

James Newlin  
10570 Greenwood Ave N  
Apt 308  
Seattle, WA 98133  
Cell: (206) 679-6652  
Email: newlin83@gmail.com

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

James Richard Newlin,

Plaintiff,

vs.

Lakeside Pediatric & Adolescent  
Medicine, PLLC, Maria Lynne Centers,

Defendants.

Case No. 2:24-cv-539-AKB

**AMENDED COMPLAINT**

28 U.S. Code § 1332: Diversity  
of Citizenship;

Jury Trial Requested: Yes

**PARTIES**

1. Plaintiff, JAMES RICHARD NEWLIN (“James”), is a citizen of the State of Washington, living at 10570 Greenwood Ave N, Apt 308, Seattle, WA 98133, Cell: (206) 679-6652, Email: newlin83@gmail.com;

2. Defendant, LAKESIDE PEDIATRIC & ADOLESCENT MEDICINE, PLLC (“Lakeside Pediatrics”), located at 980 Ironwood Dr. Ste. 302, Coeur d’Alene, ID 83814, (208) 292-5437.

3. Defendant, MARIA LYNNE CENTERS (married name MARIA LYNNE NEWLIN) ("Maria"), living at 8551 N. Government Way Apt. # B16, Hayden, ID 83835, (208) 964-1820, Email: mnewlin1983@gmail.com.

### **JURISDICTION**

4. My case belongs in federal Court under diversity of jurisdiction because the plaintiff does not live in the same state as the Defendants and the amount of damages is more than \$75,000.

### **VENUE**

5. Venue is appropriate in this Court because a substantial part of the events I am suing about happened in this district.

### **STATEMENT OF FACTS**

6. Maria Newlin ("Maria") and I were married in 2020 and have one child together, K.E.N. (DOB X/X/2021) ("KEN"). I filed for divorce (Kootenai County Magistrate Court case CV28-23-2348) from Maria on 4/14/2023. A trial was held for this case on 8/23/2024 and an oral decision was given on 8/30/2024. The final judgment and decree were signed by the judge and that case was closed on 11/7/2024. KEN has been a patient at Lakeside Pediatrics from February 2023 to the present. This case involves: (1) KEN's treatment at Lakeside Pediatrics, and statements and actions of Lakeside Pediatrics in the course of KEN's treatment; (2) falsehoods said about me by Maria to medical professionals and the Idaho Department of Health and Welfare ("IDHW") regarding our daughter, KEN; (3)

Maria repeating falsehoods from reports by the IDHW to the Kootenai County Magistrate Court with malicious intent; (4) discrimination against me by Lakeside Pediatrics because I have severe bipolar disorder.

7. Maria has a long and continuous history of medical neglect of KEN. The following is a non-exhaustive summary of this neglect (Refer to Exhibit 1): (1) Maria declined a newborn hearing screening when KEN was born; (2) Maria was given a referral to Prairie Family Medicine for KEN to receive a hearing screen shortly after birth, and Maria declined to have this done; (3) Maria did not get a hearing screen for KEN for more than three years, despite repeated recommendations by medical professionals, KEN's speech therapist, and my insistence to have it done; (4) Maria declined the critical congenital heart disease (CCHD) screening when KEN was born; (5) Maria declined the "car seat challenge" and car seat tolerance screen (CSTS) (qualified by hospital protocol due to prolonged oxygen needed after resuscitation) when KEN was born; (6) Maria declined the newborn metabolic screening when KEN was born. (7) Maria had inadequate prenatal care; (8) Maria declined Vitamin K when KEN was born; (9) Maria declined the hepatitis B vaccine when KEN was born; (10) Maria refused to have "well child checks" for KEN for about 20 months. A report from Prairie Family Medicine on 10/28/2022 noted, "Mother states she is hesitant to bring her [KEN] in for appts due to their decision to not vaccinate" [note: this was Maria's decision alone]; (11) Maria has missed recommended dental appointments. Prairie

Family Medicine noted during an 11/18/2022 visit, “Patient [KEN] has not seen a dentist”; (12) Maria has refused all recommended vaccinations for KEN (DTaP, Polio, MMR, Act-Hib, PedvaxHib, Hepatitis B, Varicella, Hepatitis A, Pneumococcal, Rotarix, RotaTeq) despite recommendations by medical professionals that KEN be vaccinated. Maria did allow KEN to have the DTaP vaccination on 5/31/2024, 7/2/2024, and 9/3/2024—more than three years later than recommended.

8. Maria has a long and continuous history of making unilateral decisions about KEN’s healthcare, including claiming she was speaking for me, without my knowledge including denying treatments listed, signing vaccination waiver forms without my knowledge or consent, and canceling and interfering with medical appointments when I have attempted to get treatment for KEN, notably, my repeated attempts to get a hearing test for KEN.

9. Maria has a history of lying to medical professionals, social workers, and the IDHW in order to blame me for KEN's medical issues, to convince medical professionals to give her primary decision making authority, and to get medical professionals to take her side when there has been disagreement between us. Notably, she has spread the lie throughout the community that I made KEN vegan, with Maria claiming that this was the cause of KEN’s health issues.

10. In stark contrast, I have never declined medical treatment for KEN, and I have always wanted KEN to receive all recommended care.

11. From the time when KEN was born until 2/7/2023, I worked full-time outside of the home and Maria was a stay-at-home mother. Maria had a strong preference to handle KEN's medical appointments since she was a stay-at-home mother and she had strong opinions highly critical of standard medical care. Maria and I agreed that she would handle all of KEN's medical appointments.

12. Shortly after KEN's birth, I became aware that Maria had declined vaccinations and the hearing test. I told Maria I was concerned about KEN's hearing, and Maria mocked me when I would clap in an attempt to gauge KEN's hearing. I had always wanted KEN to receive vaccinations, but I did not push for it, as Maria was extremely opposed to vaccinations, and I wanted to keep the peace. I was unaware of the other treatments Maria declined—minus the hearing screening—only becoming aware of them when I requested hospital records in February 2023.

13. In December 2022, I had become concerned about KEN's weight as she appeared to me to be underweight. I asked Maria to provide me with records of KEN's health and she refused, telling me I would have to make an appointment if I wanted to get information about KEN's health.

14. Maria scheduled an appointment for myself and KEN on 2/7/2023 at Prairie Family Medicine. At this appointment, KEN was diagnosed as “failure to thrive” for being malnourished (Refer to Exhibit 2). In addition, the provider told me that Maria had told them that I made KEN vegan, saying that this was the cause of

KEN's diagnosis of "failure to thrive." During our divorce proceedings, Maria admitted in her response to my interrogatories, that I did not make KEN vegan (Refer to Exhibit 3). I have never been vegetarian or vegan, so the accusation came as a shock.

15. It was during the 2/7/2023 medical appointment that Maria called the Prairie Family Medicine office multiple times to interfere with the appointment. It's not clear what Maria told them, but after her interfering phone calls, we were told that both of us would have to be at appointments, and that they would not see KEN with either of us alone.

16. Immediately following the 2/7/2023 medical appointment, I went home and demanded to take charge of KEN's diet. I confronted Maria about her false accusation that I made KEN vegan. I was deeply afraid for KEN's health, and I sincerely believed I was being framed for KEN's decline. After I took charge of KEN's diet, she went from weighing 22.16 lbs on 2/7/2023 to 24.219 lbs on 2/27/2023, a weight gain of 2.059 lbs in only 20 days. This was the fastest she's ever gained weight before or since. On 11/24/2023 she weighed 27.8 lbs, so she had a weight gain of 3.581 lbs from the time I left the family home until 11/24/2023.

17. Following the 2/7/2023 appointment, I contacted the IDHW because: (1) Maria was not adequately feeding KEN during the day while I was at work; (2) KEN had been diagnosed as "failure to thrive" on 2/7/2023; (3) Maria had blamed me for KEN's weight loss by falsely accusing me of making KEN vegan.

18. In February 2023, case worker Karyn Crone with the IDHW Child and Family Services visited our home to follow-up on a report of neglect and a “failure to thrive” diagnosis by Prairie Family Medicine regarding KEN’s weight. The IDHW issued a report following this visit (“2/27/2023 IDHW report”) (Refer to Exhibit 4). The assessment was completed by Nikki Stocking on 2/27/2023 with information provided by Karyn Crone.

19. The 2/27/2023 IDHW report notes the following: (a) “[Maria] is...claiming that the father put the child on a vegan diet. The father denied this.”; (b) “[Maria] insists it was the father who demanded a strict vegan diet and does not allow meats or cheese in the house.”

20. Maria also verbally stated to medical professionals at Prairie Family Medicine (during appointments between 11/18/2022 and 2/17/2023), Lakeside Pediatrics (on or about 2/23/2023), and Dr. Christopher Laviola, Psy.D. at Prism Psychology (on or about 3/21/2023) in Coeur d’Alene, that I made KEN vegan, in order to blame me for KEN’s malnourishment and “failure to thrive” diagnosis. I presented evidence to Prairie Family Medicine and Lakeside Pediatrics refuting Maria’s claims, but both refused to add my statements to the medical record, or to correct the record.

21. We had another appointment at Prairie Family Medicine on 2/17/2023. Following this appointment, I requested complete records for KEN. The following falsehoods (this list is a non-exhaustive sample) are listed in the report: (1) “Next

WCC [well child check] at 2.5 years old however provider was advised that the father is planning on taking KEN to Lakeside Pediatrics for further care. Mother is planning on continuing care a[t] this time at this office; (2) “Mother had initially stated at 11/18/22 visit, that the patient’s [KEN’s] Father [James] was opposed to any meats or dairy in her diet when she was in clinic at 21 months.” In response to both of these items: (1) Maria and I had both agreed immediately following the 2/17/2023 visit to take KEN to Lakeside Pediatrics. We never had another visit to Prairie Family Medicine after 2/17/2023; (2) Maria admitted that this was a lie (refer to item 14).

22. Maria and I decided together to switch providers after the 2/17/2023 appointment at Prairie Family Medicine. We both agreed that KEN should begin going to Lakeside Pediatrics. Maria scheduled her first appointment with KEN at Lakeside Pediatrics on 2/23/2023 with Jean M. Prince for a new patient & well child check visit. I was not present at this appointment. During this appointment, Maria launched into a diatribe on topics wholly unrelated to KEN’s care (Refer to Exhibit 5):

“James hates it here and is miserable. He says her other son (who is not biologically related to James) is a sociopath....James blames him for their problems and blames her friends. He has cut mom off contact with all family and friends. Mom didn’t recognize this at first....James and mom stopped having sex. He would push her away and say “you’re broken.”...Two weeks ago he was ranting and she started to realize that things are not going well....Food has been more controlled by dad. Mom told doctor they were vegetarian or vegan. Beans, rice and veggies. Dad talks negatively about butter, milk and eggs and complained about the price of meat. But now dad complains that he never says that. Mom says her



son (15 year old) has lost weight and is hungry a lot. Dad says he will not support “taking care of a spoiled brat” so he eats what they eat. T.J.C. (DOB X/X/2007) (“TJC”) her 15 year old son, has kind of checked out and never bonded to James. Stays in his room a lot. Not “allowed” to do sports. James cut her off from bank account.”

23. This shows that Lakeside Pediatrics was willing to indulge Maria in allowing her to vocalize a litany of falsehoods, despite it having no relevance to KEN’s care. It also shows that Lakeside Pediatrics had no concern with Maria speaking this way about me in front of KEN. Regarding the statements above: (1) I have never cut Maria off from family and friends; (2) I have never controlled food in the home and have never been vegetarian or vegan, nor have I made anyone else vegetarian or vegan; (3) I have never talked negatively about “butter, milk, and eggs...” In fact, Maria texted me in late 2022 complaining about these things; (4) I have never said I will not support her son. I spent substantial amounts of time with him, showing him how to cook, taking him to buy sports equipment, and doing hobbies with him; (5) I have never “cut her off” from our bank accounts. Maria and I agreed—in writing—to separate our funds in February 2023; (6) Maria’s son has been diagnosed with oppositional defiant disorder (ODD) and has assaulted Maria on numerous occasions—for which police have been called. These assaults have occurred in front of KEN, and he even assaulted Maria while she was pregnant with KEN.

24. On 2/27/2023, Maria and I brought KEN for a new patient visit appointment with Kristina M. Follger. Things were highly contentious between Maria and I

during this appointment regarding Maria's false "vegan" claim, Maria's continued refusal of vaccinations, KEN's low weight, and KEN's delayed speech (at this time she was below the 4th percentile in speech). Notably, Lakeside Pediatrics discussed the need for vaccinations with Maria and I:

"Discussed routine vaccines with caregiver [James and Maria]. Known vaccine safety profile discussed as well as risk of vaccine refusal including impairment, illness, and death. Caregiver [Maria] declines vaccines at this time. Time spent to answer questions about vaccines. CHOP vaccine resource recommended to caregiver [Maria]. Informed they can RTC [return to clinic] for immunization visit if they [Maria] desire[s] to begin vaccines."

25. At that appointment, I asked Kristina to give KEN vaccines right then, which Kristina recommended. Maria declined all vaccines, and Lakeside Pediatrics sided with Maria, in refusing to vaccinate KEN against my will. Lakeside Pediatrics did not provide a reason why they were refusing to vaccinate KEN, but stated they were siding with Maria's desire to decline vaccinations.

26. Around this time, KEN began speech therapy for her delayed speech. The speech therapist told us that KEN was below the 4th percentile in speech. During these appointments, they asked to perform a preliminary hearing test on KEN, to determine if she had hearing loss. KEN failed the test, so the speech therapist recommended a full booth audiology hearing test at a pediatric ENT. Maria had refused to get a hearing test for KEN previously, but now there was actual cause for concern that KEN may have hearing loss.

27. As of 2/6/2023, Maria and I had been planning to move our family to Boston. However, on 3/7/2023, Maria filed a protection order against me (which she subsequently dropped without reason), and I moved to Boston in March 2023, while Maria remained with KEN in Coeur d'Alene. I remained in Boston until September 2023, at which point I returned to Coeur d'Alene, solely to have visitation with KEN.

28. While I was in Boston, KEN had health insurance through my employer. At any point between Feb. and Sept. 2023, while I was in Boston, Maria could have scheduled an appointment for KEN to have a full booth audiology hearing test, but she continued to refuse to have it done.

29. I filed for divorce in April 2023 while I was in Boston. When I returned to Coeur d'Alene in September 2023, Maria and I went to mediation. At mediation, Maria alone demanded to include the following language in our agreement, which Julie Lynn Doty ("Julie") (Maria's attorney in Kootenai County Magistrate Court case CV28-23-2348) included in a temporary order filed on 9/21/2023 (Refer to Exhibit 6):

"The child's pediatrician is a provider at Lakeside Pediatrics in Coeur d'Alene, Idaho and neither party shall seek medical care of any kind for her from any provider other than Lakeside Pediatrics. Neither party shall vaccinate the child without written and verbal agreement in advance."

30. I was totally opposed to this language, but Maria demanded it if she was to sign the agreement. Maria wanted this language in order to: (1) block KEN from

receiving vaccinations; (2) block KEN from receiving any care whatsoever except at Lakeside Pediatrics. I had reason to believe that Maria was attempting to block KEN's full booth audiology test, because if KEN did in fact have hearing loss, this would reflect poorly on Maria in our divorce and custody case.

31. Upon returning to Coeur d'Alene in Sept. 2023, I found out Maria had still not gotten the full booth audiology test for KEN. Maria and I agreed that I would take KEN for a hearing test: (1) Maria asked me to schedule the hearing test; (2) I scheduled an appointment at St. Joseph's ENT for 10/17/2024. I shared the appointment date with Maria, and she approved; (3) Without notifying me, Maria then called St. Joseph's ENT to cancel the 10/17/2024 appointment. I then called St. Joseph's ENT and asked them to keep the 10/17/2024 appointment. St. Joseph's ENT refused to allow me to keep the appointment, as they said I was not listed as a contact in their system, and they would only allow Maria to schedule appointments.

32. Shortly thereafter, St. Joseph's ENT dropped KEN as a patient due to the conflict between Maria and I over scheduling. Maria then again asked me to schedule an appointment, so I called Lakeside Pediatrics for a referral. However, the language that Maria included in the court order was preventing me from taking KEN to a hearing test. On 10/7/2023 I texted Maria, "I got a call from her [KEN's] pediatrician yesterday, they won't give me a referral because you wanted that language in our agreement that says she can only go to lakeside peds. How do

you want to handle this?" In response, Maria told me, "you shouldn't sign documents you don't agree with." I further responded, "This is impacting KEN's medical. You need to tell me how you intend for her to have her ENT appointment."

33. In October 2023, my attorney filed an Ex Parte motion, in part regarding Maria's continued medical neglect of KEN. The court ordered on 10/12/2023 that the IDHW Family and Children's Services conduct an investigation. On 10/30/2023, the IDHW filed their report with the court ("10/30/2023 IDHW report") (Refer to Exhibit 7). Sometime between 10/12/2023 and 10/30/2023, interviews were conducted.

34. The following is a list of false statements made by Maria, her son TJC, and Worker Tanner in the 10/30/2023 IDHW report: (1) "She [Maria] stated when James was residing in the home, James would control what everyone in the home would consume and how much they would consume"; (2) "KEN has gained 7 pounds since James has left the family home"; (3) "he [James] would time Maria any time she would leave the home." (4) "TJC reported...that James was controlling about food, and TJC was always hungry." (5) "He was observed to be kind and bonded to his sister"; (6) "Worker Tanner made several attempts to visit with James, including sending him multiple messages and phone calls."

35. In response to each of the items in the prior paragraph: (1) I have never controlled what anyone in the home ate. In fact, I was out of the home much of the

time for work, at coffee shops, and at the library. Maria had unlimited access to her car & to ample funds in our bank account and could have bought whatever she wanted. Additionally, I would routinely cook elaborate meals on weekends, including large amounts of grilled meat & pastries; (2) I was removed from the home by police on 3/7/2023 following the protection order filed by Maria. She had a weight gain of 3.581 lbs since I left the home and not 7 pounds as Maria falsely asserts (refer to item 16); (3) I have absolutely never timed anyone like this; her statement is totally absurd; (4) TJC is highly enmeshed with his mother, and is repeating the same false claims that Maria is claiming. I in fact showed TJC how to cook and we took an interest together in making elaborate pastries & meals; (5) TJC has been violent towards Maria on numerous occasions involving police being called for domestic violence. This was reported in the Ex Parte motion, but wholly ignored by the IDHW; (6) I received a single voicemail from Sarah on 10/30/2023 at 10:02 AM, only three (3) hours before the court time stamp on the report. When I called Sarah back, Sarah refused to get my side of the story and told me that I would need to find other means to have my story told and that she would not be reporting my side of the story to the court. The fact that Sarah only called three hours prior to the court timestamp shows that she had no intention of speaking with me, but simply wanted to be able to claim she attempted to make contact. Sarah sent no email, text, or physical mail to either myself or my attorney.

36. The following is a list of false statements made by a “collateral contact” in the 10/30/2023 IDHW report: (1) “She [collateral contact] reports she [Maria] is a registered nurse.”; (2) “She [collateral contact] said before she [Maria] dressed like she was Amish but was less cared for than an Amish woman. The neighbor reports hearing James lecture Maria for long periods of time and that for a while she thought he was a preacher.” (3) “she [collateral contact] never saw James carrying or holding her [KEN], only Maria.” (4) “she [collateral contact] sees Maria’s family come over to the house and see’s Maria being social. She [collateral contact] reports James was always scowling when he was there and appeared angry. She said he was anti-social and wouldn’t talk to any of the neighbors.”

37. In response to each of the items above: it’s unclear who they interviewed, but it’s obvious from the answers that this person is unfamiliar with any of us. It’s not clear why the IDHW concealed their name. If the contact was our immediate neighbor Madeline Hazelton (Apt 13), it appeared to me that she has severe cognitive deficiencies, and may have some level of mental retardation. (1) Maria is not a registered nurse; (2) Maria’s family joined a highly conservative Catholic religious sect (“CMRI”) many years prior to Maria & I meeting. Maria, Maria’s mother, and Maria’s sister, had all been wearing what could be described as “Amish” or “peasant-like garb” at all times for at least the past 10 years. The suggestion that I forced Maria to dress like this is utterly ridiculous; (3) I’ve been holding KEN her entire life. I would routinely take her on walks around the

neighborhood & carry her to the community mailbox; (4) I never blocked Maria from seeing family and friends. Additionally, our entire marriage was bookended by COVID, so everyone was less social than normal. I would routinely talk to neighbors, notably, talking to our next-door neighbors Doug & Kathy Huffman (Apt 11) about landscaping (and sharing tools), inviting a neighbor Lisa Koep (Apt 25) over for dinner (which she declined due to COVID), and working with Mary Jo Tompkins (Apt 17) on cleaning up around the property. I deny the “collateral contact’s” other claims.

38. The following is a false statement made by Linda Shingara in the 10/30/2023 IDHW report: (1) “She [Linda] described James as being not personable and stated he doesn’t talk to her.” In response to Linda’s statement: I only interacted with Linda twice. Each time, I spent about 10 minutes talking with Linda. I learned her small dog is named Pedro. Linda is from California, and has a son there. Linda described how the children were sensitive to visitors, so I was only allowed to walk down the stairs to her basement and look in the window. She said some of the children are sensitive to noise. The claim that I’m “not personable” is ridiculous, and I obviously talked to her for me to remember topics of our conversation.

39. The IDHW recorded the following statements from Kayla in the 10/30/2023 IDHW report: (1) “Kayla said James will not allow an actual medical exam of KEN”; (2) “[James] is worried about STD’s from Maria, which is not rational and is much



more invasive”; (3) “Kayla said they were worried about James’s behaviors more than anything”; (4) “There are no concerns for the level of care that Maria provides for KEN”; (5) “Kayla said James is aggressive with staff and records them during appointments and she feels he is taking the court order for Lakeside Pediatrics to see KEN out of context”; (6) “KEN is in need of a hearing test and to have her tonsils and adenoids removed, but James is not allowing this medical care to take place.”

40. In response to each of the items above: (1) I have always wanted KEN to receive all recommended medical care, and I have never disallowed care; (2) As Maria had a long history of neglecting care for KEN, I asked their office if STDs were a concern for KEN, since Maria had inadequate prenatal care, despite a history of having STDs. KEN’s doctor explained to me in a Nov. 2023 appointment why it wasn’t a concern, and that was the end of it; (3) It’s unclear what behaviors Kayla is referring to, as I had only interacted with Kayla during a single appointment on 2/27/2023, eight (8) months prior to the interview by the IDHW. Nothing at that appointment could be interpreted as behavior warranting her statement; (4) Kayla refused to note Maria’s extensive and ongoing medical neglect and Maria’s false accusations that I’ve made KEN vegan; (5) At the time Kayla was interviewed, I had never recorded an appointment. I recorded a single appointment in November 2023 to show that, in fact, it is Kayla who is aggressive and dismissive towards me. The language put into the temporary order was

Maria's demand, and so Maria is solely to blame for that language which unambiguously states that she could only go to Lakeside Pediatrics; (6) I have been wanting to get KEN a hearing test since shortly after her birth, while Maria has declined for years to get the testing done. When I returned from Boston, Maria continued to interfere with my attempts to get KEN the hearing test. As KEN was not yet three years old at the time, she wasn't yet eligible to have her tonsils removed, so it's bizarre that Kayla even suggested I was blocking treatment that couldn't even be a possibility until Feb. 2024. Furthermore, KEN has *never* needed her tonsils and adenoids removed. It's clear Kayla wholesale fabricated baseless lies with the sole intent to harm me.

41. The following is a list of false statements made by worker Angela LNU in the 10/30/2023 IDHW report: (1) "Angela clarified James was the parent that kept canceling the appointments." In response to the item above (refer to item 30 and 31): Maria had asked me to schedule an appointment with St. Joseph's ENT for KEN to have a full booth hearing test, which I set for 10/17/2023. Maria then unilaterally canceled the appointment without telling me and without any reason. I asked St. Joseph's ENT to keep the 10/17 appointment, which they refused to do. Additionally, Angela refers to "appointments" plural, when there was only ever a single appointment I was involved with: the 10/17/2023 appointment for a full booth hearing test. It is telling that Angela makes no mention of Maria canceling the 10/17/2023 appointment, showing a clear bias on their part.

42. As of Dec. 2023, Maria had still declined to have a full booth audiology hearing test done for KEN. We were then approaching a year since we were first told that KEN needed full booth audiology testing, and nearly three years since Maria first declined the newborn hearing screen.

43. On 12/20/2023, I contacted Spokane Valley ENT to schedule a full booth audiology test for KEN and I scheduled an appointment for 1/29/2024 (Refer to Exhibit 8). I not only offered to take KEN myself, but would cash pay for the test. However, before I was able to take KEN to this appointment, Maria again refused to allow KEN to have this test, so I canceled the appointment on 1/22/2024.

44. Following the filing of the 10/30/2023 IDHW report, Maria used the defamatory statements in this report as evidence in her motion filed on 11/29/2023 for sole legal custody regarding medical and schooling. Our first hearing with our judge following the filing of the 10/30/2023 IDHW report was held on 12/14/2023, at which point Maria's motion was granted. The judge declined to discuss the Ex Parte motion I had filed. Following the 12/14/2023 hearing, my health took a serious decline. I was stunned and devastated at the sheer volume of lies published about me, and felt totally helpless in trying to get basic medical care for KEN. I had a mental health crisis on 1/6/2024 leading to psychiatric inpatient hospitalization at Harborview Medical Center (HMC) in Seattle from 1/15/2024 to 1/24/2024, and 1/31/2024 to 2/7/2024. I was admitted to a partial hospitalization program (PHP) and residential treatment with Pathlight Mood & Anxiety Center

(“Pathlight”) in the Cabrini Medical Tower in Seattle from 2/9/2024 to 4/23/2024 (Refer to Exhibit 9). I have severe bipolar disorder—a disability covered by the Americans with Disabilities Act (ADA) & the Idaho Human Rights Act (IDRA).

45. Our divorce trial was held on 8/23/2024. At this trial, Julie submitted the 10/30/2024 IDHW report and medical records from Prairie Family Medicine & Lakeside Pediatrics as evidence. During the trial, Julie questioned Maria about the reports. They both knew that statements made by Kayla were false, yet they used it regardless, since the false claims against me in that report were totally devastating, and falsely painted me as interfering with appointments for KEN. Additionally, Julie and Maria highlighted portions of the medical reports from Prairie Family Medicine and Lakeside Pediatrics that falsely portrayed me as interfering with KEN’s medical care.

46. The judge's oral decision hinged on the notion that I was interfering with KEN’s medical appointments, a conclusion based on Kayla's statements. This resulted in an order for joint legal custody, but with Maria granted sole decision-making authority regarding all aspects of KEN’s healthcare. Had Kayla not made these false statements, the judge’s ruling would have been different, as no other evidence supported the claim of interference. Maria further backed up Kayla’s false claims by submitting the reports from the IDHW, Prairie Family Medicine, and Lakeside Pediatrics, which she knew to be full of falsehoods.

## **PRIOR LAWSUIT**

47. I previously brought a lawsuit against Kayla Ellis—in her personal capacity (US District Court, District of Idaho, Case No. 2:24-cv-00150-DCN). The claim made against Kayla Ellis was for “false report of child abuse, perjury, and slander.” This claim was made in reference to criminal sections only (Idaho Code § 18-5413, Idaho Code § 18-5415, Idaho Code § 18-1505, Idaho Code § 18-5401) and did not refer to Idaho Code Title 6 Chapter 7, which is the section regarding defamation, under which this lawsuit is brought. I filed a Motion to Dismiss on 7/3/2024 in the previous case for the following reasons, as listed in my motion:

- a. I have been unable to find an attorney to represent me, and my Motion for Appointment of Counsel filed 5/20/2024 was denied.
- b. This case has quickly become heavily taxing on my health and ability to work, in particular because I have bipolar disorder. My therapists and family have urged me to stop legal filings, and so I’m heeding their advice before I end up in the hospital again.
- c. I realized on receiving the motions filed between 6/27/2024 and 7/2/2024 that this is far beyond my mental and physical capacity to address, and I’m unwilling and unable to move forward.

48. Kayla never filed a response to the claim prior to my filing of the Motion to Dismiss, so the claim against Kayla was never addressed.

49. There have been sufficiently new facts since filing my 7/3/2024 Motion to Dismiss that would preclude any attempt at a res judicata defense. Maria and I had our divorce trial on 8/23/2024. In Judge Stow's oral decision on 8/30/2024, he relied solely on statements from Lakeside Pediatrics in awarding sole medical decision making ability to Maria. This harm to me was obviously unknown at the time that the prior case was dismissed.

50. Prior to the 8/30/2024 decision, there was no clear and convincing permanent harm to my parental rights from the statements made by Lakeside Pediatrics. It was only at the 8/30/2024 hearing in our divorce case that the permanent harm became manifest.

51. Furthermore, this complaint is being made against Lakeside Pediatrics, whereas they were not listed as a defendant in the prior lawsuit.

### **FIRST CAUSE OF ACTION DEFAMATION PER SE**

Defendant who violated it: Lakeside Pediatrics

52. The statements made by Lakeside Pediatrics to the IDHW meet the standard for defamation: (1) Lakeside Pediatrics made knowingly false and defamatory statements to the IDHW purporting them to be fact. These false and defamatory statements were then included in a report by the IDHW and filed with the Kootenai County Magistrate Court; (2) Lakeside Pediatrics clearly made these false and defamatory statements to the IDHW about me personally; (3) I was directly harmed by these statements, as the judge in our divorce case relied solely

on these false and defamatory statements in giving Maria final decision making authority over all of KEN's medical and schooling decisions, therefore, allowing Maria to continue to deny KEN recommended medical care.

53. This is a case of defamation per se because I was knowingly and falsely accused of the crime of child abuse and/or neglect (Idaho Code § 18-1501 et seq., Idaho Code § 16-1601 et seq.). Therefore, statements made are actionable without need for allegation and proof of special damages.

54. Any competent provider would instead have told the IDHW the following: (1) "Maria has a long and continuous history of medical neglect. We are concerned that Maria has continued to refuse vaccinations, which has put KEN at undue risk of impairment, illness, and death"; (2) "Father has always wanted KEN to receive vaccinations, against Maria's protests"; (3) "We are concerned that Maria has delayed or declined to get KEN a full booth audiology hearing test, as she's had ample time to have this done"; (4) "We are concerned that Maria has lied to us, falsely accusing James of making KEN vegan in Feb. 2023, in order to blame him for KEN's malnourishment in Feb. 2023"; (5) "Maria and James have had a highly contentious relationship since Feb. 2023 regarding KEN's health."; (6) "KEN was diagnosed as "failure to thrive" by a previous provider in Feb. 2023, but she has since gained weight, and it's no longer a concern." (7) "Maria included language in a court order that is not allowing KEN to receive referrals for medical treatment."

55. Rather than taking a factual and neutral position, Lakeside Pediatrics decided to conceal Maria's medical neglect and behaviors, and told falsehoods about me. This shows a high level of unprofessionalism within Lakeside Pediatrics.

56. Lakeside Pediatrics has demonstrated a clear bias in favor of Maria and against me. This bias is evident in the following instances: (1) On February 23, 2023, Lakeside Pediatrics permitted Maria to engage in a lengthy, irrelevant discussion unrelated to KEN's health. Conversely, during a November 2023 appointment, Lakeside Pediatrics prevented me from addressing concerns related to KEN's medical records. (2) This disparate treatment demonstrates a clear prejudice against me and an unreasonable preference for Maria. Such biased conduct directly impacts my ability to participate in KEN's healthcare and undermines my parental rights. The aforementioned instances of prejudicial conduct serve as further evidence supporting my claim against Lakeside Pediatrics.

## **SECOND CAUSE OF ACTION DEFAMATION PER SE**

Defendant who violated it: Maria

57. The statements made by Maria to medical professionals and the IDHW meet the standard for defamation: (1) Maria made knowingly false and defamatory statements to medical professionals and the IDHW purporting them to be fact. These false and defamatory statements were then included in reports by these medical professionals and the IDHW. The reports by IDHW were filed with the



Kootenai County Magistrate Court; (2) Maria clearly made these false and defamatory statements about me personally; (3) I was directly harmed by these statements, as my reputation and parental rights were severely and permanently harmed as a consequence of Maria's false and defamatory statements.

58. This is a case of defamation per se because I was knowingly and falsely accused of the crime of child abuse and/or neglect (Idaho Code § 18-1501 et seq., Idaho Code § 16-1601 et seq.). Therefore, statements made are actionable without need for allegation and proof of special damages.

### **THIRD CAUSE OF ACTION DEFAMATION REPEATER**

Defendant who violated it: Maria

59. A trial was held in our divorce case on 8/23/2024. At this trial, Maria submitted the Oct 2023 report from IDHW. Maria knew that this report was riddled with lies, but she repeated these lies to the court—with malicious intent—in order to give her advantage in our child custody case. Maria was both aware that numerous statements in this report were false, and that many of the false statements were not reasonably related to the custody case.

60. Maria specifically highlighted portions of the report during the trial which she knew were false, since she knew they would paint me in a terrible light. Refer to items 34 to 41 listing the lies that were in the 10/30/2023 IDHW report.

61. Additionally, during the trial, Maria highlighted the portion of the report from Prairie Family Medicine which falsely stated Maria and I were in disagreement

about which provider to use (refer to item 21). Maria knew this was a lie since we had agreed to take KEN to Lakeside Pediatrics. Maria repeated this lie to the court in order to give her advantage in the custody case.

#### **FOURTH CAUSE OF ACTION DISCRIMINATION**

Laws violated: ADA Title III and the IDRA  
Defendants who violated it: Lakeside Pediatrics

62. Lakeside Pediatrics discriminated against me on the basis of my having severe bipolar disorder. I have been diagnosed with severe bipolar disorder, a disability as defined by the ADA.

63. In November 2023, I sought to discuss the medical records of KEN, with Lakeside Pediatrics. Lakeside Pediatrics refused to allow me to discuss KEN's medical records. This refusal was based on my disability of severe bipolar disorder.

64. Defendant's actions constitute discrimination on the basis of disability in violation of the ADA. Specifically, Defendants denied me the opportunity to participate in KEN's medical care due to my disability.

#### **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS (IIED)**

65. I continue to suffer severe emotional distress because of Defendants' extreme and outrageous conduct. Defendants intentionally or recklessly made statements and/or engaged in reckless behavior that created a high degree of risk

of harm, yet deliberately proceeded to act with conscious disregard or indifference to the risk.

### **INJURIES**

66. My parental rights have been permanently harmed because of Lakeside Pediatrics false statements to IDHW. The court directly relied upon Defendants' false statements in granting Maria final decision making authority over all decisions regarding KEN. Maria's false statements to the IDHW and medical professionals have also severely harmed my parental rights and reputation in the community.

67. I have endured severe emotional stress directly as a result of Lakeside Pediatrics' lies in the 10/30/2023 report. This directly led to my hospitalization in Jan. 2024. Maria's motion filed in Nov. 2023 used the defamatory statements as evidence in order to give her sole temporary custody over KEN's medical and schooling decisions.

### **RELIEF**

68. For the above reasons, I am requesting compensation in the amount of \$2,000,000 for compensatory and exemplary (punitive) damages. This amount is justified given the severity of the physical and mental suffering I've endured as a vulnerable adult with severe bipolar disorder, the permanent damage to both my reputation and parental rights, and the sustained nature of Defendants' conduct.

69. In addition I'm asking for the following: (1) A formal written apology from both Lakeside Pediatrics and Maria acknowledging the false and defamatory statements and discriminatory actions; (2) A letter written by both Lakeside Pediatrics and Maria to Judge Stow with the Kootenai County Magistrate Court, correcting all false statements made about me; (3) Implementation of mandatory staff training at Lakeside Pediatrics on discrimination, bias, and stigma related to mental illness; (4) A declaration that Lakeside Pediatrics violated the ADA and the IDRA; (5) An injunction prohibiting Lakeside Pediatrics from further discrimination against me; (6) Costs and reasonable attorneys fees;

#### **EXEMPLARY DAMAGES**

70. Defendants' conduct, when viewed from the standpoint of the actors at the time of the occurrence, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. Furthermore, Defendants' conduct illustrates not only an attitude of conscious indifference for the rights, safety, and welfare of others, but also shows Defendants' actual and subjective awareness of the dangers of such conduct.

71. Nevertheless, the Defendants proceeded with a conscious indifference to the rights, safety, or welfare of others, including Plaintiff. Therefore, the Defendants are liable for exemplary/punitive damages.

#### **DEMAND FOR JURY TRIAL**

72. Plaintiff DEMANDS A TRIAL BY JURY on all issues.

### **PRAYER**

73. For the above reasons, Plaintiff prays he has judgment against the Defendant, with interest on the judgment at the legal rate, pre-judgment interest, costs of court and for such other further relief, both in law and equity, to which Plaintiff may show himself justly entitled.

### **CERTIFICATION AND CLOSING**

74. Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

75. I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Respectfully submitted,

Today's Date: December 3, 2024

  
James Newlin