38. Defendants Tenet, VHS of Michigan, and VHS Sinai Grace Hospital held Sinai Grace out to the public as a safe medical facility. Their public assurances included statements emphasizing trust, family-like care, and patient safety.

39. Despite these representations, they knowingly hired Defendant Figueroa- Berrios in a position of authority and allowed him access to patients who were unable to protect themselves from exploitation.

40. The Corporate Defendants had both actual and constructive knowledge of Berrios's history of misconduct and yet failed to act. Instead, they placed him in direct contact with vulnerable patients, including Plaintiff Trejah Shines.

41. This was not an isolated incident, Defendants had direct knowledge of Defendant Figueroa- Berrios actions prior to the horrific assault of Plaintiff.

SPECIFIC FACTUAL ALLEGATIONS

42. Plaintiff realleges, reaffirms, and incorporates by reference all allegations in paragraphs 1 through 41 as though fully set forth herein.

43. Plaintiff was a young and vibrant 24-year-old woman prior to the incident.

44. On July 26, 2025, she was instructed to present to the Emergency department after at the request of her OB/GYN.

45. As soon as Plaintiff entered the Emergency Department, Nurse Berrios appeared in the waiting room, completed the check-in process, and escorted Plaintiff to an examination room.

46. Plaintiff specifically requested that a female physician perform her pap smear.

47. Shortly thereafter, a female physician and a female nurse entered Plaintiff's examination room and performed the pap smear.

48. The female physician informed Plaintiff that she would be required to undergo an ultrasound following completion of the pap smear.

49. Moments later, Nurse Berrios entered Plaintiff's examination room, as a nurse employed by Defendant, and told Plaintiff he would need to perform a second pap smear, acting pursuant to the physician's instructions.

50. Nurse Berrios sexually assaulted Plaintiff by improperly touching her genitals and/or perianal area for his own sexual gratification. Such contact was unwanted, offensive, and performed without Plaintiff's consent.

51. Through misrepresentation and coercion, Nurse Berrios induced Plaintiff to submit to an examination during which he inappropriately touched her genitals and/or perianal area. This conduct was for his own sexual gratification and was unwanted, offensive, and without Plaintiff's consent.

52. Following these unwanted acts, Plaintiff was then escorted by the female nurse to undergo the ultrasound that had been ordered by the physician.

53. After Plaintiff was returned to her examination room, Defendant Berrios again entered the room.

54. Defendant Berrios again misrepresented and administered an unknown injection to Plaintiff, falsely claiming it had been ordered by the physician, thereby drugging Plaintiff without her knowledge or consent.

55. Following the injection administered by Defendant Berrios, Plaintiff lost consciousness.

56. While Plaintiff was drugged, Defendant Berrios proceeded to sexually assault her again; this time more egregiously.

57. As a direct and proximate result of the acts and omissions of Defendants, Plaintiff has sustained and continues to sustain serious injuries and damages, both economic and non-economic, including but not limited to

- a. Mortification;
- b. Bruising;
- c. Need for medical treatment;
- d. PTSD;
- e. Anxiety;
- f. Depression;
- g. Loss of enjoyment and mood changes;
- h. Medical expenses;
- i. Wage loss;
- j. Disability;
- k. Physical pain and suffering;
- l. Mental anguish and emotional distress;
- m. Extreme fear, fright, and shock;
- n. Guilt, embarrassment, humiliation, and shame;
- o. Indignation and outrage;
- p. Loss of social pleasures and enjoyment of life;
- q. Diminished self-confidence;
- r. Aggravation of pre-existing mental health conditions;
- s. Apprehension, fear, and distrust toward medical providers and facilities; and
- t. Such other damages as may be revealed through discovery.

58. The nature of the voluntary, willful, and wanton acts described herein inspire intense feelings of humiliation, outrage, and indignity in the Plaintiff, intensifying the injury and entitling the Plaintiff to exemplary damages, in addition to any other damages in this matter.

COUNT I- NEGLIGENCE/GROSS NEGLIGENCE OF VHS OF MICHIGAN

59. Plaintiff realleges, reaffirms, and incorporates by reference all allegations in paragraphs 1 through 58 as though fully set forth herein.

60. At all times relevant, the Defendant VHS OF MICHIGAN. owed a duty to the public, and to Plaintiff in particular, to act reasonably under the circumstances by hiring, employing, and retaining only those agents and employees who did not have a history of sexually predatory or assaultive behavior toward patients, so as to prevent unlawful physical contact and sexual assaults against their patients.

61. Even if the Defendant VHS OF MICHIGAN had policies or procedures intended to prevent the hiring of agents or employees with a history of sexually predatory or assaultive behavior toward patients, they acted negligently by failing to properly implement, monitor, and enforce those safeguards.

62. At all times relevant, the Defendant VHS OF MICHIGAN owed a duty to the public, and to Plaintiff in particular, to act reasonably under the circumstances by adequately training and supervising their agents and employees, including Defendant Berrios, in order to prevent unlawful physical contact and sexual assaults of patients.

63. To the extent the Defendant VHS OF MICHIGAN maintained any policy or practice for training and supervising their agents and employees to prevent unlawful physical contact and sexual assaults of patients, they negligently failed to properly enforce and administer such policy or practice.

64. Defendant VHS OF MICHIGAN owed a duty to the public, and to Plaintiff in particular, to exercise ordinary care to ensure her safety and protect her from unlawful physical and sexual conduct while she was a patient at Sinai Grace.

65. The Defendant VHS OF MICHIGAN knew, or in the exercise of reasonable care should have known, that Defendant Berrios posed a danger of harm to Plaintiff.

66. Defendant VHS OF MICHIGAN also had actual or constructive notice that Nurse Berrios had engaged in, or was continuing to engage in, sexual abuse and assaultive conduct.

67. Defendant was under a duty to protect Plaintiff, and other patients similarly situated, from foreseeable harm caused by the actions of Defendant Berrios.

68. This obligation to protect and disclose information arose out of the special relationship created between the Defendant VHS OF MICHIGAN, as a hospital, and Plaintiff, as their patient.

69. The Defendant VHS OF MICHIGAN violated this duty by failing to take reasonable precautions and protective measures to shield Plaintiff from the foreseeable risk presented by Defendant Berrios.

70. In addition to allowing Plaintiff to be subjected to sexual assault, Defendant VHS OF MICHIGAN despite their knowledge, or constructive knowledge, of Defendant Berrios's prior predatory conduct, breached their obligations by failing to investigate, monitor, discipline, or remove him from employment prior to his interactions with Plaintiff.

71. Defendant VHS OF MICHIGAN breached the duty of care owed to Plaintiff and was negligent in each of the following respects:

- a. Failing to properly hire, train, and educate staff that any sexual contact with patients is strictly prohibited.

- b. Failing to adequately supervise, monitor, and control its employees, including Defendant Berrios.
- c. Failing to maintain a safe environment for patients, free from unlawful physical or sexual contact by staff.
- d. Failing to implement reasonable safeguards to prevent physical and sexual abuse by staff once the risk of such conduct was, or should have been, known;
- e. Failing to investigate allegations or evidence of unlawful physical and sexual contact between staff and patients once the Defendant VHS OF MICHIGAN knew or reasonably should have known of such conduct;
- f. Failing to establish, adopt, and enforce adequate policies, procedures, and safeguards to ensure that staff provided appropriate and lawful care to patients, including Plaintiff;
- g. Failing to conduct proper background and reference checks before employing medical providers and staff;
- h. Failing to monitor staff conduct;
- i. Failing to monitor in room and hallway footage;
- j. Failing to keep track of equipment and medical devices;
- k. Failing to look up publicly accessible information on persons entrusted with patients;
- l. Failing to report or investigate other acts of sexual misconduct;
- m. Failing to reprimand or fire a known offender;
- n. Hiring and retaining staff with known histories of sexual assault, sexual misconduct, or other criminal behavior that placed patients at risk of harm; and

- o. Other acts of negligence.

72. As a direct and proximate result of the acts and omissions of Defendant VHS OF MICHIGAN Plaintiff has sustained and continues to sustain serious injuries and damages, both economic and non-economic, including but not limited to

- a. Mortification;
- b. Bruising;
- c. Need for medical treatment;
- d. PTSD;
- e. Anxiety;
- f. Depression;
- g. Loss of enjoyment and mood changes;
- h. Medical expenses;
- i. Wage loss;
- j. Disability;
- k. Physical pain and suffering;
- l. Mental anguish and emotional distress;
- m. Extreme fear, fright, and shock;
- n. Guilt, embarrassment, humiliation, and shame;
- o. Indignation and outrage;
- p. Loss of social pleasures and enjoyment of life;
- q. Diminished self-confidence;
- r. Aggravation of pre-existing mental health conditions;
- s. Apprehension, fear, and distrust toward medical providers and facilities; and

t. Such other damages as may be revealed through discovery.

73. The nature of the voluntary, willful, and wanton acts described herein inspire intense feelings of humiliation, outrage, and indignity in the Plaintiff, intensifying the injury and entitling the Plaintiff to exemplary damages, in addition to any other damages in this matter.

WHEREFORE, Plaintiff, request that this Honorable Court enter judgment in her favor and against Defendants, jointly and severally, in an amount in excess of One Hundred Fifty Million Dollars (\$150,000,000.00), together with interest, costs and attorney fees, as well as punitive and/or exemplary damages.

COUNT II- NEGLIGENCE/ GROSS NEGLIGENCE OF TENET HEALTHCARE INC

74. Plaintiff realleges, reaffirms, and incorporates by reference all allegations in paragraphs 1 through 75 as though fully set forth herein.

75. At all times relevant, the Defendant TENET HEALTHCARE INC. owed a duty to the public, and to Plaintiff in particular, to act reasonably under the circumstances by hiring, employing, and retaining only those agents and employees who did not have a history of sexually predatory or assaultive behavior toward patients, so as to prevent unlawful physical contact and sexual assaults against their patients.

76. Even if the Defendant Tenet had policies or procedures intended to prevent the hiring of agents or employees with a history of sexually predatory or assaultive behavior toward patients, they acted negligently by failing to properly implement, monitor, and enforce those safeguards.

77. At all times relevant, the Defendant Tenet owed a duty to the public, and to Plaintiff in particular, to act reasonably under the circumstances by adequately training and supervising their agents and employees, including Defendant Berrios, in order to prevent unlawful physical contact and sexual assaults of patients.

78. To the extent the Defendant Tenet maintained any policy or practice for training and supervising their agents and employees to prevent unlawful physical contact and sexual assaults of patients, they negligently failed to properly enforce and administer such policy or practice.

79. Defendant Tenet owed a duty to the public, and to Plaintiff in particular, to exercise ordinary care to ensure her safety and protect her from unlawful physical and sexual conduct while she was a patient at Sinai Grace.

80. The Defendant Tenet knew, or in the exercise of reasonable care should have known, that Defendant Berrios posed a danger of harm to Plaintiff.

81. Defendant Tenet also had actual or constructive notice that Nurse Berrios had engaged in, or was continuing to engage in, sexual abuse and assaultive conduct.

82. Tenet was under a duty to protect Plaintiff, and other patients similarly situated, from foreseeable harm caused by the actions of Nurse Berrios.

83. This obligation to protect and disclose information arose out of the special relationship created between the Defendant Tenet, as a hospital, and Plaintiff, as their patient.

84. The Defendant Tenet violated this duty by failing to take reasonable precautions and protective measures to shield Plaintiff from the foreseeable risk presented by Defendant Berrios.

85. In addition to allowing Plaintiff to be subjected to sexual assault, Defendant Tenet despite their knowledge, or constructive knowledge, of Defendant Berrios's prior predatory conduct, breached their obligations by failing to investigate, monitor, discipline, or remove him from employment prior to his interactions with Plaintiff.

86. Defendant Tenet breached the duty of care owed to Plaintiff and was negligent in each of the following respects:

- a. Failing to properly hire, train, and educate staff that any sexual contact with patients is strictly prohibited.
- b. Failing to adequately supervise, monitor, and control its employees, including Defendant Berrios.
- c. Failing to maintain a safe environment for patients, free from unlawful physical or sexual contact by staff.
- d. Failing to implement reasonable safeguards to prevent physical and sexual abuse by staff once the risk of such conduct was, or should have been, known;
- e. Failing to investigate allegations or evidence of unlawful physical and sexual contact between staff and patients once the Defendant Tenet knew or reasonably should have known of such conduct;
- f. Failing to establish, adopt, and enforce adequate policies, procedures, and safeguards to ensure that staff provided appropriate and lawful care to patients, including Plaintiff;
- g. Failing to conduct proper background and reference checks before employing medical providers and staff;

- h. Hiring and retaining staff with known histories of sexual assault, sexual misconduct, or other criminal behavior that placed patients at risk of harm; and
- i. Other acts of negligence.

87. As a direct and proximate result of the acts and omissions of Defendant Tenet, Plaintiff has sustained and continues to sustain serious injuries and damages, both economic and non-economic, including but not limited to

- a. Mortification;
- b. Bruising;
- c. Need for medical treatment;
- d. PTSD;
- e. Anxiety;
- f. Depression;
- g. Loss of enjoyment and mood changes;
- h. Medical expenses;
- i. Wage loss;
- j. Disability;
- k. Physical pain and suffering;
- l. Mental anguish and emotional distress;
- m. Extreme fear, fright, and shock;
- n. Guilt, embarrassment, humiliation, and shame;
- o. Indignation and outrage;
- p. Loss of social pleasures and enjoyment of life;
- q. Diminished self-confidence;

- r. Aggravation of pre-existing mental health conditions;
- s. Apprehension, fear, and distrust toward medical providers and facilities; and
- t. Such other damages as may be revealed through discovery.

88. The nature of the voluntary, willful, and wanton acts described herein inspire intense feelings of humiliation, outrage, and indignity in the Plaintiff, intensifying the injury and entitling the Plaintiff to exemplary damages, in addition to any other damages in this matter.

WHEREFORE, Plaintiff, request that this Honorable Court enter judgment in her favor and against Defendants, jointly and severally, in an amount in excess of One Hundred Fifty Million Dollars (\$150,000,000.00), together with interest, costs and attorney fees, as well as punitive and/or exemplary damages.

COUNT III- NEGLIGENCE/GROSS NEGLIGENCE OF SINAI GRACE HOSPITAL

89. Plaintiff realleges, reaffirms, and incorporates by reference all allegations in paragraphs 1 through 88 as though fully set forth herein.

90. At all times relevant, the Defendant SINAI GRACE HOSPITAL owed a duty to the public, and to Plaintiff in particular, to act reasonably under the circumstances by hiring, employing, and retaining only those agents and employees who did not have a history of sexually predatory or assaultive behavior toward patients, so as to prevent unlawful physical contact and sexual assaults against their patients.

91. Even if the Defendant SINAI GRACE HOSPITAL had policies or procedures intended to prevent the hiring of agents or employees with a history of sexually predatory or assaultive behavior toward patients, they acted negligently by failing to properly implement, monitor, and enforce those safeguards.

92. At all times relevant, the Defendant SINAI GRACE HOSPITAL owed a duty to the public, and to Plaintiff in particular, to act reasonably under the circumstances by adequately training and supervising their agents and employees, including Defendant Figueroa-Berrios, in order to prevent unlawful physical contact and sexual assaults of patients.

93. To the extent the Defendant SINAI GRACE HOSPITAL maintained any policy or practice for training and supervising their agents and employees to prevent unlawful physical contact and sexual assaults of patients, they negligently failed to properly enforce and administer such policy or practice.

94. Defendant SINAI GRACE HOSPITAL owed a duty to the public, and to Plaintiff in particular, to exercise ordinary care to ensure her safety and protect her from unlawful physical and sexual conduct while she was a patient at Sinai Grace.

95. The Defendant SINAI GRACE HOSPITAL knew, or in the exercise of reasonable care should have known, that Defendant Figueroa- Berrios posed a danger of harm to Plaintiff.

96. Defendant SINAI GRACE HOSPITAL also had actual or constructive notice that Defendant Figueroa-Berrios had engaged in, or was continuing to engage in, sexual abuse and assaultive conduct.

97. Defendant SINAI GRACE HOSPITAL was under a duty to protect Plaintiff, and other patients similarly situated, from foreseeable harm caused by the actions of Defendant Figueroa- Berrios.

98. This obligation to protect and disclose information arose out of the special relationship created between the Defendant SINAI GRACE HOSPITAL, as a hospital, and Plaintiff, as their patient.

99. The Defendant SINAI GRACE HOSPITAL violated this duty by failing to take reasonable precautions and protective measures to shield Plaintiff from the foreseeable risk presented by Defendant Figueroa- Berrios.

100. In addition to allowing Plaintiff to be subjected to sexual assault, Defendant Tenet despite their knowledge, or constructive knowledge, of Defendant SINAI GRACE HOSPITAL prior predatory conduct, breached their obligations by failing to investigate, monitor, discipline, or remove him from employment prior to his interactions with Plaintiff.

101. Defendant SINAI GRACE HOSPITAL breached the duty of care owed to Plaintiff and was negligent in each of the following respects:

- a. Failing to properly hire, train, and educate staff that any sexual contact with patients is strictly prohibited.
- b. Failing to adequately supervise, monitor, and control its employees, including Defendant Berrios.
- c. Failing to maintain a safe environment for patients, free from unlawful physical or sexual contact by staff.
- d. Failing to implement reasonable safeguards to prevent physical and sexual abuse by staff once the risk of such conduct was, or should have been, known;
- e. Failing to investigate allegations or evidence of unlawful physical and sexual contact between staff and patients once the Defendant SINAI GRACE HOSPITAL knew or reasonably should have known of such conduct;
- f. Failing to establish, adopt, and enforce adequate policies, procedures, and safeguards to ensure that staff provided appropriate and lawful care to patients, including Plaintiff;

- g. Failing to conduct proper background and reference checks before employing medical providers and staff;
- h. Hiring and retaining staff with known histories of sexual assault, sexual misconduct, or other criminal behavior that placed patients at risk of harm; and
- i. Other acts of negligence.

102. As a direct and proximate result of the acts and omissions of Defendant SINAI GRACE HOSPITAL, Plaintiff has sustained and continues to sustain serious injuries and damages, both economic and non-economic, including but not limited to

- a. Mortification;
- b. Bruising;
- c. Need for medical treatment;
- d. PTSD;
- e. Anxiety;
- f. Depression;
- g. Loss of enjoyment and mood changes;
- h. Medical expenses;
- i. Wage loss;
- j. Disability;
- k. Physical pain and suffering;
- l. Mental anguish and emotional distress;
- m. Extreme fear, fright, and shock;
- n. Guilt, embarrassment, humiliation, and shame;
- o. Indignation and outrage;

- p. Loss of social pleasures and enjoyment of life;
- q. Diminished self-confidence;
- r. Aggravation of pre-existing mental health conditions;
- s. Apprehension, fear, and distrust toward medical providers and facilities; and
- t. Such other damages as may be revealed through discovery.

103. The nature of the voluntary, willful, and wanton acts described herein inspire intense feelings of humiliation, outrage, and indignity in the Plaintiff, intensifying the injury and entitling the Plaintiff to exemplary damages, in addition to any other damages in this matter.

WHEREFORE, Plaintiff, request that this Honorable Court enter judgment in her favor and against Defendants, jointly and severally, in an amount in excess of One Hundred Fifty Million Dollars (\$150,000,000.00), together with interest, costs and attorney fees, as well as punitive and/or exemplary damages.

COUNT IV **VICARIOUS LIABILITY/ *RESPONDEAT SUPERIOR* OF VHS OF MICHIGAN**

104. Plaintiff realleges, reaffirms, and incorporates by reference all allegations in paragraphs 1 through 103 as though fully set forth herein.

105. At all times relevant, the Defendant VHS OF MICHIGAN owed a duty to the public, and to Plaintiff specifically, to act with reasonable care under the circumstances by properly training and supervising its agents and employees, including Defendant Figueroa-Berrios, so as to prevent unlawful physical contact and sexual assaults upon patients.

106. Defendant Figueroa-Berrios was, at all times material, acting as an agent, employee, and/or representative of the Defendant VHS OF MICHIGAN.

107. At all relevant times, Defendant Figueroa-Berrios was operating within the course and scope of his employment with Defendant VHS OF MICHIGAN. As a result, the Defendant VHS OF MICHIGAN is vicariously liable to Plaintiff for the conduct of its agents, employees, and representatives under the doctrine of *respondeat superior* and in accordance with Michigan law, including *Grewe v. Mt. Clemens General Hospital*, 404 Mich. 240 (1978).

108. At all times relevant, Defendant Figueroa-Berrios acted on VHS property with the expressed permission of VHS and used VHS equipment, tools, and examinations within the normal course and scope of his employment thereby, VHS is vicariously liable to Plaintiff for the conduct of its agents, employees, and representatives under the doctrine of *respondeat superior* and in accordance with Michigan law.

109. As a direct and proximate result of the acts and omissions of Defendant VHS OF MICHIGAN, Plaintiff has sustained and continues to sustain serious injuries and damages, both economic and non-economic, including but not limited to

- a. Mortification;
- b. Bruising;
- c. Need for medical treatment;
- d. PTSD;
- e. Anxiety;
- f. Depression;
- g. Loss of enjoyment and mood changes;
- h. Medical expenses;
- i. Wage loss;
- j. Disability;

- k. Physical pain and suffering;
- l. Mental anguish and emotional distress;
- m. Extreme fear, fright, and shock;
- n. Guilt, embarrassment, humiliation, and shame;
- o. Indignation and outrage;
- p. Loss of social pleasures and enjoyment of life;
- q. Diminished self-confidence;
- r. Aggravation of pre-existing mental health conditions;
- s. Apprehension, fear, and distrust toward medical providers and facilities; and
- t. Such other damages as may be revealed through discovery.

110. The nature of the voluntary, willful, and wanton acts described herein inspire intense feelings of humiliation, outrage, and indignity in the Plaintiff, intensifying the injury and entitling the Plaintiff to exemplary damages, in addition to any other damages in this matter.

WHEREFORE, Plaintiff, request that this Honorable Court enter judgment in her favor and against Defendants, jointly and severally, in an amount in excess of One Hundred Fifty Million Dollars (\$150,000,000.00), together with interest, costs and attorney fees, as well as punitive and/or exemplary damages.

COUNT V
VICARIOUS LIABILITY/ *RESPONDEAT SUPERIOR* OF TENET HEALTHCARE

111. Plaintiff realleges, reaffirms, and incorporates by reference all allegations in paragraphs 1 through 110 as though fully set forth herein.

112. At all times relevant, the Defendant TENET owed a duty to the public, and to Plaintiff specifically, to act with reasonable care under the circumstances by properly training and

supervising its agents and employees, including Defendant Figueroa- Berrios, so as to prevent unlawful physical contact and sexual assaults upon patients.

113. Defendant Figueroa-Berrios was, at all times material, acting as an agent, employee, and/or representative of the Defendant TENET.

114. At all relevant times, Defendant Figueroa-Berrios was operating within the course and scope of his employment with Defendant TENET. As a result, the Defendant TENET is vicariously liable to Plaintiff for the conduct of its agents, employees, and representatives under the doctrine of respondeat superior and in accordance with Michigan law, including *Grewe v. Mt. Clemens General Hospital*, 404 Mich. 240 (1978).

115. At all times relevant, Defendant Figueroa-Berrios acted on TENET property with the expressed permission of TENET and used TENET equipment, tools, and examinations within the normal course and scope of his employment thereby TENET is vicariously liable to Plaintiff for the conduct of its agents, employees, and representatives under the doctrine of *respondeat superior* and in accordance with Michigan law.

116. As a direct and proximate result of the acts and omissions of Defendant TENET, Plaintiff has sustained and continues to sustain serious injuries and damages, both economic and non-economic, including but not limited to

- a. Mortification;
- b. Bruising;
- c. Need for medical treatment;
- d. PTSD;
- e. Anxiety;
- f. Depression;

- g. Loss of enjoyment and mood changes;
- h. Medical expenses;
- i. Wage loss;
- j. Disability;
- k. Physical pain and suffering;
- l. Mental anguish and emotional distress;
- m. Extreme fear, fright, and shock;
- n. Guilt, embarrassment, humiliation, and shame;
- o. Indignation and outrage;
- p. Loss of social pleasures and enjoyment of life;
- q. Diminished self-confidence;
- r. Aggravation of pre-existing mental health conditions;
- s. Apprehension, fear, and distrust toward medical providers and facilities; and
- t. Such other damages as may be revealed through discovery.

117. The nature of the voluntary, willful, and wanton acts described herein inspire intense feelings of humiliation, outrage, and indignity in the Plaintiff, intensifying the injury and entitling the Plaintiff to exemplary damages, in addition to any other damages in this matter.

WHEREFORE, Plaintiff, request that this Honorable Court enter judgment in her favor and against Defendants, jointly and severally, in an amount in excess of One Hundred Fifty Million Dollars (\$150,000,000.00), together with interest, costs and attorney fees, as well as punitive and/or exemplary damages.

COUNT VI
VICARIOUS LIABILITY RESPONDEAT SUPERIOR OF SINAI GRACE HOSPITAL

118. Plaintiff realleges, reaffirms, and incorporates by reference all allegations in paragraphs 1 through 117 as though fully set forth herein.

119. At all times relevant, the Defendant SINAI GRACE HOSPITAL owed a duty to the public, and to Plaintiff specifically, to act with reasonable care under the circumstances by properly training and supervising its agents and employees, including Defendant Figueroa-Berrios, so as to prevent unlawful physical contact and sexual assaults upon patients.

120. Defendant Figueroa-Berrios was, at all times material, acting as an agent, employee, and/or representative of the Defendant SINAI GRACE HOSPITAL.

121. At all relevant times, Defendant Figueroa-Berrios was operating within the course and scope of his employment with Defendant SINAI GRACE HOSPITAL. As a result, the Defendant SINAI GRACE HOSPITAL is vicariously liable to Plaintiff for the conduct of its agents, employees, and representatives under the doctrine of respondeat superior and in accordance with Michigan law, including *Grewe v. Mt. Clemens General Hospital*, 404 Mich. 240 (1978).

122. At all times relevant, Defendant Figueroa-Berrios acted on SINANI GRACE HOSPITAL property with the expressed permission of SINANI GRACE HOSPITAL and used SINANI GRACE HOSPITAL equipment, tools, and examinations within the normal course and scope of his employment thereby, SINAI GRACE HOSPITAL is vicariously liable to Plaintiff for the conduct of its agents, employees, and representatives under the doctrine of *respondeat superior* and in accordance with Michigan law.

123. As a direct and proximate result of the acts and omissions of Defendant SINAI GRACE HOSPITAL, Plaintiff has sustained and continues to sustain serious injuries and damages, both economic and non-economic, including but not limited to

- a. Mortification;
- b. Bruising;
- c. Need for medical treatment;
- d. PTSD;
- e. Anxiety;
- f. Depression;
- g. Loss of enjoyment and mood changes;
- h. Medical expenses;
- i. Wage loss;
- j. Disability;
- k. Physical pain and suffering;
- l. Mental anguish and emotional distress;
- m. Extreme fear, fright, and shock;
- n. Guilt, embarrassment, humiliation, and shame;
- o. Indignation and outrage;
- p. Loss of social pleasures and enjoyment of life;
- q. Diminished self-confidence;
- r. Aggravation of pre-existing mental health conditions;
- s. Apprehension, fear, and distrust toward medical providers and facilities; and
- t. Such other damages as may be revealed through discovery.

124. The nature of the voluntary, willful, and wanton acts described herein inspire intense feelings of humiliation, outrage, and indignity in the Plaintiff, intensifying the injury and entitling the Plaintiff to exemplary damages, in addition to any other damages in this matter.

WHEREFORE, Plaintiff, request that this Honorable Court enter judgment in her favor and against Defendants, jointly and severally, in an amount in excess of One Hundred Fifty Million Dollars (\$150,000,000.00), together with interest, costs and attorney fees, as well as punitive and/or exemplary damages.

COUNT VII
PREMISES LIABILITY
VHS OF MICHIGAN

125. Plaintiff realleges, reaffirms, and incorporates by reference all allegations in paragraphs 1 through 124 as though fully set forth herein.

126. On or about July 26, 2025, Plaintiff was an invitee on Defendant's business premises located at 6071 Outer Dr W, Detroit, MI 48235.

127. As owner, controller, and/or possessor of said premises at the relevant times, Defendant owed a duty to maintain its premises in a reasonable and safe condition, and to protect invitees, such as Plaintiff, from unreasonable risks of foreseeable harm caused by dangerous conditions on the land.

128. The Defendant VHS of MICHIGAN had actual and/or constructive notice of the dangerous propensities of their staff, including but not limited to Nurse Berrios.

129. The Defendant VHS OF MICHIGAN breached this duty by failing to warn Plaintiff of the risks associated with their employees.

130. The Defendant VHS OF MICHIGAN further breached their duty by failing to take reasonable steps to ensure the hospital environment was safe for Plaintiff.

131. As a direct and proximate result of the acts and omissions of Defendant VHS OF MICHIGAN, Plaintiff has sustained and continues to sustain serious injuries and damages, both economic and non-economic, including but not limited to

- a. Mortification;
- b. Bruising;
- c. Need for medical treatment;
- d. PTSD;
- e. Anxiety;
- f. Depression;
- g. Loss of enjoyment and mood changes;
- h. Medical expenses;
- i. Wage loss;
- j. Disability;
- k. Physical pain and suffering;
- l. Mental anguish and emotional distress;
- m. Extreme fear, fright, and shock;
- n. Guilt, embarrassment, humiliation, and shame;
- o. Indignation and outrage;
- p. Loss of social pleasures and enjoyment of life;
- q. Diminished self-confidence;
- r. Aggravation of pre-existing mental health conditions;

- s. Apprehension, fear, and distrust toward medical providers and facilities; and
- t. Such other damages as may be revealed through discovery.

132. The nature of the voluntary, willful, and wanton acts described herein inspire intense feelings of humiliation, outrage, and indignity in the Plaintiff, intensifying the injury and entitling the Plaintiff to exemplary damages, in addition to any other damages in this matter.

133. WHEREFORE, Plaintiff, request that this Honorable Court enter judgment in her favor and against Defendants, jointly and severally, in an amount in excess of One Hundred Fifty Million Dollars (\$150,000,000.00), together with interest, costs and attorney fees, as well as punitive and/or exemplary damages.

COUNT VIII
PREMISES LIABILITY
TENET HEALTHCARE

134. Plaintiff realleges, reaffirms, and incorporates by reference all allegations in paragraphs 1 through 135 as though fully set forth herein.

135. On or about July 26, 2025, Plaintiff was an invitee on Defendant's business premises located at 6071 Outer Dr W, Detroit, MI 48235.

136. As owner, controller, and/or possessor of said premises at the relevant times, Defendant owed a duty to maintain its premises in a reasonable and safe condition, and to protect invitees, such as Plaintiff, from unreasonable risks of foreseeable harm caused by dangerous conditions on the land.

137. The Defendant Tenet had actual and/or constructive notice of the dangerous propensities of their staff, including but not limited to Nurse Berrios.

138. The Defendant Tenet breached this duty by failing to warn Plaintiff of the risks associated with their employees.

139. The Defendant Tenet further breached its duty by failing to take reasonable steps to ensure the hospital environment was safe for Plaintiff.

140. As a direct and proximate result of the acts and omissions of Defendant Tenet, Plaintiff has sustained and continues to sustain serious injuries and damages, both economic and non-economic, including but not limited to

- a. Mortification;
- b. Bruising;
- c. Need for medical treatment;
- d. PTSD;
- e. Anxiety;
- f. Depression;
- g. Loss of enjoyment and mood changes;
- h. Medical expenses;
- i. Wage loss;
- j. Disability;
- k. Physical pain and suffering;
- l. Mental anguish and emotional distress;
- m. Extreme fear, fright, and shock;
- n. Guilt, embarrassment, humiliation, and shame;
- o. Indignation and outrage;
- p. Loss of social pleasures and enjoyment of life;

- q. Diminished self-confidence;
- r. Aggravation of pre-existing mental health conditions;
- s. Apprehension, fear, and distrust toward medical providers and facilities; and
- t. Such other damages as may be revealed through discovery.

141. The nature of the voluntary, willful, and wanton acts described herein inspire intense feelings of humiliation, outrage, and indignity in the Plaintiff, intensifying the injury and entitling the Plaintiff to exemplary damages, in addition to any other damages in this matter.

WHEREFORE, Plaintiff, request that this Honorable Court enter judgment in her favor and against Defendants, jointly and severally, in an amount in excess of One Hundred Fifty Million Dollars (\$150,000,000.00), together with interest, costs and attorney fees, as well as punitive and/or exemplary damages.

COUNT IX
PREMISES LIABILITY
SINAI GRACE HOSPITAL

142. Plaintiff realleges, reaffirms, and incorporates by reference all allegations in paragraphs 1 through 141 as though fully set forth herein.

143. On or about July 26, 2025, Plaintiff was an invitee on Defendant's business premises located at 6071 Outer Dr W, Detroit, MI 48235.

144. As owner, controller, and/or possessor of said premises at the relevant times, Defendant owed a duty to maintain its premises in a reasonable and safe condition, and to protect invitees, such as Plaintiff, from unreasonable risks of foreseeable harm caused by dangerous conditions on the land.

145. The Defendant Sinai Grace Hospital had actual and/or constructive notice of the dangerous propensities of their staff, including but not limited to Nurse Berrios.

146. The Defendant Sinai Grace Hospital breached this duty by failing to warn Plaintiff of the risks associated with their employees.

147. The Defendant Sinai Grace Hospital further breached their duty by failing to take reasonable steps to ensure the hospital environment was safe for Plaintiff.

148. As a direct and proximate result of the acts and omissions of Defendant Sinai Grace Hospital, Plaintiff has sustained and continues to sustain serious injuries and damages, both economic and non-economic, including but not limited to

- a. Mortification;
- b. Bruising;
- c. Need for medical treatment;
- d. PTSD;
- e. Anxiety;
- f. Depression;
- g. Loss of enjoyment and mood changes;
- h. Medical expenses;
- i. Wage loss;
- j. Disability;
- k. Physical pain and suffering;
- l. Mental anguish and emotional distress;
- m. Extreme fear, fright, and shock;
- n. Guilt, embarrassment, humiliation, and shame;

- o. Indignation and outrage;
- p. Loss of social pleasures and enjoyment of life;
- q. Diminished self-confidence;
- r. Aggravation of pre-existing mental health conditions;
- s. Apprehension, fear, and distrust toward medical providers and facilities; and
- t. Such other damages as may be revealed through discovery.

149. The nature of the voluntary, willful, and wanton acts described herein inspire intense feelings of humiliation, outrage, and indignity in the Plaintiff, intensifying the injury and entitling the Plaintiff to exemplary damages, in addition to any other damages in this matter.

WHEREFORE, Plaintiff, request that this Honorable Court enter judgment in her favor and against Defendants, jointly and severally, in an amount in excess of One Hundred Fifty Million Dollars (\$150,000,000.00), together with interest, costs and attorney fees, as well as punitive and/or exemplary damages.

COUNT X- NEGLIGENCE/GROSS NEGLIGENCE
OF DEFENDANT FIGUEROA- BERRIOS

150. Plaintiff realleges, reaffirms, and incorporates by reference all allegations in paragraphs 1 through 149 as though fully set forth herein.

151. At all times relevant, Defendant Nurse Berrios owed Plaintiff a duty of ordinary care to protect her from unlawful physical contact, sexual assault, and sexual battery while she was a patient at Sinai Grace Hospital

152. Defendant Nurse Berrios breached that duty of care and acted negligently in one or more of the following respects:

- a. By engaging in prohibited sexual conduct with a patient;

b. By coercing Plaintiff into unwanted sexual contact;

c. By initiating sexual activity with a vulnerable adult patient, despite the fact that such conduct is unlawful regardless of any claimed consent;

d. By disregarding facility rules, professional standards, and Michigan law prohibiting sexual contact with vulnerable adult patients; and

e. Through other acts of negligence

153. As a direct and proximate result of the acts and omissions of Defendant Figueroa-Berrios, Plaintiff has sustained and continues to sustain serious injuries and damages, both economic and non-economic, including but not limited to

- a. Mortification;
- b. Bruising;
- c. Need for medical treatment;
- d. PTSD;
- e. Anxiety;
- f. Depression;
- g. Loss of enjoyment and mood changes;
- h. Medical expenses;
- i. Wage loss;
- j. Disability;
- k. Physical pain and suffering;
- l. Mental anguish and emotional distress;
- m. Extreme fear, fright, and shock;
- n. Guilt, embarrassment, humiliation, and shame;

- o. Indignation and outrage;
- p. Loss of social pleasures and enjoyment of life;
- q. Diminished self-confidence;
- r. Aggravation of pre-existing mental health conditions;
- s. Apprehension, fear, and distrust toward medical providers and facilities; and
- t. Such other damages as may be revealed through discovery.

154. The nature of the voluntary, willful, and wanton acts described herein inspire intense feelings of humiliation, outrage, and indignity in the Plaintiff, intensifying the injury and entitling the Plaintiff to exemplary damages, in addition to any other damages in this matter

WHEREFORE, Plaintiff, request that this Honorable Court enter judgment in her favor and against Defendants, jointly and severally, in an amount in excess of One Hundred Fifty Million Dollars (\$150,000,000.00), together with interest, costs and attorney fees, as well as punitive and/or exemplary damages.

COUNT XI **HOSTILE ENVIRONMENT SEXUAL HARRASMENT**

155. Plaintiff realleges, reaffirms, and incorporates by reference all allegations in paragraphs 1 through 154 as though fully set forth herein.

156. Sinai Grace Hospital qualifies as a place of public accommodation under the Elliott-Larsen Civil Rights Act, MCL § 37.2101 et seq.

157. Defendant Figueroa-Berrios is a “person” within the meaning of the ELCRA and acted as an agent and representative of the Defendant Corporations.

158. Plaintiff, as a female, is a member of a protected class under the ELCRA.

159. Plaintiff was subjected to unwelcome sexual conduct and communications by Defendant Figueroa-Berrios, which were directed at her because of her sex.

160. The sexual conduct and communications created a hostile and offensive environment for Plaintiff while she was a patient at Sinai Grace Hospital.

161. Given Defendant Figueroa-Berrios background and propensities, his conduct toward Plaintiff was foreseeable and preventable by the Defendant Corporations.

162. The Defendant Corporations permitted, tolerated, and failed to promptly correct the sexually hostile environment that existed within Sinai Grace Hospital.

163. By subjecting Plaintiff to unwelcome sexual conduct because of her sex, Defendants violated the ELCRA and deprived her of equal access to the rights and privileges of a public accommodation.

164. As a direct and proximate result of the acts and omissions of Defendants, Plaintiff has sustained and continues to sustain serious injuries and damages, both economic and non-economic, including but not limited to

- a. Mortification;
- b. Bruising;
- c. Need for medical treatment;
- d. PTSD;
- e. Anxiety;
- f. Depression;
- g. Loss of enjoyment and mood changes;
- h. Medical expenses;
- i. Wage loss;

- j. Disability;
- k. Physical pain and suffering;
- l. Mental anguish and emotional distress;
- m. Extreme fear, fright, and shock;
- n. Guilt, embarrassment, humiliation, and shame;
- o. Indignation and outrage;
- p. Loss of social pleasures and enjoyment of life;
- q. Diminished self-confidence;
- r. Aggravation of pre-existing mental health conditions;
- s. Apprehension, fear, and distrust toward medical providers and facilities; and
- t. Such other damages as may be revealed through discovery.

165. The nature of the voluntary, willful, and wanton acts described herein inspire intense feelings of humiliation, outrage, and indignity in the Plaintiff, intensifying the injury and entitling the Plaintiff to exemplary damages, in addition to any other damages in this matter

WHEREFORE, Plaintiff, request that this Honorable Court enter judgment in her favor and against Defendants, jointly and severally, in an amount in excess of One Hundred Fifty Million Dollars (\$150,000,000.00), together with interest, costs and attorney fees, as well as punitive and/or exemplary damages.

COUNT XII

QUID PRO QUO SEXUAL HARRASMENT

166. Plaintiff realleges, reaffirms, and incorporates by reference all allegations in paragraphs 1 through 165 as though fully set forth herein.

167. Sinai Grace Hospital qualifies as a place of public accommodation under the Elliott-Larsen Civil Rights Act, MCL § 37.2101 et seq.

168. Defendant Figueroa-Berrios is a “person” within the meaning of the ELCRA and acted as an agent and representative of the Defendant Corporations.

169. Plaintiff, as a female, is a member of a protected class under the ELCRA.

170. Plaintiff was subjected to unwelcome sexual conduct and communications by Defendant Figueroa-Berrios, which were directed at her because of her sex.

171. Nurse Berrios expressly or impliedly conditioned Plaintiff’s ability to obtain the full benefits of a public accommodation on her submission to, or rejection of, his sexual demands.

172. Defendants knew or should have known of Berrios’s background and proclivities, making his conduct both foreseeable and preventable.

173. By subjecting Plaintiff to such sexual demands and conditioning her access to services on them, Defendants violated the ELCRA and deprived Plaintiff of her rights to equal treatment in a place of public accommodation.

174. As a direct and proximate result of the acts and omissions of Defendants, Plaintiff has sustained and continues to sustain serious injuries and damages, both economic and non-economic, including but not limited to

- a. Mortification;
- b. Bruising;
- c. Need for medical treatment;
- d. PTSD;
- e. Anxiety;
- f. Depression;

- g. Loss of enjoyment and mood changes;
- h. Medical expenses;
- i. Wage loss;
- j. Disability;
- k. Physical pain and suffering;
- l. Mental anguish and emotional distress;
- m. Extreme fear, fright, and shock;
- n. Guilt, embarrassment, humiliation, and shame;
- o. Indignation and outrage;
- p. Loss of social pleasures and enjoyment of life;
- q. Diminished self-confidence;
- r. Aggravation of pre-existing mental health conditions;
- s. Apprehension, fear, and distrust toward medical providers and facilities; and
- t. Such other damages as may be revealed through discovery.

175. The nature of the voluntary, willful, and wanton acts described herein inspire intense feelings of humiliation, outrage, and indignity in the Plaintiff, intensifying the injury and entitling the Plaintiff to exemplary damages, in addition to any other damages in this matter.

WHEREFORE, Plaintiff, request that this Honorable Court enter judgment in her favor and against Defendants, jointly and severally, in an amount in excess of One Hundred Fifty Million Dollars (\$150,000,000.00), together with interest, costs and attorney fees, as well as punitive and/or exemplary damages.

COUNT XIII
SEX DISCRIMINATION

176. Plaintiff realleges, reaffirms, and incorporates by reference all allegations in paragraphs 1 through 175 as though fully set forth herein.

177. Sinai Grace Hospital qualifies as a place of public accommodation under the Elliott-Larsen Civil Rights Act, MCL § 37.2101 et seq.

178. Defendant Figueroa-Berrios is a “person” within the meaning of the ELCRA and acted as an agent and representative of the Defendant Corporations.

179. Plaintiff, as a female, is a member of a protected class under the ELCRA.

180. Plaintiff’s sex was a motivating factor in Defendant Figueroa-Berrios’ decision to target her for sexual assault.

181. Had Plaintiff been male, she would not have been chosen as a victim by Defendant Figueroa-Berrios.

182. By giving Defendant Figueroa-Berrios access to Plaintiff despite actual or constructive knowledge of his sexual predatory tendencies, the Defendant Corporations acted with a predisposition to discriminate on the basis of sex.

183. The Defendant Corporations, through their agents and employees, provided Defendant Figueroa-Berrios access to Plaintiff and other female patients in a manner they would not have extended to similarly situated male patients, thereby engaging in unlawful sex-based discrimination.

184. As a direct and proximate result of the acts and omissions of Defendants, Plaintiff has sustained and continues to sustain serious injuries and damages, both economic and non-economic, including but not limited to

a. Mortification;

- b. Bruising;
- c. Need for medical treatment;
- d. PTSD;
- e. Anxiety;
- f. Depression;
- g. Loss of enjoyment and mood changes;
- h. Medical expenses;
- i. Wage loss;
- j. Disability;
- k. Physical pain and suffering;
- l. Mental anguish and emotional distress;
- m. Extreme fear, fright, and shock;
- n. Guilt, embarrassment, humiliation, and shame;
- o. Indignation and outrage;
- p. Loss of social pleasures and enjoyment of life;
- q. Diminished self-confidence;
- r. Aggravation of pre-existing mental health conditions;
- s. Apprehension, fear, and distrust toward medical providers and facilities; and
- t. Such other damages as may be revealed through discovery.

185. The nature of the voluntary, willful, and wanton acts described herein inspire intense feelings of humiliation, outrage, and indignity in the Plaintiff, intensifying the injury and entitling the Plaintiff to exemplary damages, in addition to any other damages in this matter

WHEREFORE, Plaintiff, request that this Honorable Court enter judgment in her favor and against Defendants, jointly and severally, in an amount in excess of One Hundred Fifty Million Dollars (\$150,000,000.00), together with interest, costs and attorney fees, as well as punitive and/or exemplary damages.

Dated: October 13, 2025

MICHIGAN SEXUAL ASSAULT LAWYERS

A handwritten signature in black ink, appearing to read 'Timothy A. Holland', written over a horizontal line.

By: _____
Timothy A. Holland (P66218)
Laura Skenderas (P85348)
Attorneys for Plaintiff