

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

Civil Action No. 26-cv-00293

SUSAN ROTH,

Plaintiff,

v.

**CAPITAL REGION HEALTH CARE CORPORATION d/b/a CONCORD HOSPITAL;
TOWN OF WARNER, NEW HAMPSHIRE (WARNER POLICE DEPARTMENT); and
ELLIOT HEALTH SYSTEM d/b/a ELLIOT HOSPITAL,**

Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW Plaintiff Susan Roth, by and through counsel, and for her Complaint against Defendants Capital Region Health Care Corporation d/b/a Concord Hospital ("Concord Hospital"), the Town of Warner, New Hampshire, acting through its Warner Police Department ("Warner PD" or "Town of Warner"), and Elliot Health System d/b/a Elliot Hospital ("Elliot Hospital") (collectively "Defendants"), states and alleges as follows:

PARTIES

1. Plaintiff Susan Roth ("Ms. Roth" or "Plaintiff") is a natural person who, at the time of the events giving rise to this action, was a resident of the State of New Hampshire. Ms. Roth is a former law enforcement officer who served the public as an officer of the San Francisco, California Police Department ("SFPD") for many years, and has been diagnosed with Post-Traumatic Stress Disorder ("PTSD") as a direct result of her years of service with the SFPD. As a direct result of Defendants' conduct described herein, Ms. Roth has been constructively displaced from New Hampshire and no longer resides there. Ms. Roth currently resides in California
2. Defendant Capital Region Health Care Corporation, a New Hampshire nonprofit corporation doing business as Concord Hospital ("Concord Hospital"), has its principal place of business in Concord, New Hampshire. Concord Hospital operates affiliated outpatient and primary care facilities throughout the region, including an affiliate clinic

located in Warner, New Hampshire, operating under the name Family Tree of Warner (the "Family Tree Clinic"), through which Concord Hospital held itself out as a provider of medical services to the public. At all relevant times, the Family Tree Clinic and its staff acted as agents and/or employees of Concord Hospital.

3. Defendant Town of Warner, New Hampshire, acting through its Warner Police Department ("Warner PD"), is a municipal corporation organized under the laws of the State of New Hampshire. The Warner Police Department is the law enforcement agency of the Town of Warner and is subject to the Town's oversight, policies, customs, and training obligations. At all relevant times, Warner PD officers acted under color of state law within the meaning of 42 U.S.C. § 1983.
4. Defendant Elliot Health System d/b/a Elliot Hospital ("Elliot Hospital") is a New Hampshire nonprofit corporation with its principal place of business in Manchester, New Hampshire, operating an acute care hospital facility in Manchester, New Hampshire. Elliot Hospital detained Ms. Roth against her will for approximately five days beginning at approximately 1:30 a.m. on April 17, 2025, following her non-consensual inter-facility transfer from Concord Hospital.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question jurisdiction), as the claims arise in substantial part under the Constitution and laws of the United States, including 42 U.S.C. § 1983, the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and 18 U.S.C. § 1595 (civil trafficking).
6. This Court has supplemental jurisdiction over Plaintiff's related state law claims pursuant to 28 U.S.C. § 1367(a), as those claims are so related to the federal claims that they form part of the same case or controversy under Article III of the United States Constitution. Plaintiff's state law claims — including false imprisonment, defamation, intentional infliction of emotional distress, negligence, battery, and violations of RSA 135-C and RSA 354-A — all arise from the same nucleus of operative fact as the federal claims.
7. Alternatively, this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332, as Plaintiff is, upon information and belief, a citizen of a state other than New Hampshire following her constructive displacement from New Hampshire as a direct result of Defendants' wrongful conduct, all Defendants are citizens of New Hampshire, and the amount in controversy exceeds \$75,000 exclusive of interest and costs.
8. Venue is proper in the District of New Hampshire pursuant to 28 U.S.C. § 1391(b)(2), as a substantial part of the events or omissions giving rise to the claims occurred in New Hampshire, including in Warner (Merrimack County) and Manchester (Hillsborough County). Filing in this Court also resolves any intra-state venue complications arising from the fact that events giving rise to the claims occurred in two separate counties.

FACTUAL ALLEGATIONS

Ms. Roth's Background and Medical History

9. Plaintiff Susan Roth is a decorated former law enforcement officer who devoted years of her life to public service as an officer of the San Francisco, California Police Department ("SFPD").
10. As a direct result of her years of service in law enforcement, Ms. Roth was diagnosed with Post-Traumatic Stress Disorder ("PTSD"), a recognized and documented psychiatric disability arising from occupational exposure to traumatic events incurred in the line of duty.
11. Ms. Roth's PTSD diagnosis is a physical and/or mental impairment that substantially limits one or more of her major life activities within the meaning of the Americans with Disabilities Act, 42 U.S.C. § 12102, and the New Hampshire Human Rights Act, RSA 354-A:2.
12. At all relevant times, Concord Hospital and its Family Tree Clinic staff knew or should have known of Ms. Roth's PTSD diagnosis and her status as a patient seeking medical assistance for symptoms associated with that condition.

April 16, 2025 — The Family Tree of Warner: False Report and Police Response

13. On or about April 16, 2025, Ms. Roth voluntarily presented herself at Family Tree of Warner, a Warner, New Hampshire affiliate clinic of Defendant Concord Hospital — seeking medical assistance and support in connection with symptoms she was experiencing related to her CPTSD.
14. At the time of her presentation, Ms. Roth was experiencing CPTSD-related symptoms, including a state of emotional agitation and distress consistent with a CPTSD episode. Her presentation was a direct and foreseeable manifestation of her documented disability.
15. After providing little to no care, Ms. Roth left on her own accord and went home.
16. Rather than providing Ms. Roth with appropriate trauma-informed medical care, assessment, and treatment in accordance with accepted medical standards and applicable law, Family Tree Clinic staff contacted the Warner Police Department.
17. In connection with or prior to the arrival of Warner PD, Family Tree Clinic staff made false and materially inaccurate statements to Warner PD officers, including but not limited to the false assertions that Ms. Roth had threatened staff and that Ms. Roth was in possession of a firearm.

18. These statements were false. Ms. Roth did not make any threatening statements toward Family Tree Clinic staff. Ms. Roth did not possess, carry, or display any firearm to staff or anyone in the clinic, at any time on April 16, 2025.
19. The false statements made by Family Tree Clinic staff were made without reasonable basis in fact and recklessly or with knowledge of their falsity. These false statements were the direct and proximate cause of Warner PD's decision to respond to the Family Tree Clinic and take law enforcement action against Ms. Roth.
20. Warner PD officers responded to Ms. Roth's home and, acting in reliance on false information provided by Family Tree Clinic staff and without conducting an adequate independent investigation, compelled Ms. Roth to be transported to Concord Hospital in Concord, New Hampshire.
21. Warner PD's response to a patient in psychiatric distress — a fellow public servant experiencing a CPTSD episode — without adequate de-escalation training, without trauma-informed crisis protocols, and in reliance on unverified and inflammatory false information, reflects the policies, customs, and failures of training of the Town of Warner for which the Town is directly liable under *Monell v. Department of Social Services*, 436 U.S. 658 (1978).

April 16–17, 2025 — Concord Hospital: Consent to 72-Hour Observation and Non-Consensual Transfer

22. Ms. Roth agreed to go with the officers for observation at Concord Hospital in Concord, NH. Around 1:30 PM EST.
23. At Concord Hospital, Ms. Roth agreed — under the circumstances then presented to her and without the benefit of independent advice — to submit to a voluntary 72-hour observation period at Concord Hospital. Her agreement to this limited observation was not a blanket consent to any inter-facility transfer, extended detention, or treatment beyond that period and at that facility
24. In the early morning hours of April 17, 2025, at approximately 1:30 a.m., Concord Hospital trafficked Ms. Roth to Elliot Hospital in Manchester, New Hampshire. This transfer was accomplished without Ms. Roth's knowledge, agreement, or consent, and was carried out in the middle of the night, without affording Ms. Roth any meaningful opportunity to object, consult with counsel, or contact family or support persons.
25. Ms. Roth was transported against her will, without shoes and in handcuffs, though she was a voluntary admittance to Concord Hospital.
26. The 1:30 a.m. transfer was accomplished in direct contravention of Ms. Roth's rights as a patient and in excess of any consent she had given. The timing, manner, and circumstances of the transfer — in the middle of the night, without notice, without

consent, to a separate facility in a different city — reflect deliberate indifference to Ms. Roth's rights and well-being.

27. The non-consensual transfer of Ms. Roth from Concord Hospital to Elliot Hospital at 1:30 a.m. on April 17, 2025, constituted a separate, independent act of unlawful detention and trafficking, distinct from the initial transport from her home in Warner, NH.

April 17–Approximately April 24, 2025 — Elliot Hospital: Unlawful Detention, Inhumane Conditions, and Physical Injury

28. Upon Ms. Roth's non-consensual arrival at Elliot Hospital at approximately 1:30 a.m. on April 17, 2025, Elliot Hospital assumed custody and control over Ms. Roth and detained her against her will for a period of approximately six (6) days.
29. Ms. Roth did not consent to admission at Elliot Hospital. She had not agreed to be transferred there, had not been evaluated or accepted as a voluntary patient at that facility, and was not provided a meaningful opportunity to contest her detention upon arrival.
30. Elliot Hospital had actual and constructive knowledge that Ms. Roth's presence at the facility was the product of a non-consensual, middle-of-the-night inter-facility transfer and that Ms. Roth had not voluntarily agreed to treatment or detention at Elliot Hospital.
31. The conditions of Ms. Roth's detention at Elliot Hospital were inhumane, unsuitable, and wholly inconsistent with Ms. Roth's medical needs, her rights as a patient, applicable standards of care, and basic standards of human dignity.
32. During her detention at Elliot Hospital, Ms. Roth sustained a hip injury. This injury was caused by the conditions of her detention, the actions of Elliot Hospital staff, and/or the failure of Elliot Hospital to provide adequate and appropriate care. The hip injury has caused Ms. Roth ongoing pain, limitation of mobility, and reduced activity level.
33. Elliot Hospital's detention of Ms. Roth under inhumane conditions, its failure to provide appropriate care consistent with her diagnosis and needs, and its causing or failure to prevent the hip injury she sustained, reflect deliberate indifference to Ms. Roth's rights, safety, and well-being.
34. Throughout her detention at Elliot Hospital, Ms. Roth was subjected to bullying and coercive treatment that compounded the harm she had already suffered. Ms. Roth — a decorated former public servant who had turned to the medical system for help — was at her most vulnerable, and the conduct of all Defendants completely destroyed her trust in both the medical and law enforcement systems of the State of New Hampshire.

Ms. Roth's Ongoing Harm and Constructive Displacement from New Hampshire

35. As a direct and proximate result of Defendants' actions, Ms. Roth has lost all trust in the medical care system and the law enforcement system in the State of New Hampshire. The conduct of Defendants — medical providers who responded to a vulnerable patient seeking care for a service-connected disability by calling police on false pretenses; law enforcement officers who acted without adequate investigation or protocol; and a hospital that held her against her will in inhumane conditions and caused her a hip injury — has made it impossible for Ms. Roth to seek or receive medical care or feel protected in New Hampshire.
36. Ms. Roth no longer feels safe in the State of New Hampshire and has been constructively displaced from her home state as a direct result of Defendants' conduct. She has stated that she will not return to New Hampshire until this matter is resolved.
37. This displacement from her home, community, and established life constitutes ongoing, continuing harm flowing directly from Defendants' wrongful acts. Ms. Roth has been deprived not only of her liberty, but of her sense of safety, her connection to her home state, and her ability to access medical care without fear of being subjected to further abuse.
38. The harm caused by Defendants was total: it attacked Ms. Roth at her most vulnerable moment, weaponized the medical system she turned to for help, used law enforcement against a fellow public servant, trafficked her across the state in the middle of the night, and subjected her to inhumane conditions that caused permanent physical injury, leaving her with zero trust in the institutions that are supposed to provide care and protection to the citizens of New Hampshire.

CAUSES OF ACTION

COUNT I — FALSE IMPRISONMENT

(Against All Defendants)

39. Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.
40. Defendants, through their respective agents, servants, and employees, intentionally and without lawful justification caused Ms. Roth to be confined and restrained against her will.
41. Defendants' conduct caused three distinct, actionable acts of confinement: (a) the initial forced transport of Ms. Roth to Concord Hospital, precipitated by Family Tree Clinic's false report to Warner PD and Warner PD's response without adequate investigation; (b) the non-consensual transfer of Ms. Roth from Concord Hospital to Elliot Hospital at 1:30

a.m. on April 17, 2025, in excess of any consent Ms. Roth had given; and (c) the unlawful detention of Ms. Roth at Elliot Hospital for approximately one week without her consent and without lawful authority.

42. Ms. Roth was conscious of and directly harmed by each period of her confinement.
43. As a direct and proximate result of Defendants' false imprisonment of Ms. Roth, Plaintiff suffered loss of liberty, physical harm, including a hip injury, emotional distress, humiliation, and other damages.

COUNT II — DEFAMATION / SLANDER

(Against Defendant Concord Hospital)

44. Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.
45. Concord Hospital's Family Tree Clinic agents, servants, and employees made false statements of fact to Warner PD officers, including that Ms. Roth had threatened staff and that Ms. Roth was in possession of a firearm.
46. These statements were false and Family Tree Clinic staff knew or should have known of their falsity at the time they were made.
47. These statements were published to third parties, including Warner PD officers, and were understood by those third parties to concern Ms. Roth.
48. The false statements were defamatory per se, as they attributed criminal conduct to Ms. Roth including the unlawful possession and/or display of a firearm and the making of criminal threats.
49. As a direct and proximate result of Concord Hospital's false and defamatory statements, Ms. Roth suffered injury to her reputation, loss of liberty, emotional distress, and other damages.

COUNT III — INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(Against All Defendants)

50. Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.
51. Defendants' conduct — including making false and inflammatory statements to law enforcement about a vulnerable PTSD patient seeking medical care; using the police against a fellow public servant experiencing a service-connected psychiatric episode; transferring Ms. Roth across the state in the middle of the night without consent; and subjecting her to inhumane detention conditions that caused her a hip injury and

destroyed her sense of safety — was extreme and outrageous and beyond all bounds of decency tolerated in a civilized society.

52. Defendants either intended to cause, or acted with reckless disregard of the substantial probability of causing, severe emotional distress to Ms. Roth.
53. As a direct and proximate result of Defendants' extreme and outrageous conduct, Ms. Roth suffered and continues to suffer severe emotional distress, exacerbation of her underlying CPTSD, psychological harm, constructive displacement from her home state, and other damages.

COUNT IV — NEGLIGENCE

(Against All Defendants)

54. Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.
55. Concord Hospital and its Family Tree Clinic, as health care providers, owed Ms. Roth a duty of reasonable care, including a duty to provide trauma-informed assessment and treatment, a duty to refrain from making false reports to law enforcement, a duty to properly assess and communicate Ms. Roth's condition and history, and a duty to comply with applicable law governing emergency and involuntary psychiatric procedures, including those governing inter-facility transfers.
56. Warner PD and the Town of Warner owed Ms. Roth a duty of reasonable care in the execution of law enforcement functions, including a duty to conduct reasonable investigation before acting on information received from third parties, and a duty to employ appropriate mental health crisis response protocols.
57. Elliot Hospital, as a health care provider and the facility that assumed custody and control over Ms. Roth upon her 1:30 a.m. transfer, owed Ms. Roth a duty of reasonable care, including a duty to provide appropriate medical and psychiatric treatment, a duty to maintain humane and safe conditions of care, a duty to prevent and promptly address physical injuries, and a duty to comply with applicable law governing the rights of patients subject to involuntary detention.
58. Defendants breached their respective duties by, among other things: (a) making materially false statements to law enforcement without reasonable basis; (b) failing to conduct adequate independent investigation before compelling Ms. Roth's transport; (c) transferring Ms. Roth across the state in the middle of the night without her consent and beyond the scope of any authorized observation; (d) detaining Ms. Roth at Elliot Hospital without consent and without lawful authority; (e) maintaining inhumane conditions of detention at Elliot Hospital; and (f) causing or failing to prevent the hip injury Ms. Roth sustained during her detention at Elliot Hospital.

59. As a direct and proximate result of Defendants' negligence, Ms. Roth suffered physical harm including a hip injury, emotional harm, loss of liberty, exacerbation of her CPTSD, and other damages.

COUNT V — BATTERY

(Against Defendants Concord Hospital, Elliot Hospital, and Town of Warner)

60. Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.
61. Defendants' agents, servants, and/or employees made intentional, harmful, and offensive physical contact with Ms. Roth without her consent, including but not limited to the physical conduct associated with her forced transport and/or the physical handling of Ms. Roth during her detention at Elliot Hospital that caused or contributed to the hip injury she sustained.
62. Ms. Roth did not consent to the physical contact that caused her hip injury, and such contact was harmful and offensive.
63. As a direct and proximate result of Defendants' battery, Ms. Roth suffered a hip injury causing ongoing pain, limited mobility, and reduced activity level, as well as emotional distress and other damages.

COUNT VI — VIOLATION OF THE AMERICANS WITH DISABILITIES ACT

42 U.S.C. § 12101 et seq. — Title II and Title III

(Against All Defendants)

64. Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.
65. Ms. Roth is a person with a disability within the meaning of the ADA, 42 U.S.C. § 12102, by virtue of her PTSD diagnosis, which substantially limits one or more major life activities.
66. Defendants Concord Hospital and Elliot Hospital operate places of public accommodation within the meaning of Title III of the ADA, 42 U.S.C. § 12182.
67. Defendant Town of Warner and its Warner Police Department are public entities within the meaning of Title II of the ADA, 42 U.S.C. § 12131, and are required to provide equal access to and equal benefit from law enforcement services without discrimination on the basis of disability.

68. Concord Hospital discriminated against Ms. Roth on the basis of her disability by failing to modify its policies, practices, and procedures to provide appropriate treatment to a PTSD patient, and by treating her disability symptoms as a basis for a false police report.
69. The Town of Warner and Warner PD discriminated against Ms. Roth on the basis of her disability by failing to employ disability-competent crisis response protocols and failing to provide reasonable modifications to law enforcement procedures when responding to a person in documented psychiatric distress.
70. Elliot Hospital discriminated against Ms. Roth on the basis of her disability by failing to provide appropriate treatment and reasonable accommodations consistent with her documented psychiatric disability, by detaining her under inhumane conditions, and by failing to ensure her safety and physical wellbeing during her involuntary detention.
71. As a direct and proximate result of Defendants' violations of the ADA, Ms. Roth suffered injury, harm, and damages as set forth herein.

COUNT VII — VIOLATION OF SECTION 504 OF THE REHABILITATION ACT

29 U.S.C. § 794

(Against Defendants Concord Hospital and Elliot Hospital)

72. Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.
73. Concord Hospital and Elliot Hospital are, upon information and belief, recipients of federal financial assistance within the meaning of Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, including but not limited to Medicare and Medicaid reimbursements.
74. Ms. Roth is an individual with a disability within the meaning of the Rehabilitation Act.
75. Defendants Concord Hospital and Elliot Hospital each discriminated against Ms. Roth solely by reason of her disability in programs or activities receiving federal financial assistance, in violation of 29 U.S.C. § 794.
76. As a direct and proximate result of Defendants' violations of Section 504, Ms. Roth suffered injury and damages as set forth herein.

COUNT VIII — VIOLATION OF NH HUMAN RIGHTS ACT, RSA 354-A

(Against All Defendants)

77. Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.

78. The New Hampshire Human Rights Act, RSA 354-A:17, prohibits discrimination against persons with disabilities in places of public accommodation.
79. Ms. Roth's CPTSD constitutes a disability within the meaning of RSA 354-A:2, XIV.
80. Defendants' facilities and services constitute places of public accommodation within the meaning of RSA 354-A:2, XV.
81. By responding to Ms. Roth's CPTSD symptoms with a false police report rather than appropriate accommodating care; by subjecting her to a non-consensual middle-of-the-night transfer; and by detaining her in inhumane conditions that caused her a hip injury, Defendants discriminated against Ms. Roth on the basis of her disability in violation of RSA 354-A:17.
82. As a direct and proximate result of Defendants' violations of the NH Human Rights Act, Ms. Roth suffered harm and damages as set forth herein.

COUNT IX — CIVIL TRAFFICKING

NH RSA 633:7; 18 U.S.C. § 1595

(Against All Defendants)

83. Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.
84. New Hampshire RSA 633:7 prohibits the trafficking of persons, including recruiting, harboring, transporting, or obtaining persons through force, fraud, or coercion.
85. 18 U.S.C. § 1595 provides a civil cause of action to victims of trafficking in persons as defined under federal law.
86. Defendants engaged in a coordinated, multi-stage course of conduct constituting trafficking: (a) Concord Hospital's Family Tree Clinic staff, by making materially false statements to Warner PD — including the false assertion that Ms. Roth was armed and threatening — obtained by fraud and coercion the forcible transport of Ms. Roth from the Family Tree Clinic to Concord Hospital; (b) Warner PD, by acting on false information without adequate investigation, served as the instrument of that initial forced transport; and (c) Concord Hospital, without Ms. Roth's consent and in excess of any authorized observation, transported Ms. Roth at 1:30 a.m. on April 17, 2025 to Elliot Hospital in Manchester, where she was detained against her will for approximately one week under inhumane conditions and sustained a hip injury. Each of these acts independently constitutes or contributes to a continuous course of trafficking conduct under applicable law.
87. Elliot Hospital, by knowingly accepting and detaining Ms. Roth following a non-consensual, middle-of-the-night inter-facility transfer, and by maintaining her in

inhumane conditions, harbored and detained Ms. Roth in furtherance of the trafficking conduct.

88. As a direct and proximate result of Defendants' trafficking of Ms. Roth, Plaintiff suffered loss of liberty, a hip injury, severe emotional distress, constructive displacement from her home state, and other damages.

COUNT X — VIOLATION OF 42 U.S.C. § 1983

Fourth and Fourteenth Amendments

(Against Town of Warner / Warner PD and Concord Hospital as Joint Actor)

89. Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.
90. At all relevant times, Warner PD officers acted under color of state law within the meaning of 42 U.S.C. § 1983.
91. Concord Hospital, through its Family Tree Clinic staff, acted jointly and in concert with Warner PD state actors by providing false information that directly caused Warner PD's seizure of Ms. Roth, rendering Concord Hospital liable as a state actor under the joint action doctrine. See *Dennis v. Sparks*, 449 U.S. 24 (1980); *Lugar v. Edmondson Oil Co.*, 457 U.S. 922 (1982).
92. Warner PD officers, acting in reliance on unverified false information and without adequate independent investigation, seized and compelled the transport of Ms. Roth without probable cause and without lawful basis, in violation of Ms. Roth's rights under the Fourth Amendment to the United States Constitution.
93. The prolonged, non-consensual detention of Ms. Roth — including the 1:30 a.m. transfer to and week-long confinement at Elliot Hospital under inhumane conditions — constituted a deprivation of her liberty without due process of law in violation of the Fourteenth Amendment to the United States Constitution.
94. As a direct and proximate result of Defendants' constitutional violations, Ms. Roth suffered loss of liberty, physical and emotional harm, and she is entitled to compensatory damages, punitive damages, and attorneys' fees pursuant to 42 U.S.C. § 1988.

COUNT XI — MUNICIPAL LIABILITY UNDER 42 U.S.C. § 1983

Monell v. Department of Social Services, 436 U.S. 658 (1978)

(Against Defendant Town of Warner)

95. Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.
96. The constitutional violations suffered by Ms. Roth were caused by the policies, customs, practices, and/or failures of training of the Town of Warner, for which the Town is directly liable under *Monell v. Department of Social Services*, 436 U.S. 658 (1978).
97. Upon information and belief, the Town of Warner, acting through Warner PD, had a policy, custom, or practice of: (a) responding to mental health and psychiatric crisis calls without adequate training in de-escalation, trauma-informed response, or mental health crisis protocols; (b) acting upon third-party reports concerning alleged psychiatric emergencies without conducting adequate independent investigation; and/or (c) failing to recognize and appropriately accommodate the constitutional rights of persons experiencing documented psychiatric disabilities during law enforcement encounters.
98. The Town of Warner's failure to adequately train Warner PD officers constitutes deliberate indifference to the constitutional rights of persons such as Ms. Roth. See *City of Canton v. Harris*, 489 U.S. 378 (1989).
99. The Town of Warner's unconstitutional policies, customs, and/or failures of training were the moving force behind the constitutional violations suffered by Ms. Roth on April 16, 2025.
100. As a direct and proximate result of the Town of Warner's unconstitutional policies, customs, and failures of training, Ms. Roth suffered loss of liberty, physical harm, emotional harm, exacerbation of her PTSD, and other damages.

COUNT XII — VIOLATION OF NH RSA 135-C

Involuntary Emergency Admission — Procedural Violations

(Against Defendants Concord Hospital and Elliot Hospital)

101. Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.
102. New Hampshire RSA Chapter 135-C establishes the statutory procedures governing involuntary emergency admissions for mental health evaluation and treatment, including requirements for physician certification, patient notice, and judicial review.
103. To the extent any involuntary emergency admission or detention of Ms. Roth was purportedly authorized under RSA 135-C, Concord Hospital and/or Elliot Hospital failed to comply with the procedural and substantive requirements of that chapter.
104. The non-consensual inter-facility transfer of Ms. Roth from Concord Hospital to Elliot Hospital at 1:30 a.m. on April 17, 2025, if purportedly authorized under RSA 135-C:27 or any other provision, was accomplished without compliance with applicable statutory requirements.

105. As a direct and proximate result of Concord Hospital's and Elliot Hospital's violations of RSA 135-C, Ms. Roth's involuntary detention lacked lawful authority and she suffered unlawful deprivation of liberty and related damages.

DAMAGES

106. As a direct and proximate result of Defendants' acts and omissions described herein, Plaintiff Susan Roth has suffered, and continues to suffer, damages including:

- (a) Loss of liberty and freedom of movement;
- (b) A hip injury sustained during her detention at Elliot Hospital, causing ongoing pain, limitation of mobility, and reduced activity level;
- (c) Severe emotional distress and psychological harm, including exacerbation of her preexisting PTSD and complete destruction of her trust in New Hampshire's medical care and law enforcement systems;
- (d) Constructive displacement from her home state of New Hampshire, where she no longer feels safe and to which she has been unable to return;
- (e) Humiliation, embarrassment, and loss of dignity;
- (f) Harm to reputation;
- (g) Economic damages, including lost income, costs of relocation, and out-of-pocket expenses;
- (h) Medical expenses past and future, including treatment for her hip injury;
- (i) Punitive and exemplary damages in connection with Defendants' reckless and/or intentional misconduct; and
- (j) Such other and further damages as may be established at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Susan Roth respectfully requests that this Court enter judgment in her favor and against Defendants, jointly and severally, and award the following relief:

- A. Compensatory damages in an amount to be determined at trial, including all special and general damages arising from Defendants' wrongful conduct;

- B. Punitive damages as authorized by law, to punish Defendants for their reckless and intentional misconduct and to deter similar conduct in the future;
- C. Declaratory and injunctive relief requiring Defendants to implement appropriate policies, training, and procedures for the treatment of patients and persons with PTSD and other mental health disabilities, including trauma-informed care protocols, humane conditions of involuntary detention, and ADA-compliant law enforcement crisis response training;
- D. Attorneys' fees and costs pursuant to 42 U.S.C. § 1988, the ADA, Section 504, and applicable New Hampshire law;
- E. Pre-judgment and post-judgment interest as permitted by law; and
- F. Such other and further relief as this Court deems just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff Susan Roth hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

/s/ Aaron A. Archambault

Aaron A. Archambault, Esq.

NH Bar No. 276308

A A Archambault PLLC

578 Dustin Road

Hopkinton, NH 03229

Attorney for Plaintiff Susan Roth

Date: _____April 16th, 2026_____

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(d)(1), I hereby certify that on the date set forth below, a true and correct copy of the following document(s):

- (1) Complaint and Demand for Jury Trial;**
- (2) Summons**
- (3) Civil Cover Sheet**

was served upon each of the following attorneys or parties in the manner described below:

DEFENDANT 1:

Name: Capital Region Health Care Corporation d/b/a Concord Hospital
Address: 250 Pleasant Street, Concord, NH 03301
Manner: CM/ECF Electronic Service U.S. Mail, First Class, Postage Prepaid Certified Mail, Return Receipt Requested Personal Service
 Other: _____
Date of Mail Service: _____ April 16th, 2026 _____
ECF Filing Date: _____ April 16th, 2026 _____

DEFENDANT 2:

Name: Town of Warner, New Hampshire (Warner Police Department)
Address: Town Manager / Town Counsel 5 East Main Street, Warner, NH 03278
Manner: CM/ECF Electronic Service U.S. Mail, First Class, Postage Prepaid Certified Mail, Return Receipt Requested Personal Service Other: _____
Date of Mail Service: _____ April 16th, 2026 _____
ECF Filing Date: _____ April 16th, 2026 _____

DEFENDANT 3:

Name: Elliot Health System d/b/a Elliot Hospital
Address: 1 Elliot Way, Manchester, NH 03103
Manner: CM/ECF Electronic Service U.S. Mail, First Class, Postage Prepaid Certified Mail, Return Receipt Requested Personal Service Other: _____
Date of Mail Service: ___ April 16th, 2026 _____
ECF Filing Date(: ___ April 16th, 2026 _____

/s/ Aaron A. Archambault

Aaron A. Archambault, Esq.
NH Bar No. 276308
A A Archambault PLLC
578 Dustin Road
Hopkinton, NH 03229
Attorney for Plaintiff Susan Roth

Date: ___ April 16th, 2026 _____