

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA
CIVIL ACTION

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|---------------------------|---|---------------------|
| E.L., | : | |
| Plaintiff | : | |
| | : | |
| vs. | : | No. 2008-4283 |
| | : | |
| JULIAN B. METTER, PHD and | : | JURY TRIAL DEMANDED |
| G.L. | : | |
| Defendants | : | |

COMPLAINT

NOW COMES the plaintiff, by and through her attorney Bernard F. Cantorna and files the following Complaint and states:

1. The plaintiff, E.L., is an adult individual and citizen of the Commonwealth of Pennsylvania with an address of P.O. Box 1127, State College, Pennsylvania.
2. The defendant, Julian B. Metter, Ph.D., is a licensed psychologist and Ph.D. with a business address of 313 Logan Avenue, State College, Pennsylvania.
3. The defendant, G.L., is the former spouse of E.L. and former employee of the defendant Julian B. Metter, Ph.D. with an address of 1614 Hawthorne Drive, State College, Pennsylvania.
4. On or about June 2001, the plaintiff became a patient of the defendant Julian B. Metter, Ph.D.

5. The plaintiff has received psychological treatment from Julian B. Metter, Ph.D. from on or about June 2001 until April 4, 2008.

6. The defendant G.L., became an employee of the defendant Julian B. Metter in the calendar year 2000.

7. The plaintiff has a long medical history of pancreatitis, chronic pain and multiple surgeries related to the pancreatitis.

8. The plaintiff was referred to Julian B. Metter, Ph.D. in or around June 2001 for psychological consult.

9. Dr. Metter holds himself out as a licensed psychologist who integrates the latest advancements in technology “to engage human potential on both the physical, mental and spiritual levels. The result for many patients is: improvement in energy, ability to better focus and perform, emotional stability and flexibility, pain relief, and a renewed sense of purpose in life.” (Metter’s website, 10/15/2008)

10. Dr. Metter represents that he can offer treatments that “have been successful with problem areas like autism, ADD, post-traumatic stress disorder, depression, immune system disorders and pain reduction.” (Metter’s website, 10/15/2008)

11. Dr. Metter represents that he is a “psychologist originally trained in traditional approaches to psychotherapy and assessment. His [interest] has always been in the area of innovation and early in [his] training he explored approaches like Gestalt Therapy and hypnotherapy . . .” He represents that he has “worked extensively in the area of trauma and stress related disorders . . . and developed a more structured hypnotic approach to post-traumatic stress disorder in connection with a clinical research project at the Pennsylvania State University. (Stress and Anxiety Disorders Institute)” (Metter’s website, 10/15/2008)

12. Psychotherapy offered by Dr. Metter to his patients includes: “hypnosis, family and couples therapy and individual psychotherapy.” (Metter’s website, 10/15/2008)

13. Dr. Metter represents that his psychological treatment can address “dissociative disorders and post-traumatic stress disorder”. (Metter’s website, 10/15/2008)

14. Dr. Metter’s website indicates that “innovative technologies can provide opportunities to move deeper and at a faster rate but a successful outcome depends on a client’s readiness to reorganize their inner world. This involves not only traumas from the past, but patterns of interaction in the present. . . when other family members have emotional issues of their own that maintain old dysfunctional patterns of interaction then it is crucial to involve them in family therapy. The failure to do so can completely undermine the outcome of the therapeutic process.”

15. Dr. Metter advertises and represents that his psychological assessment and treatment can assist in recovery from sexual abuse and traumatic stress condition. Dr. Metter’s website indicates the following:

“Carbon dioxide therapy reaches levels of the psyche that are never seen in most psychotherapy and many clients working at our center begin to find significant life memories that were previous buried. Our goal is to develop a therapeutic approach that is deep, compassionate and as respectful to the client’s need to put pieces together for themselves. . .”

16. In regards to any negative side effects from Dr. Metter’s treatments, he represents on his website as follows:

“Side effects can occur but our temporary in nature. In general, side effects are related to either detoxification reaction or neurological reorganization following treatment. In some cases, emotional material that was held out of conscious awareness can come to the surface quite suddenly, and working with this therapeutically is very helpful. No lasting negative affects have been observed with any of the modalities used in my practice.”

17. In Dr. Metter's practice, he utilizes treatments including carbon dioxide therapy, hyperbaric oxygen therapy, alpha pheta therapy, papimi device, strannick device and rife device.

18. The plaintiff was first referred to Dr. Metter for treatment both involving her chronic pain condition, and the psychological issues that came from it, and couples therapy regarding G.L.

19. The plaintiff and her spouse have been married since June 7, 1980 and had ongoing marital issues.

20. Plaintiff's spouse was both physically and mentally abusive during the course of their relationship.

21. Plaintiff's spouse was employed by Dr. Metter at the time of the plaintiff's initial psychological consults.

22. Dr. Metter provided couples counseling and psychological treatment to E.L. in regards to the ongoing emotional abuse and controlling behavior of her spouse.

23. During the course of E.L.'s treatment with Dr. Metter, he recommended that the plaintiff not reside with her spouse due to the risk of physical abuse by the spouse to plaintiff.

24. Psychological treatment provided by Dr. Metter to the plaintiff included CO2 treatment given to the plaintiff multiple times a day, multiple times per week for at least three years.

25. Dr. Metter would hold an oxygen mask that delivered a mix of CO2 and oxygen to the plaintiff.

26. The CO2 mixture was held on the plaintiff's face for approximately five minutes after the plaintiff began to feel the effects of the CO2.

27. During the CO2 treatments, the plaintiff would become unconscious,

unresponsive and enter an altered state due to the CO2 treatment and the physical effects upon the plaintiff.

28. During CO2 treatments, the plaintiff was unconscious, in an altered state and had no memory of the psychotherapy that was being conducted by Dr. Metter to the plaintiff.

29. After the plaintiff regained a semi-conscious state, Dr. Metter would engage in psychotherapy.

30. Dr. Metter conducted therapy and counseling sessions where Dr. Metter attempted to speak with alternate personalities that Dr. Metter believed the plaintiff had.

31. During therapy and counseling sessions, Dr. Metter would suggest memories of both physical and mental abuse by nuclear members of plaintiff's family which, in all probability, never occurred.

32. During therapy/counseling sessions, Dr. Metter told plaintiff that she had been raped by her father, brother and sister and that plaintiff's parents had been in a cult where people were killed in her presence.

33. The standard of care for treating suspected abuse victims, calls for a slow careful approach. Dr. Metter's approach of bringing suspected abuse to the surface quite suddenly, breaches the standard of care.

34. Dr. Metter counseled plaintiff to sever relationships with family and friends due to suspected physical and sexual abuse.

35. Psychological treatment by Dr. Metter effectively isolated the plaintiff from any family support.

36. Dr. Metter attempted to induce an abreaction in plaintiff during therapy and counseling sessions regarding alleged sexual and physical abuse.

37. The attempts to induce an abreaction caused further trauma to plaintiff, emotional distress and psychological damage.

38. Plaintiff's spouse was an employee of Dr. Metter and physically assisted Dr. Metter during the CO2 treatments to the plaintiff.

39. At the time the CO2 treatments were administered, the plaintiff's husband was an employee and agent of Dr. Metter.

40. The plaintiff's spouse not only helped administer CO2 treatments to the plaintiff, but video taped four CO2 treatments and therapy sessions following those CO2 treatments.

41. Dr. Metter represented to the plaintiff that his psychological therapy would help her to reach deeper levels of understandings of her past abuse and that confronting these issues would help her long-term mental health. He told the plaintiff that treatment of her long-term mental health issues would increase her mental health and effectively allow her to deal with her long-term physical chronic pain issues.

42. CO2 treatments were given as many as six to seven times a day and multiple days per week.

43. On or about October 14, 2006, plaintiff was given a CO2 treatment by Dr. Metter, the inhalation of the CO2 mixture lasting approximately seven minutes.

44. The CO2 treatment initiated on or about October 14, 2006, caused the plaintiff to stop breathing. It became necessary for Dr. Metter to resuscitate the plaintiff through CPR.

45. Dr. Metter advised E.L. of the fact that she had stopped breathing and needed to be resuscitated, but refused to take E.L. to the emergency room for further treatment.

46. The plaintiff suffered pain during the initiation of the CO2, suffered involuntary

panic attacks due to the administration of the CO₂ therapy, severe emotional distress and psychological damage.

47. The continuous exposure to high levels of CO₂ may cause adverse physical effects, which include but are not limited to: lower concentration, an inability to breathe and a feeling of heaviness in the chest, panic attacks, the feeling of a near death experience due to an inability to breathe, acidosis and an acid condition of the blood, headache, increased heart rate, dizziness, fatigue, rapid breathing, visual and hearing dysfunction, unconsciousness, potential death, brain injury and cognitive deficits.

48. As a licensed psychologist treating the plaintiff, Dr. Metter had a fiduciary responsibility to the plaintiff to exercise reasonable care.

49. As a licensed psychologist, Dr. Metter owed to the plaintiff a duty to possess and exercise the degree of professional skill and knowledge ordinarily possessed and exercised within his field of expertise.

50. Dr. Metter owed a duty to properly diagnose and properly treat the plaintiff.

51. Dr. Metter breached his duty to properly diagnose and treat the plaintiff, and such failure has resulted in physical and mental injury and damage to the plaintiff.

52. As a result of the professional breaches of Dr. Metter, the plaintiff continues to suffer severe emotional distress and psychological trauma, physical injury and pain and will incur ongoing medical treatment and costs for the same.

53. As a result of the psychological treatment of Dr. Metter, E.L. was and continues to suffer related psychological trauma including headaches, panic attacks, shortness of breath, which are continuing in an ongoing nature.

54. As a result of the breaches of standard of care in the psychological treatment of

E.L., E.L. has suffered brain injury, exhibits neurological deficits and ongoing problems with thought process and memory. E.L.'s ongoing cognitive deficits and injury appear to be of a permanent nature and are a direct and proximate result of the psychological care provided by the defendant to the plaintiff.

55. The CO2 treatment and psychotherapy that followed created an unreasonable risk of bodily harm to the plaintiff by subjecting her to fright, shock, emotional disturbance and risk of serious bodily injury and death.

56. The defendant failed to exercise the degree of professional skill and knowledge ordinarily possessed by practitioners within his field as follows: (a) improperly diagnosing the plaintiff's condition and diagnosing the plaintiff with mental conditions she did not have; (b) failing to perform requisite diagnostic tests and examinations in regards to his diagnoses of multiple personalities and trauma/abuse victim diagnosis; (c) engaging in psychotherapy sessions where the defendant suggested memories that were not true and providing treatment, diagnosis and advice regarding these conditions which were not true; (d) failing to properly treat, care and counsel the plaintiff, particularly by subjecting the plaintiff to intensive psychotherapy and analysis while under the influence of CO2 and hypnosis; (e) utilizing carbon dioxide therapy and treatment when such treatment had been ruled out as being effective in a peer review journal; (f) using psychological treatments with little or no empirical support; and (g) continuing treatments after observed or reported negative effects including short-term memory problems, vision problems and the client needing CPR after CO2 therapy.

57. During the course of Dr. Metter's treatment of E.L., he incorrectly diagnosed E.L. with a borderline personality, multiple personality disorder and a victim of past physical and sexual assault by members of her nuclear family.

58. Dr. Metter's continued course of psychological treatment and therapy caused severe psychological trauma and emotional distress to E.L., resulting in E.L. suffering from post-traumatic stress disorder, probable panic disorder and major depression disorder.

59. Dr. Metter failed to properly diagnose and treat E.L. and accordingly, she has failed to receive psychological treatment to treat her actual mental health issues, has exacerbated her underlying mental health issues and proximately caused post-traumatic stress disorder, panic disorder and major depression disorder.

WHEREFORE, plaintiff demands judgment against the defendant in an amount in excess of any mandatory arbitration amounts, including interest, cost of suit and any other relief the court deems just and appropriate.

COUNT ONE
PROFESSIONAL MALPRACTICE
E.L. v. Julian B. Metter, Ph.D.

60. Paragraphs 1 through 59 are incorporated herein by reference.

61. As a result of the defendant's breach of the standard of care, the plaintiff has sustained painful and severe injuries which include, but are not limited to: panic and anxiety attacks, brain injury, cognitive deficits, impairment of vision, potential cardiac and respiratory damage and headaches.

62. As a result of the aforesaid breaches of the standards of professional care, the plaintiff has suffered psychological trauma, emotional distress, a deterioration of her psychological condition, depression, psychological harm, anxiety and has been deprived of the opportunity to obtain relief from her psychological conditions, has suffered physical pain and mental anguish, all of which may continue for an indefinite time in the future to her great detriment and loss.

63. Plaintiff has been subjected to numerous panic attacks as a result of the aforementioned negligence of the defendant.

64. By reason of the aforesaid injuries sustained by the plaintiff, she may be forced to incur liability for medical treatment, psychological treatment, medications, hospitalizations and other similar miscellaneous expenses in an effort to restore herself to health and claim is made thereof.

65. Because of the nature of her injuries, plaintiff has been advised, and therefore avers that she may be forced to incur similar expenses in the future and claim is made thereof.

66. As a result of the aforementioned injuries, plaintiff has undergone and in the future will undergo physical and mental suffering, great inconvenience in carrying out her daily activities, loss of life's pleasure and enjoyment, emotional distress and ongoing psychological damage and claim is made thereof.

67. Plaintiff continues to be plagued by cognitive deficits and an inability to think clearly, ongoing psychological damage and emotional distress and avers that her injuries may be of a permanent nature, causing residual problems for the remainder of her lifetime and claim is made thereof.

68. Dr. Metter owed a duty to the plaintiff as a result of their doctor-patient relationship, the defendant breached that duty and the breach proximately caused the above alleged injuries.

69. All recommendations and treatments by Dr. Metter to E.L. were made within the context of the doctor/therapist-patient relationship.

WHEREFORE, plaintiff demands judgment against the defendant in an amount in excess of any mandatory arbitration amounts, including interest, cost of suit and any other relief the court deems just and appropriate.

COUNT TWO
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
E.L. v. Julian B. Metter, Ph.D.

70. Paragraphs 1 through 69 are incorporated herein by reference.

71. Dr. Metter owed the plaintiff a professional duty of care and negligently inflicted emotional distress upon the plaintiff proximately causing the damage as alleged in this complaint.

WHEREFORE, plaintiff demands judgment against the defendant in an amount in excess of any mandatory arbitration amounts, including interest, cost of suit and any other relief the court deems just and appropriate.

COUNT THREE
E.L. v. G.L.

72. Paragraphs 1 through 71 are incorporated herein by reference.

73. Plaintiff's spouse was an employee acting within the scope of his employment, who assisted Dr. Metter with CO2 treatments and video taped the same.

74. Plaintiff's spouse physically manipulated the CO2 and helped hold a mask on the plaintiff's face during CO2 treatments.

75. As a result of the aforesaid treatment and psychotherapy sessions, plaintiff has suffered the above-referenced physical injuries and emotional distress and psychological damage.

WHEREFORE, plaintiff demands judgment against the defendant in an amount in excess of any mandatory arbitration amounts, including interest, cost of suit and any other relief the court deems just and appropriate.

BRYANT & CANTORNA, P.C.

By,

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