

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF KALAMAZOO

TENIA GOSHAY, PERSONAL  
REPRESENTATIVE OF THE ESTATE  
OF CORNELIUS FREDERICKS,  
DECEASED

Plaintiff,

v.

Case No.  
Hon.

LAKESIDE FOR CHILDREN d/b/a  
LAKESIDE ACADEMY; LAKESIDE ACADEMY;  
SEQUEL YOUTH SERVICES OF  
MICHIGAN, LLC; SEQUEL TSI  
HOLDINGS, LLC; SEQUEL YOUTH  
AND FAMILY SERVICES, LLC; SEQUEL ACADEMY  
HOLDINGS, LLC; and SEQUEL YOUTH SERVICES, LLC

Defendants.

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**COMPLAINT AND JURY REQUEST**

NOW COMES Plaintiff, Tenia Goshay, Personal Representative of the Estate of  
Cornelius Fredericks, Deceased, by and through her attorney, Marko Law, PLLC, and  
states in support of her complaint as follows:

## **INTRODUCTION**

Cornelius Fredericks was known by his family members as a “boy’s boy: hyper and rambunctious, with a penchant for playing jokes and pranks, and ultimately was known as a sweet boy.” Unfortunately, Cornelius’s family lost their boy at a young age while he was in the care of a residential facility that ironically markets itself as dedicated to preparing young men and women for a positive future. Ultimately, the private entities responsible for the management and oversight of this residential facility were the ones responsible for taking away the positive future they were supposed to help Cornelius achieve.

The loss of Cornelius Fredericks’s life at the young adolescent age of sixteen was due to the improper and wrongful use of restraints by staff members at Lakeside Academy in Kalamazoo, Michigan. In fact, video from Lakeside Academy even shows a staff member placing his/her weight directly on Cornelius’s chest for nearly ten minutes as Cornelius lost consciousness. Cornelius’s scream of “I can’t breathe” was not enough to get the staff members to stop the excessive restraint. The excessive use of restraints and the lack of concern for Cornelius’s life draw an eerily similar comparison to that of George Floyd’s death. Floyd died less than a month after Cornelius Fredericks at the hands of four police officers, one of whom kneeled on Floyd’s neck for over nine minutes despite Floyd’s screams that he could not breathe.

Not only has the country seen a trend in the exposure of such excessive restraints, but the use of these excessive restraints was a common theme at Lakeside Academy. The facility had over thirty investigations conducted by the Department of Health and Human Services since the year 2016. These investigations focused on violations regarding facility

and premises maintenance, staff qualifications, discipline, behavior management, resident restraint, and sufficiency of staff. Even more important to note is that within the six months prior to Cornelius Fredericks's death, the Defendants named in this action had six separate violations pertaining to their employees' improper use of de-escalation techniques, some of which pertained to improper restraints. The documented history and repeated investigations of Defendants' improper use of restraints on residents should have put the Defendants on notice that change was needed.

Additionally, not only were Defendants negligent regarding the use of restraints on residents, but Defendants were completely negligent in responding to the coronavirus pandemic. Only after Cornelius Fredericks was transported to the hospital, as a result of entering cardiac arrest from the improper restraint used on him, was it discovered that he was positive for coronavirus. It would later be discovered that close to forty other residents and nine staff members at Lakeside Academy were also positive. Yet, despite the adverse impact that coronavirus has on an infected person's ability to breathe, Defendants used tear gas on the Lakeside Academy residents. Defendants used an agent known to restrict people's breathing on residents with a virus that already makes it hard to breathe.

The outright reckless and negligent behavior of the Defendants cannot go unaddressed. Plaintiff seeks justice through this civil rights case.

### **JURISDICTION AND PARTIES**

1. Plaintiff, Tenia Goshay, is the personal representative of Cornelius Frederick's estate, and is a resident of Wayne County, State of Michigan.

2. Cornelius Frederick, now deceased, was a 16-year-old boy who resided in Kalamazoo, Michigan, under the care and custody of the Defendants.
3. Defendant Lakeside is a Michigan corporation that owns and/or operates and/or conducts business in the County of Kalamazoo, State of Michigan.
4. Defendant Lakeside Academy is a Michigan corporation that owns and/or operates and/or conducts business in the County of Kalamazoo, State of Michigan.
5. Defendant Sequel Youth Services of Michigan, LLC is a Michigan corporation that owns and/or operates and/or conducts business in the County of Ingham, State of Michigan.
6. To the best of Plaintiff's knowledge and understanding Defendant Sequel TSI Holdings, LLC is an Iowa corporation that owns and/or operates and/or conducts business in the County of Kalamazoo, State of Michigan.
7. To the best of Plaintiff's knowledge and understanding Defendant Sequel Youth and Family Services, LLC is a Delaware corporation that owns and/or operates and/or conducts business in the County of Kalamazoo, State of Michigan.
8. To the best of Plaintiff's knowledge and understanding Defendant Sequel Academy Holdings, LLC is an Iowa corporation that owns and/or operates and/or conducts business in the County of Kalamazoo, State of Michigan.

9. To the best of Plaintiff's knowledge and understanding Defendant Sequel Youth Services, LLC is an Iowa corporation that owns and/or operates and/or conducts business in the County of Kalamazoo, State of Michigan.
10. The amount in controversy exceeds the jurisdictional minimum for this Honorable Court, exclusive of interest, costs and attorney fees, and the matter is otherwise within the jurisdiction of this Court.

### **FACTS**

11. Plaintiff, by reference, incorporates the preceding paragraphs as though fully set forth herein.
12. As a ward of the state, Cornelius Fredericks was housed by the State of Michigan at Defendant Lakeside Academy, which is located at 3921 Oakland Drive, Kalamazoo, MI 49008.
13. Prior to July 2007 Defendant Lakeside Academy was known under the name "Lakeside for Children."
14. In July 2007, Lakeside for Children entered into a management agreement with Defendant Sequel Youth and Family Services, and the Defendant residential facility was renamed Lakeside Academy.
15. On April 29, 2020, the staff at Lakeside Academy used an improper restraint on Cornelius Fredericks, which subsequently caused Cornelius to enter cardiac arrest.
16. Even though Cornelius Fredericks yelled, "I can't breathe!", Defendant continued improperly restraining him, killing him.

17. After entering cardiac arrest, Cornelius Fredericks was transported to Bronson Methodist Hospital in Kalamazoo and placed on life support.
18. On May 1, 2020, only 30 hours after entering cardiac arrest as the result of the improper restraint, Cornelius Fredericks died at Bronson Hospital.
19. The use of wrongful and improper restraints by Defendants' staff is not a novel occurrence.
20. The Department of Health and Human Services has a laundry list of complaints that it has investigated and addressed regarding employees of the Defendants improperly managing situations with residents at Lakeside Academy.
21. Since 2016, Defendants had at least thirty violations investigated through the State of Michigan Department of Health and Human Services regarding facility and premises maintenance, staff qualifications, discipline, behavior management, resident restraint, and sufficiency of staff.
22. Additionally, since 2016, Defendants had to terminate at least eight employees due to the employees' improper use of restraints and/or failure to use proper de-escalation techniques, and/or improper supervision of residents.
23. Furthermore, since 2016 Defendants had to suspend and/or place on administrative leave at least seven employees for improper use of restraints and/or failure to use proper de-escalation techniques, and/or improper supervision of residents.

24. Within the six months prior to the death of Cornelius Fredericks, Defendants had six separate incidents of violations pertaining to employees' improper use of de-escalation techniques.
25. Subsequent to Cornelius Fredericks arriving at Bronson Hospital on April 29, 2020, it was discovered that Cornelius was positive for coronavirus.
26. The other residents and staff at Lakeside Academy were tested for coronavirus after it was discovered that Cornelius was positive, and nearly forty other residents and nine staff members tested positive for the virus.
27. Despite the fact that coronavirus was running rampant through Defendants' residential facility, Defendants used tear gas on the residents, which is an agent known to restrict people's breathing.
28. Defendants knew or should have known that coronavirus also restricts an infected person's breathing, and consequently, residents with the virus would be severely impacted by the use of a chemical agent that worsened that condition.
29. Defendants now face the revocation of their license for Lakeside Academy by the Michigan Department of Health and Human Services as a result of the wrongful restraint of Cornelius Fredericks, which subsequently resulted in his death.
30. Defendants owed common law and statutory duties to Cornelius Fredericks for his care and safety while he was residing at Lakeside Academy and under Defendants' care and control.

31. The Defendants' voluntarily assumed duties for Cornelius Fredericks's care including, but not limited to, the following:

- a. Exercise reasonable care and ordinary care for his safety and well-being;
- b. Provide trained and qualified employees, staff and/or agents to deliver safe and reasonable care for Cornelius Fredericks's safety and basic needs;
- c. Hire, train, retain, and supervise all employees, staff and/or agents who would provide direct and indirect supervision to Cornelius Fredericks while he was a resident at Defendants' facility;
- d. Assure that employees, staff and/or agents treated Cornelius Fredericks at all times with respect and dignity;
- e. Conduct full and complete investigations whenever complaints of abuse or neglect or negligence were brought to Defendants' attention; and
- f. Provide the standard and quality of care and services that Defendants represented they would provide in marketing and informational materials and to the State of Michigan.

32. Defendants breached all of the above listed common law, statutory, and voluntarily assumed duties owed to Cornelius Fredericks while he resided at Lakeside Academy.

33. Defendants had actual and/or ostensible knowledge of their employees' and/or staffs' and/or agents' treatment and care of Cornelius Fredericks and of other residents at Lakeside Academy.
34. As a direct and proximate result of the negligent and/or grossly negligent and/or intentional acts and/or omissions committed by Defendants and their employees, staff and/or agents, decedent suffered the following injuries and damages:
- a. Physical pain and suffering;
  - b. Severe emotional trauma, fright, shock, mortification;
  - c. Premature death;
  - d. All damages allowed under the Wrongful Death Act including economic damages and loss of society and companionship;
  - e. Exemplary damages; and
  - f. Others to be discovered through the course of litigation.

**COUNT 1**  
**NEGLIGENCE & GROSS NEGLIGENCE**

35. Plaintiff, by reference, incorporates the preceding paragraphs as though fully set forth herein.
36. Defendants owed certain duties to the residents of Lakeside Academy, and Cornelius Fredericks in particular, to provide a safe residential living facility.

37. Defendants' breached this duty by recklessly using excessive force in restraining Cornelius Fredericks on the date of April 29, 2020, and the other breaches described above.
38. Defendants are vicariously liable under *respondeat superior* for the actions of its actual / ostensible agents.
39. Defendants' actions were grossly negligent and undertaken in a reckless disregard for whether injury would result.
40. These actions are the most immediate cause, as well as the proximate cause of Plaintiff's injuries.
41. Defendants' negligence/gross negligence has caused various egregious damages to Plaintiff.
42. Defendants' negligence/gross negligence as set forth above resulted in the wrongful death of Cornelius Fredericks and creates a claim pursuant to MCL 600.2922.

**COUNT II**  
**DIRECT NEGLIGENCE**

43. Plaintiff, by reference, incorporates the preceding paragraphs as though fully set forth herein.
44. Defendants had a special relationship with its residents, as well as with its employees, which created a duty whereby Defendants were required to provide a safe living environment to the residents, and Cornelius Fredericks in particular, and to act in a prudent and safe manner.

45. Defendants breached the duties owed to their residents, and Cornelius Fredericks in particular, by negligently hiring, supervising, training, and/or monitoring Defendants' employees.
46. Defendants knew or should have reasonably expected to know that failure to control the aggressive and tortious conduct of their employees would result in injuries to a resident, including Cornelius Fredericks.
47. As a direct and proximate result of Defendants' negligence and/or gross negligence, Cornelius Fredericks was killed and caused various egregious damages to Plaintiff.
48. Defendants' direct negligence as set forth above resulted in the wrongful death of Cornelius Fredericks and creates a claim pursuant to MCL 600.2922.

### **DAMAGES**

49. Plaintiff, by reference, incorporates the preceding paragraphs as though fully set forth herein.
50. The wrongful acts and/or omissions, neglect and/or fault of Defendants and their agents/employees as set forth above resulted in the wrongful death of Cornelius Fredericks.
51. This wrongful death claim is cognizable under MCL 600.2922.
52. Decedent's estate incurred medical, hospital, funeral, and burial expenses for which Defendants are liable.

53. Plaintiff, Tenia Goshay, as Personal Representative of the Estate of Cornelius Fredericks, Deceased, seeks all economic and non-economic damages allowed under the Michigan Wrongful Death Act, MCL 600.2922.
54. As a direct and proximate result of Defendants' conduct, Plaintiff has been damaged in the manner outlined above.

### **CONCLUSION**

WHEREFORE, Plaintiff respectfully requests this Honorable Court grant Judgment in her favor in an amount that good conscience dictates and against Defendants in an amount to be determined by the jury.

Respectfully submitted,

/s/ Jonathan R. Marko  
Jonathan R. Marko (P72450)  
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Date:

### **CERTIFICATE OF SERVICE**

I hereby certify that on June 22, 2020, I presented the foregoing paper to this Court's ECF System which will send notification of such filing to the above listed attorneys of record.

/s/ Marissa A. Williams

**JURY REQUEST**

Plaintiff, by and through counsel, hereby requests a trial by jury in the above-captioned matter.

WHEREFORE, Plaintiff respectfully requests this Honorable Court grant judgment in favor of Plaintiff against Defendants, in an amount the Court or jury deems just and fair, plus interest, costs, and attorney fees.

Respectfully submitted,

/s/ Jonathan R. Marko  
Jonathan R. Marko (P72450)  
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Date: June 22, 2020

**CERTIFICATE OF SERVICE**

I hereby certify that on June 22, 2020, I presented the foregoing paper to this Court's ECF System which will send notification of such filing to the above listed attorneys of record.

/s/ Marissa A. Williams