

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

MILLS SADAT DOWLAT LLP
Arash Sadat (SBN 279282)
Camron Dowlatshahi (SBN 308618)
333 South Hope Street, 40th Floor
Los Angeles, California 90071
Telephone: (213) 613-9434
Email: arash@msdlawyers.com
Email: camron@msdlawyers.com

Attorneys for Plaintiffs
Aaron Deily and Jennifer Deily

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
11/20/2024 3:09:16 PM
Clerk of the Superior Court
By C. Miranda ,Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

AARON DEILY, individually and in his
capacity as administrator of the estate of
Dean “Alice” Deily; JENNIFER DEILY, an
individual,

Plaintiff,

v.

BH-SD DD OPCO, LLC dba Jackson House
Recovery Center, a Delaware limited liability
company; and DOES 1 through 10, inclusive,

Defendants.

Case No. 24CU024146C

**AARON DEILY AND JENNIFER DEILY’S
COMPLAINT FOR:**

**(1) WRONGFUL DEATH SOUNDING IN
NEGLIGENCE**

(2) NEGLIGENCE UNDERTAKING

**(3) VIOLATION OF THE ELDER ABUSE
AND DEPENDENT ADULT CIVIL
PROTECTIVE ACT**

(4) SURVIVORSHIP

JURY TRIAL DEMANDED

1 Plaintiffs Aaron Deily, individually and in his capacity as administrator of the estate of
2 Dean “Alice” Deily, and Jennifer Deily, an individual (collectively, (“Plaintiffs”), bring this action
3 against defendant BH-SD DD OPCO, LLC dba Jackson House Recovery Center (“Jackson
4 House”), a Delaware limited liability company, and Does 1 through 25, inclusive (collectively,
5 “Defendants”) and allege as follows.

6 NATURE OF THE CASE

7 1. Like millions of Americans, 21-year-old Dean “Alice” Deily (“Decedent”),
8 struggled with opioid addiction and substance use disorder. Despite a history of anxiety,
9 depression, and bipolar disorder, Decedent refused to be defined by these challenges. According to
10 her medical records, Decedent” made a decision to choose life.”

11 2. In January 2024, Decedent bravely decided it was time to seek treatment at a drug
12 detoxification facility. Decedent chose Jackson House since Jackson House is a drug rehabilitation
13 center licensed by the California Department of Health Care Services (“DHCS”). Jackson House
14 advertises itself as an addiction treatment and recovery center offering both detox and residential
15 treatment services. Decedent trusted Jackson House to be an ally on the path to sobriety.

16 3. On January 13, 2024, Decedent was admitted to Jackson House to begin the detox
17 process. During the admission process, Decedent provided all relevant medical information
18 including Decedent’s allergy to peanuts to Jackson House staff. For the first four days, Decedent
19 underwent detoxification, which included medications provided by Jackson House.

20 4. After Decedent’s initial detox treatment, Decedent was transferred to the residential
21 treatment program within Jackson House on January 18, 2024, program that offered medication
22 and individual and group therapy. Decedent took advantage of these new opportunities. Decedent
23 regularly attended and participated in group therapy sessions. Decedent was optimistic about
24 sobriety. However, Decedent’s path towards sobriety was abruptly cut short.

25 5. Around 10:00 p.m. on January 23, 2024, Decedent was eating a snack Jackson
26 House had provided. Decedent began to feel off and informed staff at Jackson House that
27 Decedent believed the snack Jackson House provided contained peanuts. By the time medical staff
28 began to treat Decedent for an allergic reaction, but it was too late. Decedent had gone into shock

1 and was declared dead at Scripps Mercy Hospital in San Diego at 11:34 p.m. The autopsy report
2 revealed that Decedent died of allergic reaction due to ingesting food containing peanuts.

3 6. These facts, in addition to the others set forth below, demonstrate a course of
4 conduct tantamount to a total failure by Jackson House to provide care to Decedent while under its
5 care.

6 7. Jackson House had knowledge of Decedent's allergies. Not only was this
7 information freely provided by Decedent at intake, but the information was present at the
8 beginning of almost every page in Decedent's medical file. Despite this—and while Decedent was
9 experiencing withdrawal symptoms and side effects from the medication that she was prescribed—
10 Jackson House allowed Decedent to access and consume food containing peanuts. Jackson House
11 claims that “food is a vital part of recovery.”¹ Here, the food Jackson House negligently provided
12 killed Decedent.

13 8. Jackson House advertises itself on its website as an addiction treatment and
14 recovery center committed to providing a treatment center that provides “24/7 support and gives
15 you a safe environment to fully focus on your recovery.”² The services Jackson House offers
16 include:

- 17 a. During the first 72 hours, patients will meet with a psychiatrist or nurse
18 practitioner that will tailor the treatment plan to individual needs;
- 19 b. Supervised detox under the care of medical staff;
- 20 c. Individual and group therapy to learn coping skills from our experienced
21 team of professionals and certified peers;
- 22 d. Immersive activities to teach you how to manage stress and ongoing
23 support.

24 9. Jackson House used these promises to lure clients into its care while receiving
25 thousands of dollars per day, per client. Simply put, Jackson House failed to deliver on these
26 promises and failed to provide the “safe environment” that it advertised.

27 _____
¹ https://www.jacksonhouserehab.com/about/#pos_1584.

28 ² <https://www.jacksonhouserehab.com/treatment/opioid-addiction/>.

1 fictitiously named defendants is responsible in some manner for the occurrences herein alleged and
2 that Plaintiffs' damages were proximately caused by said defendants' conduct.

3 **FIRST CAUSE OF ACTION**

4 **Wrongful Death Sounding in Negligence**

5 (Against All Defendants)

6 16. Plaintiff repeats and re-alleges each and every allegation set forth in the foregoing
7 paragraphs of this complaint as though set forth fully herein.

8 17. Defendant Jackson House represented itself as an addiction treatment and recovery
9 center capable of providing a supportive environment for recovery from opioid addiction and
10 substance use disorder. Accordingly, Jackson House owed Decedent a duty to adequately
11 supervise Decedent, and to deliver treatments, services, and support with the same level of skill,
12 knowledge, training, and experience that a reasonably prudent drug and alcohol rehabilitation
13 facility would provide under similar circumstances. Relying on these representations, Decedent
14 entrusted Jackson House with Decedent's health and safety.

15 18. This entrustment created a duty of care on the part of Jackson House to exercise
16 appropriate care, supervision, oversight, control, advice, guidance, and other services to safeguard
17 Decedent's health and well-being. This included duties to: (a) conduct an intake (including an
18 adequate physical assessment) and design an appropriate detoxification plan for Decedent; (b)
19 appropriately monitor Decedent during the detoxification process; and (c) provide Decedent a safe
20 environment during the detoxification process.

21 19. Additionally, Jackson House had a duty to comply with laws and regulations
22 governing the operation of residential detoxification programs and implemented to protect the
23 safety of residents in such programs. These laws and regulations include, without limitation,
24 California Code of Regulations, Title 9, Division 4, Chapter 5, Sections 10563, 10568, and 10569,
25 as well as DHCS Alcohol and/or Other Drug Program Certification Standards 11000, 11030,
26 12000, 12020, and 16000. Decedent was within the class of individuals these laws and regulations
27 were designed to protect.

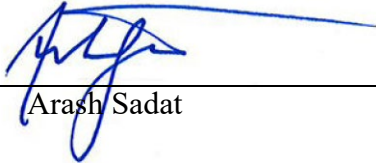
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- D. An award of burial, funeral, and related damages in an amount to be proven at trial;
- E. An award of wrongful death damages, including the loss of love, society, affection, (present and future) in an amount to be proven at trial;
- F. An award of attorney’s fees pursuant to Welfare and Institutions Code section 15657;
- G. An award of costs of suit incurred herein;
- H. Prejudgment and post-judgment interest at the maximum legally allowable rate; and
- I. Such other relief that the Court deems just and proper.

Dated: November 20, 2024

MILLS SADAT DOWLAT LLP

By: 
Arash Sadat

Attorneys for Plaintiffs
Aaron Deily and Jennifer Deily