

IN THE CIRCUIT COURT OF THE SIXTH
JUDICIAL CIRCUIT IN AND FOR
PINELLAS COUNTY, FLORIDA

CIVIL DIVISION

CASE NO. 24-002086-CI

LEILA MILLS, as Personal Representative of the
Estate of Whitney Mills, deceased, on behalf of
herself and all potential beneficiaries and heirs,

Plaintiff,

v.

DAVID MINKOFF, M.D., LIFEWORKS WELLNESS
CENTER, LLC, a Florida limited liability company,
CHURCH OF SCIENTOLOGY FLAG
SERVICE ORGANIZATION, INC., a Florida not for
profit corporation,
CHURCH OF SCIENTOLOGY FLAG SHIP
SERVICE ORGANIZATION, INC., a Delaware not for
profit corporation,
CHURCH OF SCIENTOLOGY OF TAMPA, INC., a
Florida not for profit corporation,
CHURCH OF SCIENTOLOGY MISSION OF
BELLEAIR, INC., a Florida not for profit corporation,
CHURCH OF SCIENTOLOGY INTERNATIONAL, a
California not for profit corporation,
INTERNATIONAL ASSOCIATION OF
SCIENTOLOGISTS ADMINISTRATIONS, INC., a
Delaware corporation,

Defendants.

AMENDED¹ COMPLAINT FOR WRONGFUL DEATH

Plaintiff, LEILA MILLS, the duly appointed Personal Representative of the Estate of

¹ This amended complaint is being filed pursuant to Fla. R. Civ. P. 1.190(a) since no responsive pleading has been filed to add Defendants Dr. Minkoff and LifeWorks following the 90-day tolling of the statute of limitations to allow for pre-suit notice and screening.

Whitney Mills, deceased, on behalf of herself and all other potential beneficiaries, heirs and survivors, brings this action against the Defendants, DAVID MINKOFF, M.D., LIFEWORKS WELLNESS CENTER, LLC, a Florida limited liability company, CHURCH OF SCIENTOLOGY FLAG SERVICE ORGANIZATION, INC., a Florida not for profit corporation, CHURCH OF SCIENTOLOGY FLAG SHIP SERVICE ORGANIZATION, INC., a Delaware not for profit corporation, CHURCH OF SCIENTOLOGY MISSION OF BELLEAIR, INC., a Florida not for profit corporation, CHURCH OF SCIENTOLOGY OF TAMPA, INC., a Florida not for profit corporation, CHURCH OF SCIENTOLOGY INTERNATIONAL, a California not for profit corporation, and INTERNATIONAL ASSOCIATION OF SCIENTOLOGISTS ADMINISTRATIONS, INC., a Delaware corporation (collectively, the “Scientology² Defendants”).

JURISDICTION, VENUE AND PARTIES

1. This is an action under the Florida Wrongful Death Act and/or any other law this Court may deem applicable for damages in excess of fifty thousand dollars (\$50,000), excluding interest, costs, and attorneys’ fees.

² “Scientology” and “Church of Scientology” are umbrella terms used to refer to the entire universe of entities and organizations affiliated with Defendants. “Scientologist” refers to any person who is a member of any constituent entity or organization of Defendants, including members of Sea Organization (“Sea Org”). Sea Org is comprised of Scientology’s most dedicated members. Scientologists who are not members of Sea Org are often referred to as “public” members. Public members typically live in their own homes, earn livings working for businesses not owned by Scientology, and pay annual membership fees to the Church of Scientology and purchase materials and services such as auditing at a local Scientology center. In contrast, Sea Org members are required to sign billion-year service contracts, live in residences on Scientology bases, and work for low and even no pay as staff members in the various Scientology-controlled entities and organizations.

2. Venue is proper in this Court pursuant to section 47.011, Florida Statutes, because the cause of action accrued in Pinellas County, Florida, and Plaintiff and at least five of the Defendants are residents of or doing business in Pinellas County, Florida

3. Whitney Mills, the Decedent, passed away on May 13, 2022. At all times material, Mills was a resident of Pinellas County, Florida, residing at 1100 Cleveland Street, Apartment 202 Clearwater, Florida 33755.

4. Plaintiff Leila Mills is Whitney Mills' mother, the personal representative of the Estate of Whitney Mills, and at all times material was and is a resident of Pinellas County, Florida, and otherwise is *sui juris*.

5. Plaintiff Leila Mills brings this action for the Decedent's wrongful death in a representative capacity on behalf of all potential survivors and/or beneficiaries, including but not limited to the following:

- a. Leila Mills;
- b. The Estate of Whitney Mills; and
- c. Any other survivors or individuals entitled to recover as a matter of law.

6. At all times material, Defendant, David Minkoff, M.D. ("Dr. Minkoff") was and is a Florida citizen licensed to practice and practicing medicine in Pinellas County, Florida, with a principal place of business located at 301 Turner Street, Clearwater, Florida 33756.

7. At all times material, Defendant, LifeWorks Wellness Center, LLC ("LifeWorks") was and is a Florida limited liability company and licensed medical facility authorized to do and doing business in Pinellas County, Florida at 301 Turner Street, Clearwater, Florida 33756. Dr. Minkoff is the founder and owner of LifeWorks.

8. At all times material, Defendant Church of Scientology Flag Service Organization Inc. (“FSO”), was and is an active Florida not for profit corporation with a principal place of business at 503 Cleveland Street Clearwater, Florida 33755. Mills was a member of FSO. FSO’s operations include two primary functions: management and administration of Scientology’s auditing process (described in detail below), and ownership, management and operation of Scientology’s substantial real property holdings in Clearwater, Florida (“Flag Base”). Flag Base is Scientology’s global hub of operations and its largest source of revenues, providing (among other things) temporary quarters for visiting Scientologists, facilities for classes and auditing sessions, dining and meeting facilities, and the center where the Scientology Defendants host large gatherings. As with the other Defendant entities, Flag Base is staffed by members of Sea Org, who live in dormitories at Flag Base.

9. At all times material, Defendant Church of Scientology Flag Ship Service Organization Inc. (“Flag Ship”), was and is an active Delaware not for profit corporation with a principal place of business at 118 N. FT. Harrison Ave. Clearwater, Florida 33755. Flag Ship operates the Freewinds, a Scientology ship, and recruits and employs Sea Org members to work on its crew, and it collects fees from members of the International Association of Scientologists for courses, services, and programs they participate in on the ship. Mills paid for and participated in the Freewinds cruise in May 2019 and attested to the highest level of OT 8 aboard the ship.

10. At all times material, Defendant Church of Scientology Mission of Belleair, Inc. (“Belleair”), was and is an active Florida not for profit corporation with a principal place of business at 1601 West Bay Drive, Belleair Bluffs, Florida 33770. Upon information and belief, Mills was a member of Belleair.

11. At all times material, Defendant Church of Scientology of Tampa, Inc. ("Tampa"), was and is an active Florida not for profit corporation with a principal place of business at 1300 East 8th Avenue, Tampa, Florida 33605. Tampa was and is a Class V organization within Scientology, owned and controlled by FSO. Unlike Sea Org members, Tampa staff members have two-year contracts and do not have to live on base.

12. At all times material, Defendant Church of Scientology International ("CSI"), was and is a California nonprofit corporation, with headquarters in Los Angeles, California. CSI licenses Scientology's IP to numerous Scientology-affiliated entities and organizations, which pay CSI licensing. CSI conducted substantial business at its "spiritual headquarters" in Clearwater, Florida, known as Flag Base, which includes the 172,000 square foot Oak Cove, the 267,000 square foot Fort Harrison, and the centerpiece of Flag Base, the 377,000 square foot Flag Building, the largest building in Clearwater. CSI oversees and controls FSO. Mills was a member of CSI.

13. At all times material, Defendant International Association of Scientologists Administrations, Inc. ("IASA"), was and is a Delaware corporation headquartered in Los Angeles, California, with offices and operations in Clearwater, Florida, at 210 S. Fort Harrison Avenue Clearwater, FL 33756. IASA is the fundraising arm. It is the operating entity for the International Association of Scientologists ("IAS"), an unincorporated membership association that all persons who participate in Scientology are required to join. All Scientologists are members of IAS and are required to pay annual dues to IASA, which administers and transfers those funds (and other payments solicited by IAS) for the benefit of Defendants Flag, Flag Ship, CSI, and other Scientology-affiliated entities, organizations, properties, and enterprises. Mills was a member of IAS and IASA.

14. All conditions precedent to the filing of this action have occurred, are deemed waived, excused, or are otherwise satisfied.

15. Plaintiff has complied with all pre-suit requirements under Florida's medical malpractice statute, 766.106, Florida Statutes.

GENERAL ALLEGATIONS APPLICABLE TO ALL COUNTS

16. This action arises out of the tragic death of Whitney Mills, a beautiful 40-year-old girl and lifelong Clearwater resident who took her own life. On May 12, 2022, Mills attempted to set herself on fire before inflicting herself with a gunshot wound.

17. Mills was a high-ranking member of Scientology, having paid IASA and the other Scientology Defendants hundreds of thousands of dollars to attain her status. The Scientology Defendants brainwashed her into believing that mental health professionals, including psychologists and psychiatrists, and related medical treatments, such as antidepressants and other prescription drugs, were unnecessary and abhorrent. Upon learning of her problems, the Scientology Defendants took control of Mills' medical care, thus foreclosing her from obtaining the exact treatment she needed, and sending her to an alternative medicine doctor who misdiagnosed her with cancer and Lyme disease and extorted her for a series of alternative treatments of little to no utility for a person suffering from severe depression and anxiety. Everything foisted upon Mills by these Defendants was outside the field of mental health treatment, and everything failed. She was at her wit's end. Precluded from seeking the appropriate help, she felt she had no other choice. But for the fact that the Scientology Defendants, including their agents and employees, co-opted her care, her life, her monitoring and supervision, Mills would not have self-harmed. Not only did they not properly care for her, contrary to the duty they undertook, they actually suggested that she "drop the body."

18. More specifically, while undergoing an urgent mental health crisis that commenced with two visits to the emergency room in December 2021 and January 2022, FSO members of the Sea Org ordered that Mills be “quarantined” starting in February 2022, not allowing her to step foot on their massive Clearwater Flag Base and put her on a 24/7 “watch,” or a Type 3 watch, pursuant to which she was assigned at least three caretakers who lived with her and handled her medical needs, while at all times reporting back to FSO.

19. Mills was told by her handlers that there was a Scientology assist where she could “drop the body,” where her spirit or “operating thetan” would leave her body to inhabit another, causing the original body to die. Mills’ text messages show that she “asked for that assist.” The Clearwater Police Department report says that, at the suggestion of one of her Scientology caretakers, she spoke to the “D of P” for an “assist reference suicide.” Her handlers and the Scientology Defendants were aware she had suicidal ideation and failed to prevent it, contrary to the duty they assumed to care for her, supervise her and protect her from herself.

20. Worse yet, if they actually assisted in the suicide, if they actually gave her the “drop the body” assist that was discussed, then they are guilty of homicide. *See Fla. Stat. § 782.08* (“Every person deliberately assisting another in the commission of self-murder shall be guilty of manslaughter”). Unfortunately, the Clearwater Police Department’s investigation of this incident was inadequate to say the least, creating more questions than answers. They failed even to ascertain where Mills obtained the gun, saying only “A pawn check came back negative for Mills buying any weapons.” In addition, the caretaker who suggested the “drop the body” assist to Mills, Albertina Mejias-Harvey, was not properly interrogated by the police. A Spanish speaker with enough English to communicate with Mills (a non-Spanish speaker), the police said they could not interrogate her due to the “language barrier.” Based on the police report, it also appears the police

did not interrogate the “D of P,” whom they reference in the report as having been the recipient of the assist request. Similar to a doctor failing to conduct a differential diagnosis, the police failed to rule out whether Scientology aided and abetted Mills’ suicide.

21. While understanding the inner workings and teachings of Scientology is instrumental to understanding the events leading up to Mills’ tragic death, clear liability exists in law for those who assumed a duty to protect Mills from herself. Mills’ medical treatment was thoroughly documented by the Scientology Defendants in her auditing files, and her caretakers lived with her around the clock and were intimately involved in her medical treatment.

22. After her two visits to the emergency room at Morton Plant in December and January, on January 27, 2022, a Sea Org member at FSO named Tristan wrote to Sue Minkoff at Defendant LifeWorks Wellness Center seeking “Assistance with Whitney Mills – New OT VIII,” specifically requesting her assistance in getting Mills in to see Defendant Dr. Minkoff, owner and founder of Lifeworks. For the last three months of her life, Dr. Minkoff was Mills’ treating physician. He is also a high-ranking Scientologist whose Florida license was suspended for a year due to his treatment of Lisa MacPherson.

23. Dr. Minkoff, also a Scientologist, misinformed and misdiagnosed Mills with Lyme disease and a cancerous ovarian cyst, while largely ignoring her very real psychosis and mental health crisis. Instead of properly treating her, over the three months, Dr. Minkoff charged her over \$20,000 for highly questionable, “alternative” treatments, not one of which was covered by insurance or was of any use whatsoever to Mills. Dr. Minkoff failed to perform a differential diagnosis on Mills. Had he done so, he would have learned that she did not have Lyme disease and did not have a cancerous, life-threatening cyst, but rather a benign one (as later revealed by her autopsy examination and report). Dr. Minkoff also failed to refer Mills to a mental health care

professional or prescribe appropriate medication to Mills. Dr. Minkoff put his beliefs in Scientology above his Hippocratic oath and above his duties as a licensed physician in Florida.

24. Medical experts hired by Mills' estate have opined that Mills was actually suffering from a bout of severe depression and anxiety rather than any specific ailment, and Dr. Minkoff had a duty of care to refer Mills to a mental health professional, even if his religious beliefs forbade it.

25. The Scientology Defendants, in particular FSO Sea Org members and Tampa staff members, who interacted with Mills on a regular basis, undertook the duty to care for Mills, reviewing and administrating her medical care and providing three around-the-clock caretakers for Mills. These caretakers not only failed to prevent Mills' suicide but also encouraged it. Their names are Nieves Lopez, Albertina Mejias-Harvey (an OT 8 field auditor) and Carissa Hart. The caretakers were either Sea Org members at FSO, staff members at Tampa or members of Belleair, or they were members of all three or a combination thereof.

26. Lopez lived with Mills in her one-bedroom apartment, occupying the bedroom while Mills slept on her sofa. When Lopez was not available, Mejias or Hart would fill in, accompanying her or staying with her. On the date of Mills' death, Lopez had woken up in Mills' bed and was with her most of the day.

27. Prior to that, on April 20, 2022, Mills sends Lopez the following text messages:

I feel horrific, I can't take it anymore!
[I]t's too brutal.
I need relief.
I don't understand why I'm not getting any relief in my brain.
My brain is so inflamed.
I'm so annoyed, I just want this to go away.
I just can't take it anymore, it's beyond brutal! I have it the worst.
I literally can't take it anymore, this is beyond brutal!
I wish I had a time machine.

28. Mills' increasing desperation is palpable, as additional texts from April 20, 2022, demonstrate. Referring to what she believed to be the onset of Lyme disease, Mills continues: "I wish it wasn't in my brain. It's so annoying that I have it so bad, and so bad mentally. The d of p wants me to come in for an interview." The "d of p" refers to the director of processing, a Sea Org member at FSO.

29. Lopez responded, "A d of p is good," to which Mills replies, "I said something really dumb on the phone." Lopez responds, "Oh oh. What did you say." Mills responds by revealing to Lopez a conversation she had with another one of the Scientology caretakers assigned to her, Albertina Mejias-Harvey, "Albertina told me there's an assist for someone that is really sick and to drop the body. I asked for that assist." Lopez responds, "Oops.." Mills replies, "I think I'm in trouble now." Lopez, referring to FSO and possibly some of the other Scientology Defendants replies, "They know you're desperate with this ongoing situation."

30. Mills asked for an assist to kill herself, and Lopez responds "Oops." She does not persuade her not to do it, to the contrary. Mills worries she might be in trouble for asking for that type of assist, and Lopez's response is, not to worry, they "know you're desperate." Mills' other caretaker, Mejias, an OT 8 who would have been privy to information about a "drop the body" assist, actually suggests it to Mills.

31. Prior to this exchange with Lopez, on April 17, 2022, Mejias asks Mills to call her, after which Mills sends to Mejias the v-card for "Alex D of P Super Power." The next morning, Mills writes to Mejias, "Please done [sic] give those write ups to the CS she's not gonna give me the assists for that." Mills wanted Mejias to speak to the D of P, not the CS, because apparently the CS would not approve certain types of assists, presumably the "drop the body" assist.

32. On April 20, 2022, the same day Mills told Lopez about Albertina's suggestion of a "drop the body" assist, Mills had sent the following texts directly to Albertina: "I'm super strong for anything but this. I can do ANYTHING but live with mental illness that I can't control. I'm at the top of the bridge and dealing with serious mental problems. This is not right!! I literally can't take it anymore. I don't think anyone could lol." Mills was expressing her desperation to her caretakers, and Mejias responded by suggesting the "drop the body" assist.

33. According to Scientology leaders, the "drop the body" assist was created by L. Ron Hubbard, Scientology's messianic founder. Following his 1986 death, Scientology leaders announced that his body had become an impediment to his work and that he had decided to "drop his body" to continue his research on another plane of existence. They further announced that Hubbard deliberately caused his spirit to discard his body, of which a side effect was his body's death. In other words, Hubbard willfully dropped his body, ending his own corporeal life.

34. At the L. Ron Hubbard death briefing, Pat Broeker, a high-ranking Scientologist, stated, "We also by the way have the OT level that is going to be done immediately after every thetan discards his or her body. He wrote that up before he went. Now don't take that as an invitation, because you don't get it until you're through with the OT level before it, but know that when its time, the tech is there.... That will be written up right away . . . word for word.... [A]nd people will be allowed to come in . . . before they discard it, read the materials, check out on them, be word cleared, demo [long pause], so you know it, now you know it."

35. Broeker was describing the drop the body assist. Such an assist was only available to the highest levels of Scientology, and Mills had attained that level, OT 8 (operating thetan 8), as had Mejias. And reportedly it was and is only to be used by Scientologists who were terminally ill. Hubbard was said to have suffered from heart problems including a stroke; he paved the way

for his followers to “drop the body.” The only difference, of course, is that Mills’ body was perfectly healthy. She was not terminally ill. She was mentally ill. She incorrectly thought she was terminally ill, misguided and misdiagnosed as she was by the Scientology Defendants, her handlers and Dr. Minkoff, and she was foreclosed at every turn from proper mental health treatment. That desperation, evident in her text messages, led her to ask Scientology for the drop the body assist.

36. This action seeks damages for the wrongful death of Mills, who inflicted serious physical harm upon herself eventually resulting in death, as a result of being brainwashed by the Scientology Defendants that she could drop her body, in direct contravention of the Scientology Defendants’ voluntarily undertaken duty to “watch” her 24/7 and prevent self-harm. As further detailed below, these actions by the Scientology Defendants were made contrary to the express assurances and undertakings of the Scientology Defendants to protect Mills and despite innumerable warnings and cries for help from Mills that she was in an especially vulnerable mental and psychological condition.

37. In fact, the Scientology Defendants had actual knowledge and were well aware that Mills was suffering from key acute mental health risk factors, evidenced in her text messages and medical records, over a sustained period, including: significant immediate stressors (misdiagnosed cancerous cyst, significant mental torment, anxiety, depression, and multiple health anxieties), interpersonal problems (grief and sadness from misdiagnosed cancerous cyst and sustained periods of interpersonal withdrawal and the inability to leave her home), hyperarousal (verbalized mental torment and headaches, agitation, restlessness, ongoing physical pain, intermittent and severely reduced sleep, ruminative worry, and anxiety), and suicide-related negative thoughts (hopelessness, statements that she was “suffering and going to die,” that she was “getting intrusive

bad thoughts,” that she “literally” felt like she was “dying every day.” feeling like a failure despite her high-level OT 8 status, and having the mental state of unbearable pain).

38. The Scientology Defendants not only expressly undertook a duty to protect Mills, but they also went a step further and undertook the administration of Mills’ medical care, including requesting (from Mills) and receiving authorization to review and obtain copies of her medical records (for Lopez and Mejias specifically), approving Mills’ medical treatments and regularly speaking and corresponding with her physician, Dr. Minkoff, whom was treating Mills on a regular basis and to whom Mills had often disclosed her depressive thoughts. In reviewing Mills’ medical information, the Scientology Defendants knew Mills was in crisis, that she had twice been to the emergency room, that she was suffering from severe anxiety, depression, brain fog, brain inflammation and a host of other problems. As a result, in February 2022, she was placed in quarantine, not being allowed to enter the Flag Base, not being allowed to conduct auditing sessions there, and was placed on a 24/7 watch with the three caretakers monitoring her every move and living with her.

Background of Scientology

39. Scientology is organized and operates through a global network of corporations, trusts, and unincorporated associations and organizations. This structure creates the appearance of a group of affiliated but decentralized and independently managed establishments operating pursuant to general authority bestowed upon them by the “Mother Church,” CSI. Among these corporations are the Scientology Defendants.

40. Scientology was created by L. Ron Hubbard (“LRH”) in 1952 following the publication of “Dianetics: The Modern Science of Mental Health.” Its practices are mandated by the writings, thoughts, and teaching of LRH.

41. The basic theory of Dianetics is that the human mind can be separated into two spheres: an emotionally reactive mind and an unemotional, analytic mind. Dianetics teaches that the analytic mind is a computer, incapable of error. Human misjudgments, on the other hand, which create social problems and much individual suffering, are attributed to the emotionally reactive mind, which is made up of patterns imprinted on the nervous system in moments of pain or stress. These imprinted patterns may be triggered by stimuli associated by the emotional mind with the original imprinting, which may, in turn, produce unconscious or conditioned behavior which is harmful or irrational.

42. This psychological theory, which is unquestioningly accepted and applied in Scientology, is not considered to be limited to a description of the mind, but to also offer a basis for a practical science which purportedly can cure many individual and societal problems. Scientology labels ordinary persons, encumbered by their reactive minds, “preclears,” whose mental computers contain errant code that needs to be deleted. The goal of Dianetics is to render people “clear” of this errant, emotional code, thereby permitting their unemotional, analytical minds to govern their behavior. Among other things, Dianetics teaches that all mental disorders are caused by these imprinted patterns in the reactive mind, which can be erased, curing the mental illness. This concept is extremely broad and permits Scientology to consider every behavior, feeling or thought that an individual may have, and which is deemed by Scientology to be aberrant or deviant, to have been a result of some error in their reactive mind that can be erased.

43. For Scientologists, the writings of LRH and Dianetics must be strictly practiced and followed in a fundamentalist, orthodox manner with strict adherence to the policies, procedures, and practices as written and dictated by LRH.

44. The human spirit is referred to by Scientologists as the “thetan,” which continues to exist long after the body dies.

45. Thus, when a Scientologist “drops the body” it is believed that their thetan will continue to exist and can potentially occupy a new physical body in the future.

46. Scientology teaches that a person can achieve consciousness of their thetan after investing a significant amount of time and money, typically hundreds of thousands of dollars, into the practice.

47. Members are organized into levels called Operating Thetan, which is used to describe how much control the individual has over their inner thetan. An increase in level grants the person superhuman, God-like abilities, including increased IQ and total recall and immunity from disease.

48. According to Scientology, the highest level someone can achieve is called Operating Thetan 8 (“OT 8”). OT 8 individuals gain “cause over matter, energy, space, and time,” which is interpreted as a range of superhuman abilities. These may include heightened intelligence, exceptional memory, excellent eyesight, and the ability to project oneself as a thetan with full perception. Additionally, Scientologists believe that they will become immune to illness once they achieve OT 8 status, including mental illness. The fact that Mills’ was an OT 8 exhibiting signs of severe mental illness caused FSO to order her isolation and quarantine and the Type 3 watch conducted by the three caretakers, who were at all times working under the direction and supervision of the Scientology Defendants.

49. Scientology is known to demonize the mental health field and view psychiatry as evil. Scientology attempts to position itself as a rival profession to psychiatry and teaches that

there must be a complete rejection of prescription drugs that treat mental health issues, including depression.³

The Practice of Auditing

50. A Scientologist's salvation is premised on completing the "Bridge of Total Freedom," which requires reading LRH's extensive materials and completing a series of courses and "auditing sessions." These courses and auditing sessions are the only way to achieve the coveted status of "Clear" and, beyond that, "Operating Thetan."

51. During an "auditing session," a member meets with an "auditor," who is generally a higher-ranking Scientologist and often a Sea Org member. The "auditor" has the member hold two metal rods commonly referred to as "cans" of an "electropsychometer" or "e-meter." An e-meter, is designed to "measure[] the mental state or change of state of a person and thus is of benefit to the auditor . . . [to] locate areas to be handled."⁴ As LRH said and the Scientology Defendants maintain, "an e-meter is better known as a 'lie detector' and is used to ascertain truth of background and conduct."⁵

52. Members are audited repeatedly. Auditing sessions may occur daily and involve several hours of being forced to reveal explicit, personal details regarding daily thoughts and activities. During these sessions, the auditor takes copious notes on what the member reports. All audit sessions are thoroughly documented in auditors' notes and audio or video recordings of the sessions, which are compiled in permanent dossiers for each member known as Pre Clear or "PC"

³ Kent SA, Manca TA. A war over mental health professionalism: Scientology versus psychiatry. *Ment Health Relig Cult*. 2014 Jan;17(1):1-23. doi: 10.1080/13674676.2012.737552. Epub 2012 Nov 26. PMID: 24348087; PMCID: PMC3856510.

⁴ CHURCH OF SCIENTOLOGY INT'L, <http://www.whatisscientology.org/html/Part14/Chp50/pg1020-4.html> (last visited May 6, 2024).

⁵ Hubbard Commc'ns Office Bulletin from L. Ron. Hubbard, Scientology Founder, regarding Security Check[s] (Feb. 3, 1960).

folders that are maintained in the ordinary course of the Scientology Defendants' operations and maintained permanently. FSO has extensive auditing files on Mills which should have been kept in the ordinary course of its operations, and those files would clearly show Mills' deteriorating mental state and suicidal ideation, as well as her request for an assist to "drop the body."

53. Nothing is out-of-bounds in an auditing session. Every memory of past experiences, and each thought and aspect of the subject's behavior is explored in minute detail as the auditor repeatedly questions the subject until the auditor is satisfied with the subject's answers.

54. In an auditing session, the auditor seeks to establish a relationship of trust with the subject. The auditor has absolute authority to guide the questioning, extract desired responses, and decide when the session may be concluded. Subjects are not permitted to leave the room until the auditor declares the session over. To reduce subjects' resistance and lower their guards, auditors are trained to remain low-key in their questioning and to avoid reacting to what subjects disclose. Subjects are required to fully answer all their auditors' questions, including deeply personal and compromising information that, if disclosed to others, would embarrass, humiliate, and inflict personal costs on the subject (and, often, the subject's family). Through repeated interrogations of subjects, auditors identify and document vulnerabilities that are used to manipulate, pressure, and coerce members. Subjects are instructed to suppress feelings and emotions connected to the information they are conveying, even when recounting details of past traumas, which they are repeatedly told by their auditors are the subjects' own fault.

55. The person responsible for overseeing and administering auditing sessions is the director of processing, referred to by members as the "D of P" which is also used interchangeably to describe a director of processing interview. A director of processing interview is used to determine what auditing sessions a particular member should be given.

Assist in Scientology

56. An “assist” is a term in Scientology that has a very specific meaning. Generally speaking, Scientologists believe that assists can be used to help a person recover more rapidly from an accident, illness or upset by harnessing the power of the mind. Types of assists include locational assists, nerve assists, touch assists, and body comp.

57. In 1986, at an event announcing Hubbard’s death, Pat Broeker, a high-ranking member of Scientology, announced to members that shortly before his death Hubbard had a breakthrough and thus created an assist to help members “drop the body.”⁶

58. As Broeker remarked, the assist would be documented and archived by Scientology and was thenceforth available to high-level members at all Scientology locations.

59. The assist to drop the body is performed during an auditing session and is intended for someone who knows they are going to die.

60. The reason for this assist is because Scientology teaches that at the time of death there is an over-stimulation of the thetan, and the assist facilitates the thetan to leave the body and occupy a new body.

61. Given her apparent and well-documented distress, Mills’ Scientology caretakers suggested to her that she “drop the body.”

Dr. David Minkoff M.D. and LifeWorks

62. Defendant Dr. Minkoff graduated from the University of Wisconsin Medical school in 1974. He is board certified in pediatrics and completed a fellowship in Infectious Diseases.⁷ In

⁶ <https://www.youtube.com/watch?v=FJE7ZcWD6vA> (last accessed May 6, 2024).

⁷ <https://www.drMinkoff.com/dr-david-minkoff-biography/> (last accessed May 6, 2024).

addition to his traditional medical training, Dr. Minkoff also practices alternative medicine. Dr. Minkoff holds himself out to be an expert in infection diseases, Lyme disease and in cancer.⁸

63. Dr. Minkoff is a high-ranking member of Scientology.

64. Dr. Minkoff has a history of treating fellow Scientologists, and at least in one instance, his treatment may have contributed to the death of his patient.

65. In 1995, Lisa McPherson was a 36-year-old woman and Clearwater resident who suffered from a psychotic episode after a minor traffic accident. In order to avoid psychiatric intervention, fellow Scientologists convinced her to leave Morton Plant Hospital in Clearwater and seek care at Flag Base. They did not want her to be sent to a mental hospital or institution. At Flag Base, she was held against her will for 17 days without appropriate medical care until she died.

66. An administrative law Judge concluded that even though Dr. Minkoff had never actually met Ms. McPherson, he prescribed sedative medication (valium and chloral hydrate) by telephone to Scientology staff members who had called on her behalf. *See Department of Health, Board of Medicine v. David Minkoff, M.D.*, Case No. 00-0023, State of Florida Division of Administrative Hearings.

67. Although admitting no guilt, Dr. Minkoff reached a \$100,000 settlement in 1997 in a wrongful death lawsuit filed by McPherson's estate.

68. Also in 1997, Dr. Minkoff co-founded LifeWorks as an alternative medicine medical clinic in Clearwater, Florida.

69. Following an investigation, in 2001 the Florida Board of Medicine fined Dr.

⁸ <https://www.lifeworkswellnesscenter.com/our-team/dr-david-minkoff-m-d.html> (last accessed May 6, 2024).

Minkoff \$10,000 and suspended his license for one year followed by two years of probation for his involvement in McPherson's care. Dr. Minkoff also lost his license in California due to his care and treatment of McPherson, and he is currently not licensed in California.

Mills' childhood and early twenties

70. Mills was born on December 7, 1981, in Clearwater, Florida to Leila and Donald Mills. Mills' father passed away in 2000 when Mills was 18, and she is survived by her mother, brother, and sister.

71. Mills received an Associate's Degree and completed her real estate license. She established a very successful real estate practice working for brokerage MavRealty, LLC.

Mills joins Scientology

72. In 2007, at the age of 26, Mills joined Scientology at the invitation of her friend Laura.

73. Mills quickly rose the ranks of Scientology and in 2019 at the age of 37 years old Mills was ultimately certified at the highest level of Scientology, OT 8. Her graduation ceremony was aboard the Freewinds.

74. Mills continued receiving auditing sessions and learning about Scientology including in the weeks and days leading up to her death such as in May 2022 when she completed certifications such as the "Super Power Rundown," where she was taught that she can cause herself to have infinite power, including immunity from illnesses and disease. Upon information and belief, Dr. Minkoff and/or LifeWorks had to give Mills medical clearance to participate in the Super Power Rundown.

Mills gets an interview from the Director of Processing

75. In late 2021, Mills began to complain she was experiencing severe anxiety episodes to the point where it was very difficult for her to sleep. She had an elevated heart rate and had loss of appetite. Her symptoms were so severe, causing lack of sleep and elevated heart rate (Tachychardia), that she ended up in the emergency room of Morton Plant Hospital in December 2021 and again in January 2022.

76. Mills went in to get an interview by the Director of Processing who was responsible for creating a plan to treat her. The Director of Processing had Mills go to two clinics, LifeWorks (more fully described below) and Root Cause Medical Clinic (“Root Cause”) located in Clearwater. At Root Cause she was treated by Drs. Vikki and Rick Petersen. The Petersens are not medical doctors but instead, according to their website, hold doctorates in Physical Medicine through their degree in Chiropractic.⁹ The Petersens are also Scientologists.¹⁰

Mills is treated by Dr. Minkoff and LifeWorks

77. Whitney Mills had been a patient at LifeWorks since October 2015, and Dr. Minkoff was acting as her primary care physician. Since at least May 31, 2017, LifeWorks, through its employee Sue Morgan, ARNP (advanced registered nurse practitioner), had diagnosed Whitney Mills with “polycystic ovaries” and “swollen lymph.” A LifeWorks record from October 31, 2017, also signed by Morgan, states that Mills had “large ovarian cysts,” describing “R+L complex cystic masses – Results of U/S discussed – Needs MRI.” Nurse Morgan failed to properly diagnose and treat these “ovarian cysts.”

78. On November 2, 2021, at the behest of the Scientology Defendants, Mills received a medical authorization from LifeWorks, signed by Sue Morgan, to attend a “perception rundown,”

⁹ <https://rootcausemedicalclinics.com/meet-our-doctors/> (Last accessed on April 23, 2024).

¹⁰ <https://www.scientology.tv/news/meet-a-scientologist-gets-a-healthy-dose-of-the-petersens-9e0a52> (Last accessed on April 23, 2024).

a super power rundown described by Scientology as requiring “special equipment and rooms for delivery, which includes drilling of all 57 perceptions to restore native thetan abilities.” The rundown includes the use of a low gravity machine (listed by the Scientology Defendants as “UNSAFE”), a body position machine (likewise deemed “UNSAFE” because it moves the body into different positions including “upside down”), an endocrine chair (designed to “create a strong adrenaline reaction”), a barriers station (where “strong magnets” are used), a taste drilling station (where a person “consumes numerous flavor pellets” which are “chemically formulated”), saline content of cells station (where a “person ingests quantities of salt while drilling”).

79. Nurse Sue Morgan at LifeWorks approved Mills to participate in this rundown, but as to the unsafe body position and low gravity machines, she cautioned, “advance as tolerated due to history of motion sickness.” It is unclear why Dr. Minkoff did not sign this form as the form is labeled “Medical Report and Doctor’s Consent to Participation” and requires a doctor’s signature.

80. On January 11, 2022, Mills returned to LifeWorks and complained to Morgan that she had anxiety, trouble sleeping, and loss of appetite.

81. On February 17, 2022, filling out a LifeWorks questionnaire provided by Minkoff and Morgan, she rated on the scale of 0-4 (with 0 being almost never and 4 described the effect as severe), that her depression, anxiety, mood swings, and irritability were each at a score of 5 (more than the maximum score allowed). She further stated she was suffering from headaches, was underweight, lethargic, fatigued, and had poor memory.

82. Mills began suffering chronic daily debilitating headaches, hallucinations, depression, lethargy, and even reported that her skin felt like it was on fire. Mills' condition was so severe that she often found it difficult to leave the home or do regular daily activities such as bathing.

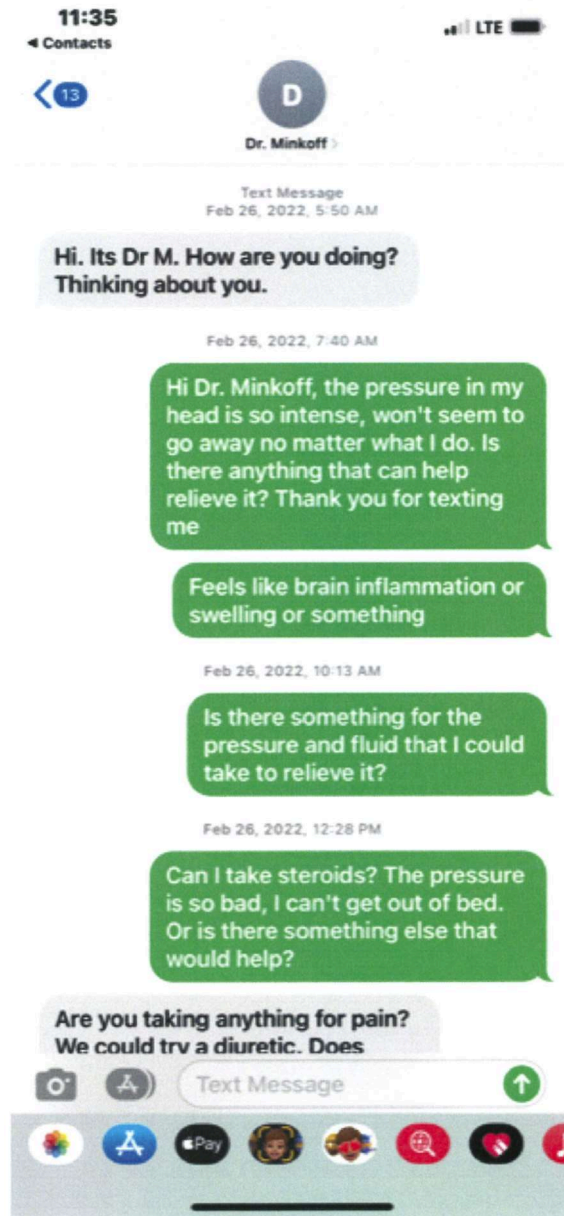
83. Until 2022, Mills was seen at LifeWorks primarily by Sue Morgan. On February 22, 2022, Dr. Minkoff examines Mills for the first time. He had been contacted by a "Jarrod K," a Scientologist at FSO requesting that he personally see her. Dr. Minkoff agreed.

84. On February 22, 2022, after seeing Mills, Dr. Minkoff sent an email with his "Medical Report" to Jarrod with his "pertinent findings," including "1. Mold 2. Auto immune 3. Retro virus 4. Babesia infection (this is a Lyme coinfection) 5. Mass in her abdomen on the left side about baseball sized . . . 6 Dysbiosis secondary to Cipro . . . 7 Cranial cervical dysfunction . . ."

85. Dr. Minkoff's February 22nd email also described a 10-part treatment plan consisting of ivermectin, herbs and homeopathics for the Babesia, IASIS (microcurrent), IV ozone, myers, glutathione IV, Hocatt, peptide therapy and mold toxin binders. These latter alternative medicine treatments were pricey, not covered by Mills' insurance and of questionable efficacy. The treatments were geared toward detoxifying Mills' "central nervous system brain inflammation," reducing inflammation and immune balancing. Dr. Minkoff also ordered a "Stat MRI and ultrasound of her abdomen to evaluate mass."

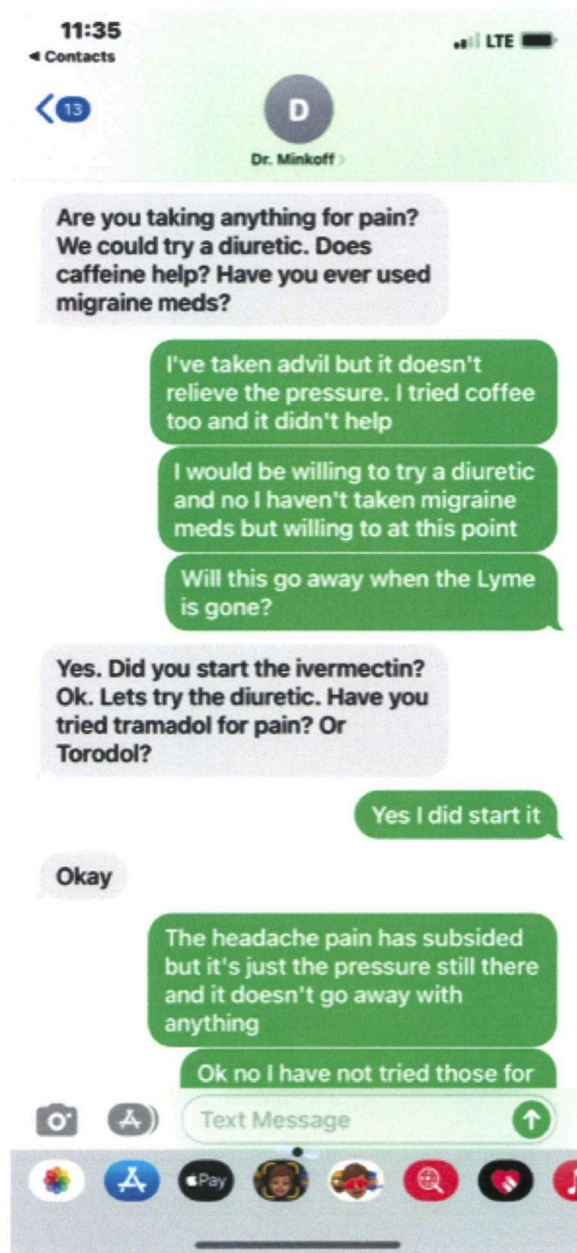
86. Dr. Minkoff concluded his February 22nd email saying, "I think she felt better knowing that there was actually something wrong with her that could [sic] improved." There was something wrong with her; unfortunately, Dr. Minkoff led her to believe it was physical, not psychological.

87. By late February, Mills texts Dr. Minkoff stating, “the pressure in my head is so intense, won’t seem to go away no matter what I did. Is there anything that can help relieve it ... Can I take steroids? The pressure is so bad, I can’t get out of bed. Or is there something else that would help?”

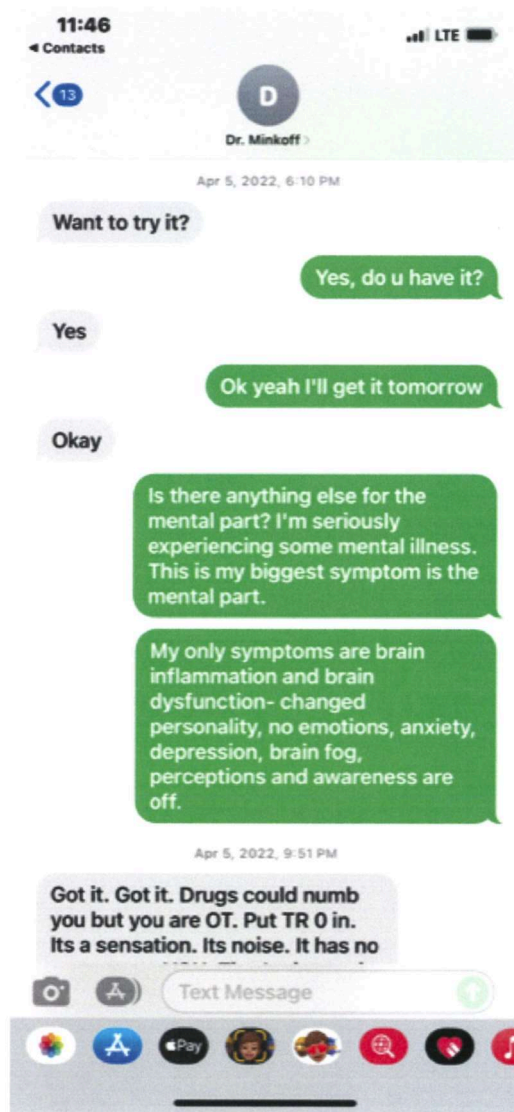


88. Dr. Minkoff responds, “Are you taking anything for pain? We could try a diuretic. Does caffeine help? Have you ever used migraine meds?” Mills texts back, “I’ve taken advil but

it doesn't relieve the pressure. I tried coffee too and it didn't help. I would be willing to try a diuretic and no I haven't taken migraine meds but willing to at this point. Will this go away when the Lyme is gone?" Minkoff responds, "Yes. Did you start the ivermectin..." Ivermectin is an anti-parasitic and is not used to treat Lyme disease. Minkoff had also diagnosed Mills with Babesia, a type of parasite, and the Ivermectin was purportedly treating that issue.

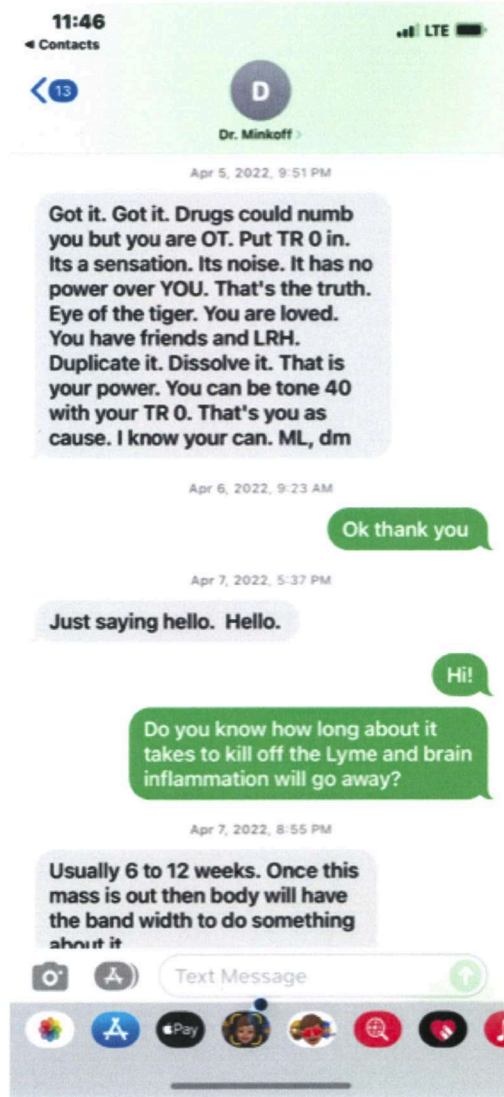


89. Over the course of the next several months, Mills would text Minkoff constantly begging for Minkoff to help her with her mental illness stating, “Is there anything else for the mental part? I’m seriously experiencing some mental illness. This is my biggest symptom is the mental part.”

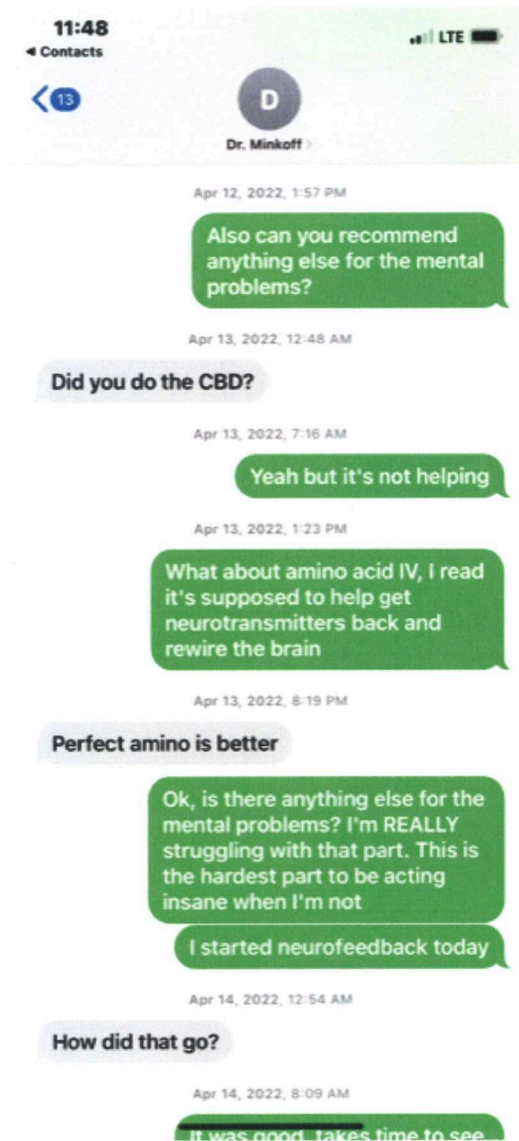


90. The level of quackery in Dr. Minkoff’s response is nothing short of astounding: “Got it. Got it. Drugs could numb you but you are OT. Put TR O in. It’s a sensation. It’s noise. It

has no power over YOU. That’s the truth. Eye of the tiger. You are loved. You have friends and LRH. Duplicate it. Dissolve it. That is your power. You can be tone 40 with your TR O. That’s you as cause. I know you can. ML, dm.”



91. Weeks later, on April 13, 2022, just under a month before her death, Mills texts Minkoff again stating, “Ok, is there anything else for the mental problems? I’m REALLY struggling with that part. This is the hardest part to be acting insane when I’m not.” Minkoff does not reply directly to this message.



92. On April 15, 2022, Dr. Minkoff prescribed “selank and semax” to Mills. Both drugs are nootropic, anxiolytic peptides developed in Russia. Neither drug is approved by the U.S. Food and Drug Administration (FDA). Moreover, they are *banned* by the FDA because they have a “high risk of immune reactions and impurities during the compounding process.” Selank is purportedly used to prevent and treat anxiety and depression. Semax is used for a broad range of conditions, including brain trauma, and is believed to enhance levels of important neurotransmitters, such as dopamine and serotonin, which are important for mood regulation and

cognitive function. Dr. Minkoff should have been prescribing antidepressants and anti-anxiety medications rather than banned peptide drugs.

93. Dr. Minkoff personally saw Mills on April 20, 2022, at LifeWorks, and he again indicated “mold” and “babesia,” as well as a “pelvic mass” on his chart. She remained a patient of LifeWorks and Dr. Minkoff until her death.

94. Instead of appropriately dealing with Mills’ mental health crisis, Minkoff diagnosed and began treating Mills for Lyme disease, including potential neurological Lyme disease (or chronic Lyme disease, as Dr. Minkoff calls it). Lyme disease is a common diagnosis among Scientologists, as a catch-all to explain a host of symptoms that would otherwise be attributed to a mental health issue.

95. According to the CDC, Lyme disease is caused by *Borrelia* bacteria spread by the bite of an infected blacklegged tick. It is more commonly found in this country in the Northeast and upper Midwest and is rare in Florida. There is no evidence that Mills visited the Northeast or Midwest in the last two years of her life. Once the tick bite occurs, there is a “bullseye” type rash that occurs on the skin. Again, there is no evidence that Mills had such a rash. According to the CDC, most cases of Lyme disease can be treated with 10 to 14 days of antibiotics.

96. Neurological Lyme disease occurs when the Lyme disease bacteria affects the peripheral or central nervous system. The symptoms for neurological Lyme disease include numbness, pain, weakness, facial palsy/droop (paralysis of the facial muscles), visual disturbances, and meningitis symptoms such as fever, stiff neck, and severe headache. Treatment for neurological Lyme disease consists of administering either oral antibiotics such as doxycycline, amoxicillin, cefuroxime, and azithromycin, or intravenous antibiotics such as ceftriaxone.

97. Despite his diagnosis of Lyme disease or neurological Lyme disease, Dr. Minkoff did not prescribe any of the above antibiotics, or any antibiotic at all to Mills. Instead, Dr. Minkoff prescribed Mills Ketorolac, a NSAID used to relieve moderately severe pain after an operation or painful procedure, and Furosemide, a diuretic used to treat fluid retention, inflammation and swelling. In addition, one of the most common symptoms of neurological Lyme disease is facial droop/palsy. Mills did not have that symptom.

98. Dr. Minkoff also diagnosed Mills with babesia, a parasite transmitted by the same tick that causes Lyme disease. However, babesia is less likely to affect the neurological system, and only a spinal tap would confirm whether it is affecting neurological function, something Dr. Minkoff did not do. For the babesia, Dr. Minkoff prescribed Mills Ivermectin, an anti-parasite drug. Prior to her death, Mills found out she did not have babesia based on a PCR test that Dr. Minkoff ordered, but still believed she had Lyme.

99. Dr. Minkoff used a PCR test to detect the presence of microbial DNA that could cause Lyme disease and co-infections like Babesia. Established members of the medical community, including but not limited to the FDA, CDC, Mayo Clinic and Cleveland Clinic, do not recommend PCR tests to diagnose Lyme disease. The gold standard for testing Lyme is a two-tiered, serologic (blood antibody) strategy using an enzyme-linked immuno-assay (ELISA) test followed by a Western blot test. LifeWorks and Dr. Minkoff did not conduct this two-tiered antibody test.

100. The PCR test that Dr. Minkoff ordered did not find Babesia but did find microbes for “B. burgdorferi Osp A-IND” and “Borrelia recurrentis-NPS.” The test itself was based on a sample of Mills’ urine and provides a disclaimer stating, “DNA Connexions is not a clinical diagnostic laboratory and cannot provide a diagnosis for disease. . . . This information alone should

not be used to diagnose and/or treat a health problem or disease.” The findings from the DNA Connexions report were insufficient to diagnose Lyme disease and may have indicated a false positive.

101. In addition, despite having knowledge of Mills’ cyst since 2017, Dr. Minkoff also diagnosed Mills with a cancerous cyst in one of her ovaries, stating on March 26, 2022, “Whitney came for a consult a few weeks ago. On her exam I found a large mass in her pelvis. It is a very large ovarian cancer born out by MRI and PET scan.”

102. There was no evidence in the records that Dr. Minkoff took a biopsy of the mass or was otherwise able to diagnose the cyst as cancerous or malignant. That cyst was later proved not to be cancerous during Mills’ autopsy, which clearly shows that it was benign. Specifically, the May 16, 2022, autopsy report found:

A large cystic multilocular – 22x14x18 cm – neoplastic lesion was in the pelvic cavity (1400 gm) filled with yellowish liquid material. . . . There were no obvious tissue necrosis or enlarged lymph nodes. No obvious metastatic lesions present. This large ovarian neoplastic lesion is consistent with serous cystadenoma of the ovary.

Autopsy Report at 5. A serous cystadenoma of the ovary is a benign lesion usually with a good prognosis. Tissue necroses, enlarged lymph nodes and metastatic lesions would all be findings consistent with cancer, yet none was observed.

103. Dr. Minkoff’s cancer misdiagnosis of Mills caused her great consternation and exacerbated her psychosis. Dr. Minkoff referred Mills to a gynecological oncologist to surgically remove the cyst, but Mills did not want to go under general anesthesia with the severe “brain inflammation” and “mental illness” she was experiencing and reporting to LifeWorks and Dr. Minkoff. LifeWorks and Dr. Mills failed to properly treat Mills’ mental symptoms in accordance with the standard of care.

104. But for Dr. Minkoff's cancer misdiagnosis, Mills would not have thought she was terminally ill and would not have self-harmed.

Expert Attestations

105. Plaintiff retained Dr. Richard Berg, MD, who is board certified and fellowship trained in infectious diseases and internal medicine. Dr. Berg has opined that LifeWorks, Dr. Minkoff and Nurse Morgan deviated from the prevailing professional standard of care by not conducting a differential diagnosis and by failing to refer her to a psychologist or psychiatrist. Dr. Berg states that "It is my medical opinion that neurological Lyme Disease and the benign ovarian cyst were red herrings in this case. The evidence shows that the ovarian cyst was non-cancerous and Whitney Mills more likely than not did not have Lyme Disease." Dr. Minkoff's failure to conduct a differential diagnosis and failure to identify that Mills was suffering from a mental health crisis "resulted in the death of patient via suicide, which otherwise could have been prevented had she received the appropriate care."

106. Dr. Berg also opined that Dr. Minkoff did not perform the necessary tests to have sufficient evidence to confirm a diagnosis of neurological Lyme Disease, including a blood test to detect antibodies and a spinal tap. The one test Dr. Minkoff did order, a brain MRI without contrast, came back normal and cannot support a diagnosis of neurological Lyme disease, and he should have ordered an MRI with and without contrast to determine whether there were any issues with Mills' brain activity.

107. Lastly, Dr. Berg opined that the text messages Dr. Minkoff wrote to Mills, "particularly when he tells her to control her anxiety and depression through Scientology, were completely inappropriate and fell below the standard of care for a physician, regardless of his beliefs."

108. In addition to Dr. Berg, Plaintiff also submitted the affidavits of Michelle M. Boudreau, D.O., a doctor who is fellowship trained and board certified in neurology and neurophysiology, and Bill D. Geis, Ph.D, professor of psychiatry and licensed psychologist. The affidavits of Drs. Berg, Boudreau and Geis, along with Plaintiff's pre-suit notice, are attached hereto as Exhibit A and incorporated herein by reference. Drs. Boudreau and Geis also attest that LifeWorks and Dr. Minkoff deviated from the prevailing standard of care, causing or substantially contributing to Mills' self-harm.

Mills was put under "watch" by Scientology

109. At this point, Mills faced compounding stresses. She had a misdiagnosed cancerous cyst, misdiagnosed Lyme disease, significant mental torment, severe anxiety, depression, and brain inflammation.

110. The Scientology Defendants understood that Mills was undergoing a mental health crisis having access to her medical records, control of her care and through her regular auditing sessions, her own reports and her caretakers' reports.

111. On January 30, 2022, Mills sent an email to elyss.w@fso.org, stating "Here is the data on my health situation: Extreme lethargy, can't get out of bed. No appetite. Pressure in head that won't go away, worse when standing. Headaches everyday. Extreme brain fog. Some anxiety. Tachychardia."

112. On March 11, 2022, Mills receives an email from flagdofphgc13@fso.org, one of the Directors of Processing at FSO or Flag Base, with a subject of "from Alex – Super Power D of P," stating, "Please write me back here on what handlings you plan on doing." Mills responds with two websites describing alternative treatments and therapies, asking "Let me know what the CS says." CS is case supervisor, a Sea Org member at FSO, who had to approve Mills' medical

treatments. The D of P responds, “I got Brandon all the data and he was OK. But my C/S really really needs worksheets from Nieves [Lopez]. Plus then we can give the direction.” Mills later follows up with another email requesting approval for a Transcranial Magnetic Stimulation (TMS) therapy, a “drug-free, non-invasive treatment therapy that uses magnetic pulses to stimulate activity in neurons.”

113. On March 12, 2022, Mills sent an email to an @fso.org domain name, a man with the initials ET, describing her symptoms stating, “It’s causing me to feel like I’m dying and causing me psychosis, anxiety, panicking... I’m getting intrusive bad thoughts...I literally feel I’m dying every day. I don’t know what to do at this point.” She described her anxiety and elevated heart rate requiring her to go to the ER in December 2021. She then states, “I got quarantined so I couldn’t go back to the Org for session.” She further stated that, “I went to Dr. Minkoff and he said it’s Lyme and I’m on a treatment program. It’s only in my brain, everything else feels fine. . . . Dr. Minkoff said that when you have brain inflammation the neurons are not connecting well and cause all these things, but I feel mine is very extreme.”

114. On March 20, 2022, Mills receives an email from dchiefaomaa@fso.org, which stands for Deputy Chief, Advanced Organization, Master-at-Arms at FSO. He (Jarrod) states, “Ok, I am doing the research. Meanwhile, you need to speak to/with Dr. Minkoff, live comm.” On April 10, 2022, Mills send him another email asking him to call her, and he responds: “Yes! We spoke! I’ll talk to the Dr. and you and Nieves [Lopez] need to tackle that book! Do LOTS of processes and assists! As an example of LOTS; when an SO member goes to Isolation, he is required to do AT LEAST 10 assists a day – BOTH WAYS!” Because Mills was not allowed on the Flag Base, she too was in isolation.

115. On April 9, 2022, Mills writes to Alex, the D of P (flagdofphgc13@fso.org), stating, “I finished all of the assist program. The brain inflammation has gone down a lot and seems to be gone or almost gone. I’m feeling better and would like to go in session to see about handling the other part of the mental affects I’m getting from this.”

116. On April 15, 2022, caretaker Nieves Lopez introduces Mills to Carissa Hart, whose boss had purportedly had Lyme disease which, according to Hart, resolved by going to Minkoff’s program for a month plus a program called Hippocrates in Miami. Hart became directly involved in Mills’ medical care and treatment, drove her, took her for walks and was constantly at her apartment, including on May 12, 2022, when Hart identified herself to Clearwater Police as one of Mills’ caretakers.

117. On April 17, 2022, Alex writes back to Mills saying, “I got brand new assist program approved by the SNR C/S to you and sent it to nieves [Lopez].” Mills responds, “Thank you! Nieves left, can you send it to me? I have someone else to do the assists,” referring to Mejias or Hart, her other caretakers. Alex responds, “Dear Nieves, This is the next approved by the SNR C/S assist pgm,” listing the following numerical assists: “289, 21, 22, 23, 24, 25, 46, 70, 139 (on the lime disease), 293 (find out which body part she feels is affected and run on each one), 295, 299, 309, 150 (as an assist), 314.”

118. On April 26, 2022, the D of P once again writes, “Did you get a surgery?” to which Mills responds, “Not yet, Thursday.” Dr. Minkoff and every Scientologist involved in her care were pushing Mills to have a surgery to remove the ovarian cyst, but Mills did not want to do the surgery, unconscious and under general anesthesia, until she resolved her “brain” issues, including her brain fog and inflammation. In any event, she did not need the surgery.

119. On May 1, 2022, Mills tells her caretaker Hart, “I literally can’t take another day of this horrific horror movie I’m living.” That same day she asks Hart, “Can you find the ACC that you were talking about? When I said my brain is controlling me.” Hart provides the information. On May 6, 2022, Mills tells Hart, “I feel like there’s an SP inside me. Suppressing the shit out of me.” An SP is a suppressive person, someone who does not agree with Scientology or advocates against it. On May 9, 2022, Mills tells Hart, “Are you available? I’m on constant panic mode.” Later that day, Mills tells Hart, “It doesn’t appear that I have the Lyme strains that make you crazy,” Hart asks which “ones do you have,” and Mills responds, “Borrella and burgdorferi. Babesia and bartonella are the ones that make you crazy.” Dr. Minkoff’s diagnosis of babesia was wrong, meaning there was no reason for her to have been taking ivermectin.

120. On May 10, 2022, Mills asks Hart, “Were you having a lot of destructive thoughts? I am and I don’t understand it, I can’t control it. It’s so frustrating.” On May 11, 2022, Mills is asking Hart about how to get rid of her “intrusive thoughts,” saying “Okay damn this thing is a beast. That’s the one thing that is killing me is the intrusive thoughts.” Hart responds, “Such a beast” and “Yes it’s the worst.”

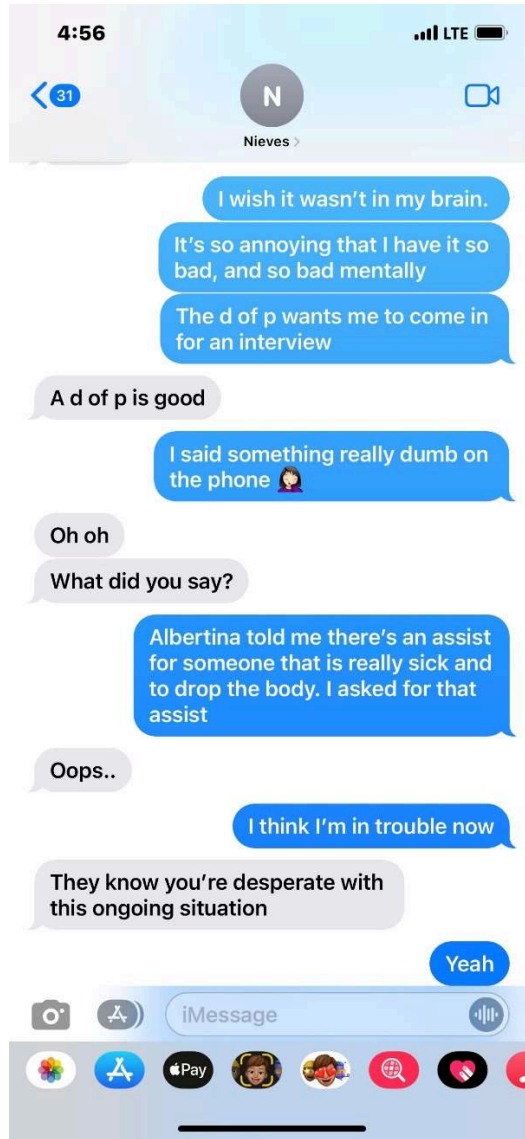
121. All three caretakers, Hart, Mejias and Lopez, knew Mills was suicidal, and they were monitoring her and helping her for that very reason. They either failed to prevent Mills’ suicide, by undertaking a duty to monitor, supervise, live with her, care for her, or alternatively they assisted the suicide. Either way, they were all high-ranking Scientologist members of FSO, Tampa or some combination of the Scientology Defendants, and they were reporting Mills’ destructive, intrusive and suicidal condition to their superiors. And Mills herself was reporting her suicidal ideation to FSO and its Sea Org staff members.

122. The Scientology Defendants knew that Mills was a risk to herself, and thus assigned several Sea Org members or staff members to constantly check on her, intervene in her medical care and assigned the three Sea Org or staff members to serve as her caretakers and provide around the clock supervision at Mills' apartment. They were trying to prevent another event like the death of Lisa MacPherson, only they needed to do it off campus, in Mills' apartment rather than at Flag Base.

123. These caretakers, FSO members and Sea Org members did not have the requisite training to handle an acute mental health crisis, and this action did not represent an appropriate effort to seek an escalated level of crisis care or self-harm prevention.

124. The Scientology Defendants continued to monitor Mills closely including by having the D of P speak with Mills twice a day and speaking with Minkoff. Meanwhile, Lopez continued living with Mills, performing dozens of assists on her at the direction of the Scientology Defendants.

125. As stated above, on April 20, 2022, Mills messaged Lopez stating, "I wish it wasn't in my brain. It's so annoying that I have it so bad, and so bad mentally. The d of p wants me to come in for an interview." Presumably, Mills was referring to Alex, the Super Power D of P at FSO. Lopez responded, "A d of p is good." Mills replies, "I said something really dumb on the phone." Lopez responds, "Oh oh. What did you say?" Mills replies, "Albertina told me there's an assist for someone that is really sick and to drop the body. I asked for that assist." Lopez responds, "Oops.." Mills replies, "I think I'm in trouble now." Lopez, referring to the Scientology Defendants replies, "They know you're desperate with this ongoing situation." A screenshot of the text messages follows.



Mills commits suicide

126. On May 8, 2022, Sabine from the Chaplain’s office at FSO texted Mills that the case supervisor, “CS gave us an interview to do with you.” Sabine had previously texted Mills in February that she wanted to find out if Mills “was able to find an auditor for assists.” Mills replied to the May 8th text that she was aware of the interview because, “the d of p told me. I haven’t been feeling good.” Sabine responded, “Am not sure when you are available to do this. We are out and about. Yes so I hear. It is not on the meter.” Saying the interview, “is not on the meter” refers to

the e-meter, where auditing sessions are typically conducted. Sabine further states that “It would take max 10 min. Let me know. We can be there in 2 min.” Mills did not want Sabine, along with whomever else accompanied Sabine, to come over at that time because Mills’ mother was on her way to see Mills.

127. The exchange is quite suspect because an OT 8 scientologist like Mills should not be dealing with the Chaplain’s office, which is relegated to dealing with new members, and auditing sessions are never so short.

128. Days after that exchange, on the evening of May 12, 2022, Mills was either intentionally or negligently left alone by her caretakers for several hours, despite their responsibility to supervise and monitor her 24/7. Indeed, Lopez had woken up that morning in the apartment and Lopez and Hart had spent the day watching Mills. Taking advantage of the sudden lack of supervision, Mills attempted to set herself on fire by lighting her hair but was unsuccessful in doing so. Instead, she used a .38 special revolver to shoot herself in the head. She believed the only option left for her was to “drop the body.”

129. Mills was found by her family and rushed to Morton Plant Hospital, where she experienced great pain and suffering and passed the next day, on May 13, 2022.

COUNT I
NEGLIGENT UNDERTAKING
(Against the Scientology Defendants)

130. Plaintiff realleges and incorporates all of the preceding paragraphs as if fully set forth herein.

131. At all times material, the Scientology Defendants, through their agents, employees, and/or representatives, agreed to take care of Mills and protect her from self-harm.

132. From the inception of the special relationship, Mills made it clear that she was extremely anxious, depressed, and was a threat to herself. Accordingly, the Scientology Defendants had actual knowledge that she was suicidal and actively committed to taking care of Mills and protecting her from self-harm. The Scientology Defendants voluntarily and expressly assumed and undertook this duty, including through their agents and employees, the three caretakers and various FSO members.

133. The Scientology Defendants repeatedly were reminded of this duty through Mills' complaints of her ongoing and worsening depression and thoughts of self-harm, and the Scientology Defendants repeatedly acknowledged that they would continue to undertake and would fulfill this duty and repeatedly reassumed this duty, as the communications above demonstrate, in light of the Scientology Defendants' clear and informed awareness of Mills mental and psychological condition and medical history.

134. Due to the Scientology Defendants' voluntary assumption of these duties, the Scientology Defendants owed a duty of reasonable care to Mills to communicate with mental health professionals and prevent Mills from inflicting self-harm onto herself. It was clearly foreseeable to all involved that Mills was suicidal; she asked for the "drop the body" assist in an interview with the D of P and told her caretakers about it, expressing repeatedly her suicidal ideation. Mills' self-harm was clearly within the foreseeable zone of risk, and the round-the-clock watch ordered by FSO was intended to prevent such a scenario, similar to the MacPherson matter.

135. The Scientology Defendants, through their own actions and by and through their agents, employees and/or representatives, including but not limited to the three caretakers, who at all times were acting within the course and scope of their employment as FSO Sea Org members or staff members of Tampa or one or all of the Defendants, undertook to provide round-the-clock

monitoring, supervision and care and were thus responsible for ensuring Mills safety and that her ongoing supervision and care was handled only by properly informed, trained, competent and capable individuals.

136. The Scientology Defendants are vicariously liable for the negligent and wrongful acts of their members, including the three caretakers, the D of P, the C/S, the Deputy Chief Master at Arms and others involved in Mills' care and supervision.

137. At all times material, the Scientology Defendants, by and through their agents, employees and/or representatives, breached their expressly undertaken duty of care in many ways, including, but not limited to:

- a. failing to properly supervise, oversee, and/or protect Mills;
- b. failing to ensure that Mills' care was handled by properly informed trained, competent and capable individuals;
- c. failing to inform and comply with basic suicide prevention protocols including ensuring a safe environment, using validated suicide screening tools, moving to validated assessment methods when indicated, implementing safety planning and linkage to mental health services;
- d. leaving Mills alone and unsupervised when they knew she was a danger to herself;
- e. recklessly and repeatedly refusing to comply with Mills' requests for prescription medication to alleviate her depression and suicidal thoughts, and instead telling Mills to use her "superpowers" to control her brain in order to alleviate her symptoms;
- f. recklessly and repeatedly telling Mills to "drop the body" with the knowledge that it would most certainly cause Mills, who was suffering from severe emotional stress, depression, and anxiety and with the knowledge that Mills might inflict harm upon herself, to commit suicide; and/or
- g. recommending an assist to "drop the body" and allowing for that assist to take place.

138. The subject incident which occurred on May 12, 2022, and which resulted a day later in the death of Mills, was a direct and proximate result of the negligent undertaking and other misconduct herein alleged of the Scientology Defendants, by and through their agents, employees and/or representatives. But for their actions, which prevented Mills from obtaining the appropriate help, Mills would not have engaged in self-harm. But for their actions, Mills would not have had to even consider dropping her body.

139. Furthermore, the Scientology Defendants are legally, vicariously and/or otherwise liable for Mills' death due to the negligent undertaking of their agents, employees and/or representatives, including but not limited to Lopez, Mejias, and Hart, who undertook the responsibility to care for Mills, and thus were under a duty to exercise reasonable care.

140. As a direct and proximate cause of the Scientology Defendants' negligent undertaking of its voluntarily assumed duties (and breach thereof) Mills suffered severe emotional trauma, anguish, distress and physical harm on May 12, 2022, which caused her death.

141. As a further direct and proximate result of the Scientology Defendants' negligent undertaking and the consequent death of Mills, PLAINTIFF has been damaged and claims all damages to which she and the Estate, survivors and/or beneficiaries are entitled, including, as applicable law may provide, but not limited to:

- a. pain and suffering of Decedent prior to death;
- b. pain and suffering of Plaintiff, survivors, beneficiaries and/or heirs of Decedent, including but not limited to, the mental anguish suffered by said individuals as a result of the hospitalization and subsequent death of the Decedent;
- c. lost society, companionship, comfort, instruction, guidance, counsel, training and services of the Decedent to Plaintiff, survivors, beneficiaries and/or heirs;
- d. pecuniary losses including loss of support in money or in kind;

- e. loss of inheritance and/or net accumulations;
- f. lost value of life;
- g. funeral expenses; and/or
- h. any and all other damages to which the Decedent, the Plaintiff, the Estate, the survivors, beneficiaries and/or heirs of the Decedent may be entitled under applicable law.

WHEREFORE, LEILA MILLS, as Personal Representative of the Estate of Whitney Mills, deceased, on behalf of herself and all potential beneficiaries and heirs, demands judgment against the Scientology Defendants for compensatory damages, costs and such other relief this Court deems appropriate. Plaintiff further demands trial by jury of all issues triable as of right by jury.

COUNT II
NEGLIGENT SUPERVISION
(Against the Scientology Defendants)

142. Plaintiff realleges and incorporates all of the preceding paragraphs as if fully set forth herein.

143. At all times material, the Scientology Defendants, through their agents, employees, and/or representatives, agreed to take care of Mills, supervise her and protect her from self-harm, including by living with her, monitoring her treatment, overseeing and approving her medical care and supervising her on a 24/7 basis.

144. Mills made it clear that she was extremely anxious, depressed, and was a threat to herself. Accordingly, the Scientology Defendants committed to taking care of Mills and protecting her from self-harm. The Scientology Defendants voluntarily and expressly assumed and undertook this duty.

145. The Scientology Defendants repeatedly were reminded of this duty through Mills' complaints of her ongoing and worsening depression, destructive and intrusive thoughts of self-harm and the Scientology Defendants' repeatedly acknowledged that they would continue to

supervise and monitor Mills and would fulfill this duty and repeatedly reassumed this duty, as the communications above demonstrate, in light of the Scientology Defendants' clear and informed awareness of Mills' mental and psychological condition and medical history. Mills' three caretakers identified themselves as such to the Clearwater Police, lived with Mills and constantly supervised her. The three caretakers were likely members and working for Defendants FSO or Tampa, or alternatively one or all of the other Defendants, and Defendants are vicariously liable for their actions and omissions, including the failure to supervise Mills on the evening of May 12, 2022, whether such failure was intentional or negligent.

146. Due to the Scientology Defendants' voluntary assumption of these duties, the Scientology Defendants owed a duty of reasonable care to Mills to communicate with mental health professionals and prevent Mills from inflicting self-harm onto herself. All involved had actual knowledge of the potential for self-harm, and given Mills' repeated pleas and cries for help (only a few of which are quoted above), self-harm was within the foreseeable zone of risk. The Scientology Defendants, including but not limited to their agents and employees and the three caretakers, who were at all times acting within the course and scope of their employment, had actual knowledge of Mills' suicidal ideation.

147. The Scientology Defendants, by and through their agents, employees and/or representatives, undertook to provide supervision and were thus responsible for ensuring Mills' safety and that her ongoing supervision and care was handled only by properly informed, trained, competent and capable individuals.

148. At all times material, the Scientology Defendants, through their own actions and by and through their agents, employees and/or representatives, breached their expressly undertaken duty of care in many ways, including, but not limited to:

- a. failing to properly supervise, oversee, investigate, discharge, or reassign their agents, employees and/or representatives that were in charge of looking after Mills including but not limited to Lopez, Mejias, and Hart.
- b. failing to ensure that Mills' care was handled by properly informed trained, competent and capable individuals;
- c. failing to supervise that their agents, employees and/or representatives were following basic suicide prevention protocols including ensuring a safe environment, using validated suicide screening tools, moving to validated assessment methods when indicated, implementing safety planning and linkage to mental health services.
- d. failure to supervise their agents, employees and/or representatives whom refused to comply with Mills' requests for prescription medication to alleviate her depression and suicidal thoughts, and instead telling Mills to use her "superpowers" to control her brain in order to alleviate her symptoms;
- e. recklessly and repeatedly telling Mills to "drop the body" with the knowledge that it would most certainly cause Mills, who was suffering from severe emotional stress, depression, and anxiety and with the knowledge that Mills might inflict harm upon herself, to commit suicide; and/or
- f. recommending an assist to "drop the body" and allowing for that assist to take place, despite their decision to care for, supervise and watch Mills.

149. The subject incident which occurred on May 12, 2022, and which resulted a day later in the death of Mills, was a direct and proximate result of the negligent undertaking and other misconduct herein alleged of the Scientology Defendants, by and through their agents, employees and/or representatives. But for their actions, which prevented Mills from obtaining the appropriate help, Mills would not have engaged in self-harm. But for their actions, Mills would not have had to even consider dropping her body. But for their actions, Mills would not have been left alone, as they knew she could not be left alone given her suicidal proclivities.

150. Furthermore, the Scientology Defendants are legally, vicariously and/or otherwise liable for the Mills' death due to the negligence of their agents, employees and/or representatives, including but not limited to Lopez, Mejias and Hart, who undertook the responsibility to care for Mills, and thus were under a duty to exercise reasonable care.

151. As a direct and proximate cause of the Scientology Defendants' negligent supervision of their voluntarily assumed duties (and breach thereof) Mills suffered severe emotional trauma, anguish, distress and physical harm on May 12, 2022, which caused her death.

152. As a further direct and proximate result of the Scientology Defendants' negligent supervision and the consequent death of Mills, PLAINTIFF has been damaged and claims all damages to which she and the Estate, survivors and/or beneficiaries are entitled, including, as applicable law may provide, but not limited to:

- a. pain and suffering of Decedent prior to death;
- b. pain and suffering of Plaintiff, survivors, beneficiaries and/or heirs of Decedent, including but not limited to, the mental anguish suffered by said individuals as a result of the hospitalization and subsequent death of the Decedent;
- c. lost society, companionship, comfort, instruction, guidance, counsel, training and services of the Decedent to Plaintiff, survivors, beneficiaries and/or heirs;
- d. pecuniary losses including loss of support in money or in kind;
- e. loss of inheritance and/or net accumulations;
- f. lost value of life;
- g. funeral expenses; and/or
- h. any and all other damages to which the Decedent, the Plaintiff, the Estate, the survivors, beneficiaries and/or heirs of the Decedent may be entitled under applicable law.

WHEREFORE, LEILA MILLS, as Personal Representative of the Estate of Whitney Mills, deceased, on behalf of herself and all potential beneficiaries and heirs, demands judgment against the Scientology Defendants for compensatory damages, costs and such other relief this Court deems appropriate. Plaintiff further demands trial by jury of all issues triable as of right by jury.

COUNT III
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(Against the Scientology Defendants)

153. Plaintiff realleges and incorporates all of the preceding paragraphs as if fully set forth herein.

154. At all times material, the Scientology Defendants knew or should have known that Mills was severely emotionally depressed and distressed, and the Scientology Defendants knew or should have known that additional emotional trauma and distress was likely to cause Mills to inflict harm upon herself.

155. At all times material, the Scientology Defendants knew or should have known Mills presented with key acute mental health risk factors, evidenced in her text messages and medical records, over a sustained period, including:

- a. significant immediate stressors (misdiagnosed cancerous cyst, financial problems, significant mental torment, anxiety, depression, and multiple health anxieties),
- b. interpersonal problems (grief and sadness from misdiagnosed cancerous cyst and sustained periods of interpersonal withdrawal and the inability to leave her home),
- c. hyperarousal (verbalized mental torment and headaches, agitation, restlessness, ongoing physical pain, intermittent and severely reduced sleep, ruminative worry, and anxiety), and
- d. suicide-related negative thoughts (hopelessness, statements that she was “suffering and going to die,” that she had “intrusive” and “destructive” thoughts, that she could not take it anymore, the she had lost control of her brain, that she was ostracized from Flag Base

despite being OT 8 and thus feeling like a failure, and having the mental state of unbearable pain, brain inflammation and brain fog).

156. At all times material, the Scientology Defendants knew or should have known that Mills would be susceptible to further emotional trauma or distress upon being informed on April 20, 2022, that there was an assist to “drop the body,” and that such information could cause serious psychological or physical harm to Mills, including self-inflicted harm.

157. The Scientology Defendants, including but not limited to the three caretakers, for whom Defendants are vicariously liable, owed Mills a duty to act with reasonable regard for Mills’ emotional well-being, and they voluntarily and expressly assumed that duty on repeated occasions.

158. Despite this duty, and the knowledge of Mills’ fragile emotional and behavioral state, the Scientology Defendants displayed a reckless disregard for her condition, with actual awareness of the likelihood and high probability of causing her severe emotional distress and self-harm, encouraged her to “drop the body,” a euphemism for death, to cure her ailments.

159. At all times material, the Scientology Defendants through their own actions and by and through their agents, employees and representatives, breached the duty of care owed to Plaintiff and/or Plaintiff’s Decedent in some or all of, but not limited to, the following ways:

- a. failing to properly supervise, oversee, and/or protect Mills;
- b. failing to ensure that Mills’ care was handled by properly informed trained, competent and capable individuals;
- c. failing to inform and comply with basic suicide prevention protocols including ensuring a safe environment, using validated suicide screening tools, moving to validated assessment methods when indicated, implementing safety planning and linkage to mental health services.
- d. recklessly and repeatedly refusing to comply with Mills’ requests for prescription medication to alleviate her depression and suicidal thoughts, and instead telling Mills to use her “superpowers” to control her brain in order to alleviate her symptoms;

- e. recklessly and repeatedly telling Mills to “drop the body” with the knowledge that it would most certainly cause Mills, who was suffering from severe emotional stress, depression, and anxiety and with the knowledge that Mills might inflict harm upon herself, to commit suicide; and/or
- a. recommending an assist to “drop the body” and allowing for that assist to take place, despite the responsibility they had undertaken to protect and supervise Mills.

160. The subject incident which occurred on May 12, 2022, and which resulted a day later in the death of Mills, was a direct and proximate result of the negligent infliction of emotional distress and other misconduct herein alleged of the Scientology Defendants, by and through their agents, employees and/or representatives. But for their actions, which prevented Mills from obtaining the appropriate help, Mills would not have engaged in self-harm. But for their actions, Mills would not have had to even consider dropping her body. But for their actions, Mills would not have been left alone, or alternatively Mills was not alone and was given an assist.

161. The Scientology Defendants also breached their duty by engaging in extremely outrageous behavior contrary to all acceptable standards of conduct in society because they knew or should have known that Mills was peculiarly susceptible to severe emotional distress, by reason of her mental and psychological condition. The Scientology Defendants proceeded despite such knowledge repeatedly and outrageously disregarding her condition and preventing her from receiving the appropriate help while at the same time recommending she drop the body.

162. As a direct and proximate cause of the reckless conduct and negligence of the Scientology Defendants, Mills undoubtedly suffered severe emotional distress that fatally affected her mental well-being and emotional tranquility. Furthermore, the Scientology Defendants are legally, vicariously and/or otherwise liable for the Decedent’s death due to the negligent infliction of emotional distress of its agents, employees and/or representatives, including but not limited to

Lopez, Mejias and Hart that encouraged Mills to “drop the body” while under a duty to exercise reasonably care.

163. As a further direct and proximate cause of the reckless conduct and negligence of the Scientology Defendants and the consequent death of Mills, PLAINTIFF has been damaged and claims all damages to which she and the Estate, survivors and/or beneficiaries are entitled, including, as applicable law may provide, but not limited to:

- a. pain and suffering of Decedent prior to death;
- b. pain and suffering of Plaintiff, survivors, beneficiaries and/or heirs of Decedent, including but not limited to, the mental anguish suffered by said individuals as a result of the hospitalization and death of the Decedent;
- c. lost society, companionship, comfort, instruction, guidance, counsel, training and services of the Decedent to Plaintiff, survivors, beneficiaries and/or heirs;
- d. pecuniary losses including loss of support in money or in kind;
- e. loss of inheritance and/or net accumulations;
- f. lost value of life;
- g. funeral expenses; and/or
- h. any and all other damages to which the Decedent, the Plaintiff, the Estate, the survivors, beneficiaries and/or heirs of the Decedent may be entitled under applicable law.

WHEREFORE, LEILA MILLS, as Personal Representative of the Estate of Whitney Mills, deceased, on behalf of herself and all potential beneficiaries and heirs, demands judgment against the Scientology Defendants for compensatory damages, costs and such other relief this Court deems appropriate. Plaintiff further demands trial by jury of all issues triable as of right by jury.

COUNT IV
MEDICAL NEGLIGENCE
AGAINST DAVID MINKOFF, M.D.

164. Plaintiff realleges and incorporates all the preceding paragraphs as if fully set forth herein.

165. At all times material, Defendant, David Minkoff, M.D., held himself out to decedent and the public as a medical doctor (with specialties in infectious diseases, including Lyme disease, oncology and as a general practitioner) capable of providing medical care in accordance with the skill, training, knowledge and experience of other similar health care providers in the field as set forth in Fla. Stat. § 766.102(1).

166. At all times material to this action, Dr. Minkoff owed a duty to Decedent to provide medical care in accordance with the level of care, skill and treatment which is recognized as acceptable and appropriate by reasonable prudent similar health care providers and was negligent in the manner described herein.

167. Dr. Minkoff, individually and acting through his agents, employers, employees, apparent agents, including, but not limited to LifeWorks Wellness Center, LLC, and Sue Morgan, ARNP, was negligent and deviated from the prevailing professional standard of care in his treatment of Decedent between January and May 2022, by failing to refer her to a psychiatrist or psychologist for a mental health evaluation, by failing to appropriately prescribe indicated medications for her mental illness, by incorrectly attributing her symptoms to Lyme disease and a cancerous cyst, and by failing to correctly test and diagnose her.

168. Dr. Minkoff breached the duty of care owed to Decedent by failing to exercise that level of skill, care and treatment, which in light of all relevant circumstances, was recognized as

acceptable and appropriate by reasonable prudent similar health care providers and was negligent in the manner described herein.

169. Dr. Minkoff treated Decedent in a doctor-patient relationship. General suicide prevention, mental health and health care ethics dictate that this doctor-patient relationship creates duties to:

- a. diagnose and treat the patient;
- b. meet the standards of care for physicians;
- c. act to protect the patient if self-harm or suicide is indicated;
- d. switch to alternative treatment or refer the patient to alternative services if the current treatment is not working and distress and illness are significant; and
- e. not abandon the patient in the context of severe medical or mental health illness, without linking the patient to alternative care.

170. Dr. Minkoff paid an insufficient amount of attention to even the most elemental suicide prevention measures – assessing and documenting the presence of explicit suicide risk factors (ideation, plan, intention, means, hopelessness, etc.).

171. Dr. Minkoff's acts and omissions were negligent and fell below the prevailing professional standard of medical care in his treatment of Decedent in some or all of, but not limited to, the following ways

- a. failing to create a viable safety plan;
- b. failing to provide adequate interventions to quell unbearable pain over months of time; and
- c. failing to implement adequate escalated levels of care for the Decedent, who was suffering in an open and sustained manner.

172. Further, Dr. Minkoff minimized and inadequately addressed the signs and symptoms of an acute mental health crisis over a several month period.

173. The key risk factors of an acute mental health crisis include:

- a. immediate stresses;
- b. relationship and interpersonal difficulties;
- c. symptoms of hyperarousal; and
- d. negative thought patterns.

174. Additionally, the following acute mental health risk factors were evident in the Decedent over a sustained period without apparent concern for their potential to lead to impulsive desperate action:

- a. significant immediate stressors (misdiagnosed cancerous cyst, financial problems, significant mental torment, anxiety, depression and multiple health anxieties);
- b. interpersonal problems (grief and sadness from misdiagnosed cancerous cyst and sustained periods of interpersonal withdrawal and the inability to leave her home);
- c. hyperarousal (verbalized mental torment and headaches, agitation, restlessness, ongoing physical pain, intermittent and severely reduced sleep, ruminative worry, and anxiety); and
- d. suicide-related negative thoughts (hopelessness, statements that she was “suffering and going to die,” feeling unworthy and unloved, feeling like a failure, and having the mental state of unbearable pain).

175. Dr. Minkoff was negligent and deviated from the prevailing professional standard of care in his treatment of the Decedent between January and May 2022, by misdiagnosing her with neurological Lyme disease or chronic Lyme disease (a term disfavored by the CDC).

176. Dr. Minkoff did not perform the necessary tests to have sufficient evidence to confirm a diagnosis of neurological or chronic Lyme disease. For example, he did not administer a blood test for Lyme disease that is used to detect antibodies in response to an infection, nor did he perform a spinal tap to obtain cerebrospinal fluid which is analyzed for antibodies that the immune system produces to fight the bacterial that causes Lyme disease.

177. This misdiagnosis of neurological Lyme disease and cancerous cyst without medical evidence only created greater cause for concern and anxiety to the Decedent.

178. As a direct and proximate cause of the above-described acts of negligence attributable to Dr. Minkoff, directly and by and through all his agents, employers, employees, or apparent agents, Dr. Minkoff caused severe emotional distress to decedent and failed to relieve her suffering, resulting in the death of Decedent. Decedent was not referred to an appropriate mental health professional that could have intervened and given her the necessary treatment she needed for her depression and anxiety.

179. Ultimately, the misdiagnosis of a terminal illness and the lack of referral to mental health professional, coupled with a failure to prescribe appropriate medications, directly and proximately caused Decedent to self-harm, resulting in her death by suicide. Mills' cancer diagnosis made her think she was going to die anyway, erasing all hope. But for that (mis)diagnosis, Mills would not have self-harmed.

WHEREFORE, LEILA MILLS, as Personal Representative of the Estate of Whitney Mills, deceased, on behalf of herself and all potential beneficiaries and heirs, demands judgment against Defendant Dr. Minkoff for compensatory damages, costs and such other relief this Court deems appropriate. Plaintiff further demands trial by jury of all issues triable as of right by jury.

COUNT V
VICARIOUS LIABILITY
AGAINST LIFEWORKS WELLNESS CENTER, LLC

180. Plaintiff realleges and incorporates all the preceding paragraphs as if fully set forth herein.

181. At all times material, Dr. Minkoff and Nurse Morgan were employed by LifeWorks Wellness Center, LLC, were acting within the course and scope of their employment and in furtherance of their employer's interest.

182. Nurse Morgan failed to properly diagnose and treat Mills' ovarian cyst from 2017 through 2022, and Dr. Minkoff failed to diagnose the cyst as benign. Neither Nurse Morgan nor Dr. Minkoff prescribed appropriate medications to Mills, and neither referred her to a mental health professional, contrary to the standard of care.

183. The Joint Commission, the most prominent accrediting body for health care quality and safety in the United States, established guidelines for health care entities, such as hospitals, emergency centers, group practices and other health care entities. The Joint Commission has established quality standards for mental health integration into health care settings and, especially in recent years, specific recommendations for the prevention of suicide. These national healthcare-based suicide prevention standards (elements of performance) include:

- a. ensuring a safe healthcare environment;
- b. using validated suicide screening tools;
- c. moving to validated assessment methods when indicated; and
- d. implementing safety planning and linkage to mental health services when indicated.

184. Dr. Minkoff's clinic, LifeWorks Wellness Center, LLC, chose not to pursue Joint Commission Accreditation. Further, they chose not to align themselves with Joint Commission

mental health standards, including those set forth above. Nevertheless, Joint Commission standards are often the touchstone for the standard of care.

185. At all times material, Defendant, LifeWorks Wellness Center, LLC, by and through its agents, employees and/or representatives, owed a duty to the Decedent to, among other things:

- a. provide the Decedent with quality care;
- b. ensure the competence of its medical staff;
- c. adequately and properly supervise nurses and other staff;
- d. notify the appropriate persons of significant changes in Decedent's condition in a timely manner in order to provide Decedent with timely access to appropriate medical treatment; and/or
- e. provide Decedent with adequate proficient medical staff to meet her needs;
- f. protect the patient; and
- g. act as patient's advocate.

186. At all times material, Defendant, LifeWorks Wellness Center, LLC, by and through its agents, employees and/or representatives, including Dr. Minkoff and Nurse Morgan, breached the duty of care owed to Decedent in many ways, including, but not limited to, when it did or failed to do the following, any or all of which were deviations from the applicable standard of care for its staff:

- a. failing to provide Decedent with quality care, contrary to representations made on its website about its physician and staff, including Dr. Minkoff and Nurse Morgan;
- b. failing to properly diagnose and treat Decedent;
- c. failing to refer Decedent to a mental health professional;
- d. failing to prescribe indicated medications to Decedent;

- e. failing to ensure the competence of its staff physician and medical staff, including Dr. Minkoff and Nurse Morgan;
- f. failing notify the appropriate persons of significant changes in the Decedent's condition in a timely manner in order to provide the Decedent with timely access to appropriate medical treatment; and/or
- g. failing to provide Decedent with adequate proficient staff to meet her needs;
- h. failing to protect the patient; and
- i. failing to act as patient's advocate.

187. As a direct and proximate cause of the above-described acts of negligence of Defendant LifeWorks Wellness Center's employees, agents or apparent agents, including Dr. Minkoff and Nurse Morgan, LifeWorks caused or substantially contributed to the death of Decedent. But for the inappropriate care provided by LifeWorks, Decedent would not have thought she had a terminal illness, would not have thought she had a chronic illness and would have been properly medicated; therefore but for such negligent care, she would not have self-harmed.

WHEREFORE, LEILA MILLS, as Personal Representative of the Estate of Whitney Mills, deceased, on behalf of herself and all potential beneficiaries and heirs, demands judgment against Defendant Nurse Morgan for compensatory damages, costs and such other relief this Court deems appropriate. Plaintiff further demands trial by jury of all issues triable as of right by jury

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by email

generated by the Florida Courts E-Filing system on this 9th day of September, 2024, to all parties of record.

Respectfully submitted,

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AFFIDAVIT OF RICHARD A. BERG, M.D.

STATE OF FLORIDA)
) ss:
COUNTY OF _____)

BEFORE ME, the undersigned authority, personally appeared Richard A. Berg, M.D., who after being first duly sworn, deposes and states as follows:

1. I am a medical physician licensed to practice in the State of Maryland since 1978. I am board certified and fellowship trained in Internal Medicine and Infectious Diseases. Further, I have specific training and experience with Lyme Disease which is the most common tick-borne disease in Maryland. Attached hereto is a true and accurate copy of my current curriculum vitae which delineates in more detail my background, education, training, experience, and achievements.

2. I have never been disqualified as a medical expert witness by any court. I further state that, to the best of my knowledge, I have never had any opinions disqualified in any administrative forum, court of law or other proceedings, nor have I ever been found guilty of fraud or perjury in any jurisdiction.

3. I have received and reviewed the following medical records regarding Whitney Mills:

- a. Records from Morton Plant Hospital dated September 9, 2010, to May 13, 2022;
- b. Records from LifeWorks Wellness Center dated October 27, 2015, to April 28, 2022, including:
 - a. History and Physical Report from Dr. David Minkoff, M.D.
- c. Records from Cooper Chiropractic Center dated December 11, 2009, to January 28, 2022;
- d. Records from Root Cause Medical Clinic dated December 22, 2021, to February 2, 2022;
- e. Records from Mayer Chiropractic dated January 26, 2022, to March 9, 2022;
- f. Records from Walgreens Pharmacy dated February 13, 2021, to May 13, 2022;

- g. Text messages between Dr. David Minkoff, M.D. and Whitney Mills from February 26, 2022, to April 27, 2022; and
- h. Autopsy and Toxicology Report from District Six Medical Examiner performed on Whitney Mills, Report dated May 16, 2022.

FACTUAL BACKGROUND

4. Dr. Minkoff is fellowship trained in Infectious Diseases and holds himself out as an expert in Lyme Disease and cancer. Dr. Minkoff had been seeing Whitney Mills as a patient since 2015 and was acting as her primary care physician. Since at least October 2017, Dr. Minkoff noted that Whitney Mills had a large ovarian cyst. *See* Bates MILLS000279.

5. Then on January 11, 2022, Whitney Mills began complaining to Dr. Minkoff that she had anxiety, trouble sleeping, and loss of appetite. She returned on February 17, 2022, filling out a questionnaire provided by Dr. Minkoff where she rated on the scale of 0-4 (with 0 being almost never and 4 described the effect as severe), that her depression, anxiety, mood swings, and irritability were each at a score of 5 (more than the maximum score allowed). She further stated she was suffering from headaches, was underweight, lethargic, fatigued, and had poor memory.

6. Over the course of the next several months, Whitney Mills would text Dr. Minkoff constantly begging for Dr. Minkoff to help her with her mental illness stating, “Is there anything else for the mental part? I’m seriously experiencing some mental illness. This is my biggest symptom is the mental part.” Dr. Minkoff responds, “Got it. Got it. Drugs could numb you but you are OT. Put TR O in. It’s a sensation. Its noise. It has no power over YOU. That’s the truth. Eye of the tiger. You are loved. You have friends and LRH. Duplicate it. Dissolve it. That is your power. You can be tone 40 with your TR O. That’s you as cause. I know you can. ML, dm.” Weeks later, on April 13, 2022, just under a month before her death, Whitney Mills texts Dr. Minkoff again stating, “Ok, is there anything else for the mental problems? I’m

REALLY struggling with that part. This is the hardest part to be acting insane when I'm not."

Dr. Minkoff does not reply.

7. In my review of the records from LifeWorks Wellness Center, it became clear that Dr. Minkoff diagnosed and began treating Whitney Mills for neurological Lyme Disease. Neurological Lyme Disease occurs when the Lyme disease bacteria affects the peripheral or central nervous system. The symptoms for neurological Lyme Disease include numbness, pain, weakness, facial palsy/droop (paralysis of the facial muscles), visual disturbances, and meningitis symptoms such as fever, stiff neck, and severe headache. Treatment for neurological Lyme Disease consists of administering either oral antibiotics such as doxycycline, amoxicillin, cefuroxime, and azithromycin, or intravenous antibiotics such as ceftriaxone.

8. Despite his diagnosis of neurological Lyme Disease, Dr. Minkoff did not prescribe any of these antibiotics, or any antibiotic at all to Whitney Mills. Instead, Dr. Minkoff prescribed Whitney Mills Ketorolac, a NSAID used to relieve moderately severe pain after an operation or painful procedure, and Furosemide, a diuretic used to treat fluid retention and swelling.

9. Dr. Minkoff also diagnosed Whitney Mills with babesia, a parasite transmitted by the same tick that causes Lyme Disease. However, babesia is less likely to affect the neurological system, and only a spinal tap would confirm whether it is affecting neurological function, something Dr. Minkoff did not do. For the babesia, Dr. Minkoff prescribed Whitney Mills Ivermectin, an anti-parasite drug.

10. Dr. Minkoff also diagnosed Whitney Mills with a cancerous cyst in one of her ovaries, stating on March 26, 2022, "Whitney came for a consult a few weeks ago. On her exam I found a large mass in her pelvis. It is a very large ovarian cancer born out by MRI and PET

scan.” *See* Bates MILLS000541. Dr. Minkoff fell below the standard of care as there was no evidence in the records that he took a biopsy of the mass or was otherwise able to diagnose the cyst as cancer. That cyst was later proved not to be cancerous during Whitney Mills’ autopsy.

MEDICAL OPINION

11. Based upon my review of the records, and based upon my training, education and experience, it is my professional opinion, within a reasonable degree of medical probability, that Dr. David Minkoff, M.D. and the nursing staff including but not limited to, Sue Morgan, APRN, of LifeWorks Wellness Center, deviated from the prevailing professional standard of care in their treatment of Whitney Mills between January and May 2022, by not conducting a differential diagnosis and failing to refer her to a psychiatrist or psychologist for a mental health evaluation.

12. It is my medical opinion that neurological Lyme Disease and the benign ovarian cyst were red herrings in this case. The evidence shows that the ovarian cyst was non-cancerous and Whitney Mills more likely than not did not have Lyme Disease. Indeed, Whitney Mills died not from Lyme Disease or from the benign ovarian cyst but from suicide.

13. Dr. Minkoff fell below the standard of care first because he misdiagnosed Whitney Mills and instead should have followed a systematic process that involves creating a list of suspected diseases, or differential diagnosis, that includes both common and uncommon diseases. This list helps guide the diagnosis process, and if a disease is not included, it is unlikely to be diagnosed. Among that list of potential diagnoses, it is clear that Dr. Minkoff should have included the potential that Whitney Mills was suffering from a mental health crisis, and a mental health disorder. Dr. Minkoff did not do so, and that failure to do so resulted in the death of patient via suicide, which otherwise could have been prevented had she received the appropriate care.

14. Furthermore, Dr. Minkoff did not perform the necessary tests to have sufficient evidence to confirm a diagnosis of neurological Lyme Disease. For instance, Dr. Minkoff did not administer a blood test for Lyme disease that is used to detect antibodies in response to an infection. Also, Dr. Minkoff did not perform a spinal tap to obtain cerebrospinal fluid which is analyzed for antibodies that the immune system produces to fight the bacteria that causes Lyme disease.

15. Additionally, the test that Dr. Minkoff did order for Whitney Mills, a brain MRI without contrast, came back normal and thus cannot support a diagnosis of neurological Lyme disease. Indeed, Dr. Minkoff should have ordered both an MRI without contrast and an MRI with contrast, to correctly determine whether there were any issues in Whitney Mills' brain activity.

16. Secondly, Dr. Minkoff fell below the standard of care by not referring Whitney Mills to a mental health professional for her self-reported depression and anxiety. Dr. Minkoff's views of the mental health profession as a Scientologist were irrelevant to Dr. Minkoff's duty as a licensed medical doctor in the State of Florida to refer her to a mental health professional. Likewise, the patients' views on the mental health profession are irrelevant in determining the appropriate standard of care.

17. Text messages between Dr. Minkoff and Whitney Mills memorialize conversations indicative of a patient who was suffering from an increasing depression and anxiety, mental health conditions that required Dr. Minkoff to refer her to a mental health professional. The conversations between them, particularly when he tells her to control her anxiety and depression through Scientology, were completely inappropriate and fell below the standard of care for a physician, regardless of his beliefs. Dr. Minkoff's duty as a physician was

to properly refer her to a mental health professional so she could get the help that she needed and was asking for. But for his failure to do so, her tragic death could have been avoided.

18. As a direct and proximate cause of the above-described acts of malpractice attributable to Dr. David Minkoff, M.D., by and through all of his agents, employers, employees, or apparent agents, resulted in the death of Whitney Mills. Whitney Mills was not referred to an appropriate mental health professional that could have intervened and given her the necessary treatment she needed for her depression and anxiety. Further, the misdiagnosis of neurological Lyme Disease and a cancerous cyst without medical evidence only created greater cause for alarm and anxiety to the patient. Ultimately, the misdiagnosis and lack of referral to mental health professional directly and proximately caused Whitney Mills to self-harm, resulting in her death by suicide.

19. It is my professional opinion that there exist reasonable grounds to support a claim of medical negligence against Dr. David Minkoff, M.D.

20. This Affidavit is submitted pursuant to the requirements of Florida Statute § 766.203.

21. I am qualified as an expert as that term is defined in Florida Statute § 766.202. I am duly and regularly engaged in the medical specialty of internal medicine and infectious diseases. I am by training, background, and experience a similar healthcare provider, as defined by Florida Statute § 766.102, and all applicable subparts.

22. I have devoted professional time during the five (5) years preceding the date of the occurrence that is the basis for this action to the active clinical practice of internal medicine and infectious diseases.

FURTHER AFFIANT SAYETH NOT.

AFFIDAVIT OF MICHELLE M. BOUDREAU, D.O.

STATE OF FLORIDA)
) SS:
COUNTY OF _____)

BEFORE ME, the undersigned authority, personally appeared Michelle M. Boudreau, D.O., who after being first duly sworn, deposes and states as follows:

1. I am a medical physician licensed to practice in the State of Florida since 2018 and I am fellowship trained and board certified in neurology and neurophysiology. I am the former Chief of Neurology at Hartford Healthcare/Windham Hospital and former Regional Medical Director and Medical Director of the Department of Accredited Education at TeleSpecialists. I am currently a TeleNeurologist at Vituity. Further, I have specific training in Lyme Disease and as a Doctor of Osteopathic Medicine I have received training in alternative medicine and treating patients with a holistic approach. Attached hereto is a true and accurate copy of my current curriculum vitae which delineates in more detail my background, education, training, experience, and achievements.

2. I have never, to my knowledge, been disqualified as a medical expert witness by any court. I further state that, to the best of my knowledge, I have never had any opinions disqualified in any administrative forum, court of law or other proceedings, nor have I ever been found guilty of fraud or perjury in any jurisdiction.

3. I have received and reviewed the following medical records regarding Whitney Mills:

- a. Records from Morton Plant Hospital dated September 9, 2010, to May 13, 2022;
- b. Records from LifeWorks Wellness Center dated October 27, 2015, to April 28, 2022, including:
 - a. History and Physical Report from Dr. David Minkoff, M.D.
- c. Records from Cooper Chiropractic Center dated December 11, 2009, to January 28, 2022;

- d. Records from Root Cause Medical Clinic dated December 22, 2021, to February 2, 2022;
- e. Records from Mayer Chiropractic dated January 26, 2022, to March 9, 2022;
- f. Records from Walgreens Pharmacy dated February 13, 2021, to May 13, 2022;
- g. Text messages between Dr. David Minkoff, M.D. and Whitney Mills from February 26, 2022, to April 27, 2022; and
- h. Autopsy and Toxicology Report from District Six Medical Examiner performed on Whitney Mills, Report dated May 16, 2022.

FACTUAL BACKGROUND

4. Dr. Minkoff is fellowship trained in Infectious Diseases and holds himself out as an expert in Lyme Disease and cancer. Dr. Minkoff had been seeing Whitney Mills as a patient since 2015 and was acting as her primary care physician. Since at least October 2017, Dr. Minkoff noted that Whitney Mills had a large ovarian cyst. *See* Bates MILLS000279.

5. Then on January 11, 2022, Whitney Mills began complaining to Dr. Minkoff that she had anxiety, trouble sleeping, and loss of appetite. She returned on February 17, 2022, filling out a questionnaire provided by Dr. Minkoff where she rated on the scale of 0-4 (with 0 being almost never and 4 described the effect as severe), that her depression, anxiety, mood swings, and irritability were each at a score of 5 (more than the maximum score allowed). She further stated she was suffering from headaches, was underweight, lethargic, fatigued, and had poor memory.

6. Over the course of the next several months, Whitney Mills would text Dr. Minkoff constantly begging for Dr. Minkoff to help her with her mental illness stating, “Is there anything else for the mental part? I’m seriously experiencing some mental illness. This is my biggest symptom is the mental part.” Dr. Minkoff responds, “Got it. Got it. Drugs could numb you but you are OT. Put TR O in. It’s a sensation. Its noise. It has no power over YOU. That’s the truth. Eye of the tiger. You are loved. You have friends and LRH. Duplicate it. Dissolve it. That is your power. You can be tone 40 with your TR O. That’s you as cause. I know you can. ML, dm.” Weeks later, on April 13, 2022, just under a month before her death, Whitney Mills texts Dr. Minkoff

again stating, “Ok, is there anything else for the mental problems? I’m REALLY struggling with that part. This is the hardest part to be acting insane when I’m not.” Dr. Minkoff does not reply directly to this inquiry.

7. In my review of the records from LifeWorks Wellness Center, it became clear that Dr. Minkoff diagnosed and began treating Whitney Mills for neurological Lyme Disease. Neurological Lyme Disease occurs when the Lyme disease bacteria affects the peripheral or central nervous system. The symptoms for neurological Lyme Disease could include numbness, pain, weakness, facial palsy/droop (paralysis of the facial muscles), visual disturbances, and meningitis symptoms such as fever, stiff neck, and severe headache. Treatment for neurological Lyme Disease consists of administering either oral antibiotics such as doxycycline, amoxicillin, cefuroxime, and azithromycin, or intravenous antibiotics such as ceftriaxone.

8. Despite his diagnosis of neurological Lyme Disease, Dr. Minkoff did not prescribe any of these antibiotics, or any antibiotic at all to Whitney Mills. Instead, Dr. Minkoff prescribed Whitney Mills Ketorolac, a NSAID typically used to relieve moderately severe pain, and Furosemide, a diuretic typically used to treat fluid retention and swelling.

9. Dr. Minkoff also diagnosed Whitney Mills with babesia, a parasite transmitted by the same tick that causes Lyme Disease. However, babesia is less likely to affect the neurological system, and only a spinal tap would determine whether it is affecting neurological function, something Dr. Minkoff did not do. For the babesia, Dr. Minkoff prescribed Whitney Mills Ivermectin, an anti-parasite drug.

MEDICAL OPINION

10. Based upon my review of the records, and based upon my training, education and experience, it is my professional opinion, within a reasonable degree of medical probability, that Dr. David Minkoff, M.D. and the nursing staff including but not limited to, Sue Morgan, APRN, of LifeWorks Wellness Center, deviated from the prevailing professional standard of care in their treatment of Whitney Mills between January and May 2022, by improperly diagnosing her with neurological Lyme Disease without any medical evidence, failing to refer her to a neurologist, by failing to conduct an appropriate workup to arrive at a differential diagnosis, and failing to refer her to a psychiatrist or psychologist for a mental health treatment and evaluation.

11. It is my medical opinion that more likely than not, Whitney Mills did not have neurological Lyme Disease. Dr. Minkoff did not perform the necessary tests to have sufficient evidence to confirm a diagnosis of neurological Lyme Disease.

12. For instance, Dr. Minkoff did not administer a blood test for Lyme Disease that is used to detect antibodies in response to a bacterial infection like Lyme Disease. Further, Dr. Minkoff did not perform a spinal tap to obtain cerebrospinal fluid which is analyzed for antibodies that the immune system produces to fight the bacteria that causes Lyme disease.

13. Additionally, the test that Dr. Minkoff did order for Whitney Mills, a brain MRI without contrast, came back normal and thus cannot support a diagnosis of neurological Lyme disease. Indeed, Dr. Minkoff should have ordered both the MRI both with and without contrast, to correctly determine whether there were any issues in Whitney Mills' brain consistent with neurological Lyme Disease.

14. Whitney Mills also did not present with an elevated white blood cell count or any signs of meningitis, which would be indicative of an active Lyme infection in the brain. In short, there were no signs or symptoms that she actually had neurological Lyme Disease.

15. Dr. Minkoff also failed to conduct a cognitive assessment of Whitney Mills or conduct any neuropsychological testing to assess a wide range of mental functions, including behavior, to see how well Whitney Mills' brain was working. Further, Dr. Minkoff did not obtain details regarding the headaches Whitney Mills was experiencing, including determining the length of time, intensity, and frequency of the headaches in order to properly classify the headaches as migraine or otherwise.

16. Dr. Minkoff definitely should have referred Whitney Mills to a neurologist and his failure to do so fell below the standard of care.

17. Dr. Minkoff also fell below the standard of care by not doing an appropriate workup which involves creating a list of suspected diseases, or differential diagnosis, that includes both common and uncommon diseases. This list helps guide the diagnosis process, and if a disease is not included, it is unlikely to be diagnosed. Among that list of potential diagnoses, it is clear that Dr. Minkoff should have included the potential that Whitney Mills was suffering from a mental health crisis, and a mental health disorder. Dr. Minkoff did not consider this possibility, and that failure to properly diagnose or obtain help for Whitney Mills' mental health problems resulted in the death of patient via suicide, which otherwise could have been prevented had she received the appropriate care.

18. Whitney Mills also self-scored herself very high ratings of anxiety and depression in the patient questionnaire that Dr. Minkoff provided her, which should have triggered him to refer her to a mental health professional. Text messages between Dr. Minkoff and Whitney Mills also memorialize further conversations indicative of a patient who was suffering from a mental health condition that required Dr. Minkoff to refer her to a mental health professional.

19. Based on the foregoing, I can confidently say that based on the records I reviewed, Whitney Mills more likely than not did not have neurological Lyme Disease.

20. As a direct and proximate cause of the above-described acts of malpractice attributable to Dr. David Minkoff, M.D., by and through all of his agents, employers, employees, or apparent agents, resulted in the death of Whitney Mills. Whitney Mills was not referred to an appropriate mental health professional that could have intervened and given her the necessary treatment she needed for her depression and anxiety. Further, the misdiagnosis of neurological Lyme Disease without medical evidence only created greater cause for alarm and anxiety to the patient. Ultimately, the misdiagnosis and lack of referral to mental health professional directly and proximately caused Whitney Mills to self-harm, resulting in her death by suicide.

21. It is my professional opinion that there exist reasonable grounds to support a claim of medical negligence against Dr. David Minkoff, M.D.

22. This Affidavit is submitted pursuant to the requirements of Florida Statute § 766.203.

23. I am qualified as an expert as that term is defined in Florida Statute § 766.202. I am duly and regularly engaged in the medical specialty of neurology and clinical neurophysiology. I am by training, background, and experience a similar healthcare provider, as defined by Florida Statute § 766.102, and all applicable subparts.

24. I have devoted professional time during the five (5) years preceding the date of the occurrence that is the basis for this action to the active clinical practice of neurology and neurophysiology.

FURTHER AFFIANT SAYETH NOT.

AFFIDAVIT OF BILL D. GEIS, Ph.D.

STATE OF FLORIDA)
)
COUNTY OF _____) ss:

BEFORE ME, the undersigned authority, personally appeared Bill D. Geis, Ph.D., who after being first duly sworn, deposes and states as follows:

1. I am the Director of Behavioral Health Research at the University of Missouri – Kansas City School of Medicine (Psychiatry), where I am also an Assistant Clinical Professor of Psychiatry. I have trained over 10,000 clinicians in Enhanced Suicide Care/Mental Health Interventions. I was previously the Clinical Division Director of the American Association of Suicidology. I am also a Certified Psychological Autopsy Investigator (Suicide) by the American Association of Suicidology. I am licensed to practice psychology in the State of Missouri. I am also authorized by the PSYPACT Commission to practice psychology in 42 states. The Psychology Interjurisdictional Compact (PSYPACT) is an interstate agreement facilitating the practice of telepsychology and the temporary in-person practice of psychology across state boundaries. Attached hereto is a true and accurate copy of my current curriculum vitae which delineates in more detail my background, education, training, experience, and achievements.

2. I have never been disqualified as an expert witness by any court. I further state that, to the best of my knowledge, I have never had any opinions disqualified in any administrative forum, court of law or other proceedings, nor have I ever been found guilty of fraud or perjury in any jurisdiction.

3. I have received and reviewed the following medical records regarding Whitney Mills:

- a. Records from Morton Plant Hospital dated September 9, 2010, to May 13, 2022;
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- a. History and Physical Report from Dr. David Minkoff, M.D.
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- e. Records from Mayer Chiropractic dated January 26, 2022, to March 9, 2022;
- f. Records from Walgreens Pharmacy dated February 13, 2021, to May 13, 2022;
- g. Text messages between Dr. David Minkoff, M.D. and Whitney Mills from February 26, 2022, to April 27, 2022; and
- h. Autopsy and Toxicology Report from District Six Medical Examiner performed on Whitney Mills, Report dated May 16, 2022.

FACTUAL BACKGROUND

4. Dr. Minkoff is fellowship trained in Infectious Diseases and holds himself out as an expert in Lyme Disease and cancer. Dr. Minkoff had been seeing Whitney Mills as a patient since 2015 and was acting as her primary care physician. Since at least October 2017, Dr. Minkoff noted that Whitney Mills had a large ovarian cyst. *See* Bates MILLS000279.

5. Then on January 11, 2022, Whitney Mills began complaining to Dr. Minkoff that she had anxiety, trouble sleeping, and loss of appetite. She returned on February 17, 2022, filling out a questionnaire provided by Dr. Minkoff where she rated on the scale of 0-4 (with 0 being almost never and 4 described the effect as severe), that her depression, anxiety, mood swings, and irritability were each at a score of 5 (more than the maximum score allowed). She further stated she was suffering from headaches, was underweight, lethargic, fatigued, and had poor memory.

6. Over the course of the next several months, Whitney Mills would text Dr. Minkoff constantly begging for Dr. Minkoff to help her with her mental illness stating, "Is there anything else for the mental part? I'm seriously experiencing some mental illness. This is my biggest symptom is the mental part." Dr. Minkoff responds, "Got it. Got it. Drugs could numb you but you are OT. Put TR O in. It's a sensation. Its noise. It has no power over YOU. That's the truth. Eye of the tiger. You are loved. You have friends and LRH. Duplicate it. Dissolve it. That is your

power. You can be tone 40 with your TR O. That's you as cause. I know you can. ML, dm." Weeks later, on April 13, 2022, just under a month before her death, Whitney Mills texts Dr. Minkoff again stating, "Ok, is there anything else for the mental problems? I'm REALLY struggling with that part. This is the hardest part to be acting insane when I'm not." Dr. Minkoff does not reply directly to that message.

7. Instead, Dr. Minkoff began giving Whitney Mills low-dose Lithium. There is abundant literature showing that Lithium can help prevent suicide when administered in the proper dosage. This shows that Dr. Minkoff was aware of and attempted to treat Whitney Mills' psychosis.

8. In my review of the records from LifeWorks Wellness Center, it became clear that Dr. Minkoff diagnosed and began treating Whitney Mills for Lyme Disease. Dr. Minkoff also diagnosed the large ovarian cyst, which Whitney Mills had since at least 2017, as cancerous, stating on March 26, 2022, "Whitney came for a consult a few weeks ago. On her exam I found a large mass in her pelvis. It is a very large ovarian cancer born out by MRI and PET scan." *See Bates MILLS000541.* That cyst was later proved not to be cancerous during Whitney Mills' autopsy.

MEDICAL OPINION

9. Based upon my review of the records, and based upon my training, education and experience, it is my professional opinion, within a reasonable degree of probability, that Dr. David Minkoff, M.D. and the nursing staff including but not limited to, Sue Morgan, APRN, of LifeWorks Wellness Center, deviated from the prevailing professional standard of care in their treatment of Whitney Mills between January and May 2022, by failing to refer her to a psychiatrist or psychologist for a mental health treatment and evaluation, failing to conduct an appropriate workup to arrive at a differential diagnosis, and failing to prescribe appropriately for her psychosis.

10. The Joint Commission, the most prominent accrediting body for health care quality and safety in the United States, establishes guidelines for health care entities, such as hospitals, emergency centers, group practices and other health care entities. The Joint Commission has established quality standards for mental health integration into health care settings and, especially in recent years, specific recommendations for the prevention of suicide. These national healthcare-based suicide prevention standards (elements of performance) include:

- a. ensuring a safe healthcare environment,
- b. using validated suicide screening tools,
- c. moving to validated assessment methods when indicated,
- d. implementing safety planning and linkage to mental health services when indicated.

Dr. Minkoff's clinic, LifeWorks Wellness Center, chose not to pursue Joint Commission Accreditation. Further, they chose not to align themselves with Joint Commission mental health standards. Nevertheless, Joint Commission standards are often considered the touchstone for the standard of care.

11. Whitney Mills was treated by Dr. Minkoff in a doctor-patient relationship. General suicide prevention, mental health and health care ethics dictate that this doctor-patient relationship creates duties to:

- a. diagnose and treat the patient,
- b. meet the standards of care for physicians,
- c. act to protect the patient if self-harm or suicide risk is indicated,
- d. switch to alternative treatment or refer the patient to alternative services if the current treatment is not working and distress and illness are significant, and
- e. not abandon the patient in the context of severe medical or mental health illness, without linking the patient directly to alternative care.

12. A review of Dr. Minkoff's records indicates that insufficient attention was paid to even the most elemental suicide prevention measures— assessing and documenting the presence of explicit suicide risk factors (ideation, plan, intention, means, hopelessness, etc.), along with failing to create a viable safety plan, failing to provide adequate interventions to quell unbearable pain and mental torment over months of time, failing to implement adequate escalated levels of care for Whitney Mills when treatments were repeatedly unsuccessful, especially as she repeatedly solicited Dr. Minkoff to respond to her sustained mental anguish, hopelessness and emerging fatalistic perspective about any form of remedy.

13. A review of Dr. Minkoff's records further indicates that the signs and symptoms of an acute mental health crisis were also minimized and inadequately addressed over a several month period. Key risk factors of an acute mental health crisis include:

- a. immediate stresses that create a mental burden,
- b. relationship and interpersonal difficulties,
- c. symptoms of hyperarousal, and
- d. negative thoughts patterns.

These key acute mental health risk factors were evident in the deceased, according to medical records, over a sustained period without apparent concern for their potential to lead to impulsive, desperate action:

- e. significant immediate stressors (misdiagnosed cancerous cyst, financial problems, significant mental torment, anxiety, depression, and multiple health anxieties),
- f. interpersonal problems (grief and sadness from misdiagnosed cancerous cyst and sustained periods of interpersonal withdrawal and the inability to leave her home),
- g. hyperarousal (verbalized mental torment and headaches, agitation, restlessness, ongoing physical pain, intermittent and severely reduced sleep, ruminative worry, and anxiety), and

- h. suicide-related negative thoughts (hopelessness, statements that she was “suffering and going to die,” feeling unworthy and unloved, feeling like a failure, and having the mental state of unbearable pain).

14. Although arrangements were made for Church of Scientology caretakers to provide round-the-clock supervision of Whitney Mills, these caretakers did not have the requisite training to handle an acute mental health crisis, and this action did not represent an appropriate effort to seek an escalated level crisis care.

15. Dr. Minkoff also failed to conduct an appropriate workup which involves creating a list of suspected diseases, or differential diagnosis, that includes both common and uncommon diseases. This list helps guide the diagnosis process, and if a disease is not included, it is unlikely to be diagnosed. Among that list of potential diagnoses, it is clear that Dr. Minkoff should have included the potential that Whitney Mills was suffering from a mental health crisis, and a mental health disorder. Dr. Minkoff did not do so, and that failure to properly diagnose or obtain help for Whitney Mills’ mental health problems resulted in the death of patient via suicide, which otherwise could have been prevented had she received the appropriate care.

16. Although Dr. Minkoff began giving Whitney Mills low-dose Lithium, he should have been prescribing her a higher dose, which would have been more effective at helping prevent suicide. Further, Dr. Minkoff should have prescribed Whitney Mills a mix of antidepressants, tranquilizers, and serotonin/SSR’s for her ongoing state of distress and psychosis because the treatments that he was using were not working, and the standard of care required him to escalate his treatment.

17. It is my opinion, with a reasonable degree of professional certainty, that the above-described acts of malpractice, attributable to David Minkoff, M.D., by and through all of his agents, employers, employees, or apparent agents, constitute a substantial and proximate contributing cause of Whitney Mills’ decision to end her life. Whitney Mills was not referred to

an appropriate mental health professional, emergency center or psychiatric facility that could have intervened and given her the necessary treatment she needed for her depression, anxiety, insomnia, profound distress and hopelessness. Further, the misdiagnosis of Lyme Disease and cancerous cyst, without medical evidence, only created greater cause for concern and anxiety to the patient. Ultimately, the misdiagnosis and lack of referral to mental health services designed to address a mental health crisis substantially and proximately caused Whitney Mills to self-harm, resulting in her death by suicide.

18. It is my professional opinion that there exist reasonable grounds to support a claim of medical negligence against Dr. David Minkoff, M.D.

19. This Affidavit is submitted pursuant to the requirements of Florida Statute § 766.203.

20. I am qualified as an expert as that term is defined in Florida Statute § 766.202. I am duly and regularly engaged in the field of psychology.

21. I am by training, background, and experience a similar healthcare provider, as defined by Florida Statute § 766.102, and all applicable subparts.

22. I have devoted professional time during the five (5) years preceding the date of the occurrence that is the basis for this action to the active clinical practice of psychology and the instruction of students in an accredited health professional school.