

Approved, SCAO

STATE OF MICHIGAN

6th JUDICIAL
JUDICIAL CIRCUIT
COUNTY PROBATE

SUMMONS AND COMPLAINT

Court address

1200 N. Telegraph Rd., Pontiac, MI 48341

Plaintiff name(s), address(es) and telephone no(s).
STEVEN WOODWARD

v

Defendant name(s), address(es), and telephone no(s).

TRINITY HEALTH-MICHIGAN
Resident Agent, Daniel Hale
27870 Cabot Drive, Novi, MI 48377

Plaintiff attorney, bar no., address, and telephone no.

NICOLETTI & ASSOCIATES, P.C.
Paul J. Nicoletti P44419
39520 Woodward Ave., Ste 200
Bloomfield Hills, MI 48304
(248) 203-7800
(248) 203-2968 Fax

SUSAN CATHERINE ZONIA
25845 Lochmoor Lane
Novi, MI 48374

AMERICAN UNIVERSITY OF ANTIGUA COLLEGE OF
MEDICINE
2 Wall Street, 10th Floor
New York, NY 10005

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan, you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to **file an answer with the court** and serve a copy on the other party or **take other lawful action with the court** (28 days if you were served by mail or you were served outside this state). MCR 2.111(C)
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued DEC 20 2007	This summons expires MAR 20 2008	Court clerk RUTH JOHNSON
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*This summons is invalid unless served on or before its expiration date.

This document must be sealed by the seal of the court.

COMPLAINT

Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

Family Division Cases

- There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
- An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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General Civil Cases

- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.

The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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VENUE

Plaintiff(s) residence (include city, township, or village) Flint, Michigan	Defendant(s) residence (include city, township, or village) Pontiac, Michigan
Place where action arose or business conducted Pontiac, Michigan	

12/20/07

Date


Signature of attorney/plaintiff Paul J. Nicoletti P44419

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you to fully participate in court proceedings, please contact the court immediately to make arrangements.

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND**

STEVEN WOODWARD,

Plaintiff,

v

Case No. 07-
Hon.

-CZ

TRINITY HEALTH-MICHIGAN,
A Michigan Domestic Nonprofit Corporation,
SUSAN CATHERINE ZONIA,
An Individual,
AMERICAN UNIVERSITY OF ANTIGUA
COLLEGE OF MEDICINE,
A Foreign Corporation,

Defendants.

NICOLETTI & ASSOCIATES, P.C.
Paul J. Nicoletti P44419
Attorney for Plaintiff
39520 Woodward Ave., Ste 200
Bloomfield Hills, MI 48304
(248) 203-7800 / Fax: (248) 203-7801

**There is no other pending civil action arising
out of the transaction or occurrence alleged in this Complaint**

VERIFIED COMPLAINT AND JURY DEMAND

NOW COMES Plaintiff, by and through his counsel, Nicoletti & Associates, P.C. and for his Complaint against the above named Defendants, states as follows:

JURISDICTION

1. Plaintiff, Steven Woodward, is an individual residing in Flint, Michigan and in the process of being educated at Defendant, Trinity Health-Michigan's St. Joseph Mercy Oakland, located in Pontiac, Michigan.
2. Defendant, Trinity Health-Michigan, is a Michigan Domestic Nonprofit corporation conducting business through St. Joseph Mercy Oakland, in Pontiac, Michigan.

3. Defendant, Susan Catherine Zonia, is an individual and an employee of St. Joseph Mercy Oakland, residing at 25845 Lochmoor Lane, Novi, MI 48374.
4. Defendant, American University of Antigua College Of Medicine, is a foreign corporation maintaining business offices at 2 Wall Street, 10th Floor, New York, New York, 10005.
5. The amount in controversy exceeds Twenty-Five Thousand dollars (\$25,000.00), not including costs, interest or attorney fees, and is otherwise within the jurisdiction and venue of this Court.

COUNT I – LIBEL/SLANDER (TRINITY HEALTH-MICHIGAN)

6. Plaintiff incorporates by reference the preceding allegations of this Complaint as though fully set forth herein.
7. Plaintiff, Steven Woodward is a student in his last semester and currently enrolled at Defendant, American University of Antigua College of Medicine.
8. As part of his educational requirement, he was assigned to Defendant, Trinity Health-Michigan, conducting business through St. Joseph Mercy Oakland, in Pontiac, Michigan.
9. On December 17, 2007, Defendant, Trinity Health-Michigan, conducting business through St. Joseph Mercy Oakland, through and by its employee, Defendant, Susan Catherine Zonia, published a derogatory, slanderous, libelous, and defamatory letter/memorandum directed to Ernesto Calderon, M.D., that stated:

[SEE INSERT BELOW]

TO: Ernesto Calderon, M.D.
FROM: Susan Zonia, Ph.D.
RE: V Semester
DATE: December 17, 2007

We have been reviewing our experiences with offering the V Semester for the first time. As with any new program, it was not without its hitches and student adjustment issues. However, we found the attitude and demeanor of Steven Woodward to be completely inappropriate and detrimental to the program. Mr. Woodward appeared to have resented every assignment we gave him. But, instead of constructive criticism, he vented his anger in a professional unacceptable manner. For example: he completed his 100 patient log in two weeks and wanted to stop attending the program; he requested a transfer to the Miami program saying that the V Semester was a waste of time and his time would be better spent in a Kaplan course; sabotaging exams by giving the same response to all questions to simply get it over with; requesting early release on virtually a daily basis from his clinical rotation so that he could study for boards, etc. We believe that if he perceived the AUA V Semester curriculum as inappropriate, the professional response would have been to engage in a reasoned dialogue with representatives of the school, not argue with faculty at St. Joseph Mercy Oakland, or openly demonstrate his contempt for the curriculum, and those charged with delivering it.

Mr. Woodward's lack of professionalism and poor communication skills are a source of great concern. We do not feel that he will be a good ambassador for AUA, our hospital, or the profession he is about to enter. We encourage the faculty at AUA to review his entire record, to determine if he does meet the qualifications to sit for the boards, and begin clinical rotations.

10. The foregoing publication was and is false and misleading in material respects.
11. The libelous and slanderous publication to Ernesto Calderon, M.D., caused Plaintiff great embarrassment and humiliation due to the untrue nature of the statements and harmed Plaintiff's reputation.
12. Despite repeated demands, Defendant, Trinity Health-Michigan, conducting business through St. Joseph Mercy Oakland, through and by its employee, Defendant, Susan Catherine Zonia, have maliciously failed and/or neglected to revoke the statements that are of and concerning the Plaintiff, thereby causing great damage to Plaintiff.
13. Defendant, Trinity Health-Michigan, conducting business through St. Joseph Mercy Oakland, through and by its employee, Defendant, Susan Catherine Zonia possessed the knowledge that the statements were false or the Defendant, Trinity Health-Michigan, conducting business through St. Joseph Mercy Oakland, through and by its employee,

Defendant, Susan Catherine Zonia, acted with reckless disregard as to whether the statements were false.

14. Defendant, Trinity Health-Michigan, conducting business through St. Joseph Mercy Oakland, through and by its employee, Defendant, Susan Catherine Zonia, published the statements to third parties with bad faith or ill will, intending the third parties to rely upon the statements.

15. Plaintiff has openly demanded retraction of the false and misleading statements but the Defendant, Trinity Health-Michigan, conducting business through St. Joseph Mercy Oakland, through and by its employee, Defendant, Susan Catherine Zonia, have failed and/or neglected to publish any such retraction.

16. The libel per se statements created the false impression that Plaintiff was incapable of becoming a physician, when in reality; the referenced statements are utterly false.

17. Plaintiff has suffered emotional damages and economic damages since Defendant, Trinity Health-Michigan, conducting business through St. Joseph Mercy Oakland, through and by its employee, Defendant, Susan Catherine Zonia's conduct was the proximate cause of his damages, including but not limited to:

- a. The inability to complete his educational requirement;
- b. The humiliation and embarrassment in front of fellow students and faculty as well as friend, family members, and neighbors.
- c. Other damages yet to be determined with certainty.

WHEREFORE, Plaintiff, demands judgment against Defendant, Trinity Health-Michigan, and St. Joseph Mercy Oakland, together with punitive and exemplary damages for an amount in excess of \$25,000.00, exclusive of costs and attorney fees, and any other relief this Court deems appropriate and equitable.

COUNT II – LIBEL/SLANDER (SUSAN CATHERINE ZONIA)

18. Plaintiff incorporates by reference the preceding allegations of this Complaint as though fully set forth herein.
19. Plaintiff, Steven Woodward is a student in his last semester and currently enrolled at Defendant, American University of Antigua College of Medicine.
20. As part of his educational requirement, he was assigned to Defendant, Trinity Health-Michigan, conducting business through St. Joseph Mercy Oakland, in Pontiac, Michigan.
21. On December 17, 2007, Defendant, Trinity Health-Michigan, conducting business through St. Joseph Mercy Oakland, through and by its employee, Defendant, Susan Catherine Zonia, published a derogatory, slanderous, libelous, and defamatory letter/memorandum directed to Ernesto Calderon, M.D., that stated:

[SEE INSERT BELOW]

TO: Ernesto Calderon, M.D.
FROM: Susan Zonia, Ph.D.
RE: V Semester
DATE: December 17, 2007

We have been reviewing our experiences with offering the V Semester for the first time. As with any new program, it was not without its hitches and student adjustment issues. However, we found the attitude and demeanor of Steven Woodward to be completely inappropriate and detrimental to the program. Mr. Woodward appeared to have resented every assignment we gave him. But, instead of constructive criticism, he vented his anger in a professional unacceptable manner. For example: he completed his 100 patient log in two weeks and wanted to stop attending the program; he requested a transfer to the Miami program saying that the V Semester was a waste of time and his time would be better spent in a Kaplan course; sabotaging exams by giving the same response to all questions to simply get it over with; requesting early release on virtually a daily basis from his clinical rotation so that he could study for boards, etc. We believe that if he perceived the AUA V Semester curriculum as inappropriate, the professional response would have been to engage in a reasoned dialogue with representatives of the school, not argue with faculty at St. Joseph Mercy Oakland, or openly demonstrate his contempt for the curriculum, and those charged with delivering it.

Mr. Woodward's lack of professionalism and poor communication skills are a source of great concern. We do not feel that he will be a good ambassador for AUA, our hospital, or the profession he is about to enter. We encourage the faculty at AUA to review his entire record, to determine if he does meet the qualifications to sit for the boards, and begin clinical rotations.

22. The foregoing publication was and is false and misleading in material respects.
23. The libelous and slanderous publication to Ernesto Calderon, M.D., caused Plaintiff great embarrassment and humiliation due to the untrue nature of the statements and harmed Plaintiff's reputation.
24. Despite repeated demands, Defendant, Trinity Health-Michigan, conducting business through St. Joseph Mercy Oakland, through and by its employee, Defendant, Susan Catherine Zonia, have maliciously failed and/or neglected to revoke the statements that are of and concerning the Plaintiff, thereby causing great damage to Plaintiff.
25. Defendant, Trinity Health-Michigan, conducting business through St. Joseph Mercy Oakland, through and by its employee, Defendant, Susan Catherine Zonia possessed the knowledge that the statements were false or the Defendant, Trinity Health-Michigan, conducting business through St. Joseph Mercy Oakland, through and by its employee,

Defendant, Susan Catherine Zonia, acted with reckless disregard as to whether the statements were false.

26. Defendant, Susan Catherine Zonia at the time of the statements was acting as an employee of Defendant, Trinity Health-Michigan, conducting business through St. Joseph Mercy Oakland, but she was acting outside the scope of her duties and beyond her authority in making the statements, rendering her personally liable for the acts engaged in.
27. Defendant, Trinity Health-Michigan, conducting business through St. Joseph Mercy Oakland, through and by its employee, Defendant, Susan Catherine Zonia, published the statements to third parties with bad faith or ill will, intending the third parties to rely upon the statements.
28. Plaintiff has openly demanded retraction of the false and misleading statements but the Defendant, Trinity Health-Michigan, conducting business through St. Joseph Mercy Oakland, through and by its employee, Defendant, Susan Catherine Zonia, have failed and/or neglected to publish any such retraction.
29. The libel per se statements created the false impression that Plaintiff was incapable of becoming a physician, when in reality; the referenced statements are utterly false.
30. Plaintiff has suffered emotional damages and economic damages since Defendant, Trinity Health-Michigan, conducting business through St. Joseph Mercy Oakland, through and by its employee, Defendant, Susan Catherine Zonia's conduct was the proximate cause of his damages, including but not limited to:
 - a. The inability to complete his educational requirement;
 - b. The humiliation and embarrassment in front of fellow students and faculty as well as friend, family members, and neighbors.
 - c. Other damages yet to be determined with certainty.

WHEREFORE, Plaintiff, demands judgment against Defendant, Susan Catherine Zonia, together with punitive and exemplary damages for an amount in excess of \$25,000.00, exclusive of costs and attorney fees, and any other relief this Court deems appropriate and equitable.

COUNT III—INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

31. Plaintiff incorporates by reference the preceding allegations of this Complaint as though fully set forth herein.

32. Defendant, Trinity Health-Michigan, conducting business through St. Joseph Mercy Oakland, through and by its employee, Defendant, Susan Catherine Zonia's, publication of the libelous and slanderous statements was calculated to cause great embarrassment to Plaintiff when said Defendants knew or should have known that the statements were fabricated and false.

33. The statements caused Plaintiff severe and continuing emotional distress resulting in damages proximately caused by said Defendants.

WHEREFORE, Plaintiff, demands judgment against Defendants, Trinity Health-Michigan, St. Joseph Mercy Oakland, and Defendant, Susan Catherine Zonia, together with punitive and exemplary damages for an amount in excess of \$25,000.00, exclusive of costs and attorney fees, and any other relief this Court deems appropriate and equitable.

**COUNT IV
TORTIOUS INTERFERENCE WITH CONTRACTUAL RELATIONSHIPS**

34. Plaintiff incorporates by reference the preceding allegations of this Complaint as though fully set forth herein.

35. Plaintiff, Steven Woodward had an ongoing contractual relationship with Defendant, American University of Antigua College of Medicine.

36. Defendants, Trinity Health-Michigan, St. Joseph Mercy Oakland, and Defendant, Susan Catherine Zonia were aware of the ongoing contractual relationship or should have been aware of the relationship since Defendant, Susan Catherine Zonia was the liaison between Defendant, American University of Antigua College of Medicine and Defendants, Trinity Health-Michigan, St. Joseph Mercy Oakland.

37. Defendants, Trinity Health-Michigan, St. Joseph Mercy Oakland, and Defendant, Susan Catherine Zonia wrongfully interfered with the contractual relationship to the detriment of Plaintiff, knowingly and maliciously causing possible discipline and expulsion from the medical curriculum.

38. As a proximate result of Defendants, Trinity Health-Michigan, St. Joseph Mercy Oakland, and Defendant, Susan Catherine Zonia's intentional and/or negligent interference with the contractual relationship, Plaintiff suffered damages including but not limited to:

- a. The inability to complete his educational requirement;
- b. The humiliation and embarrassment in front of fellow students and faculty as well as friend, family members, and neighbors.
- c. Other damages yet to be determined with certainty.

WHEREFORE, Plaintiff, demands judgment against Defendants, Trinity Health-Michigan, St. Joseph Mercy Oakland, and Defendant, Susan Catherine Zonia, together with punitive and exemplary damages for an amount in excess of \$25,000.00, exclusive of costs and attorney fees, and any other relief this Court deems appropriate and equitable.

**COUNT V
INVASION OF RIGHT OF PRIVACY**

39. Plaintiff incorporates by reference the preceding allegations of this Complaint as though fully set forth herein.

40. Plaintiff has a general right to freedom from having his private matters disclosed to the public without his consent.

41. Disclosure is defined as revealing private facts that are not matters of legitimate public concern.

42. Defendant, American University Of Antigua College Of Medicine has unreasonably, either intentionally or negligently, revealed private facts about Plaintiff that are not matters of legitimate public concern.

43. As a proximate result of Defendant, American University Of Antigua College Of Medicine's disclosure, Plaintiff suffered damages including but not limited to:

- a. The inability to complete his educational requirement;
- b. The humiliation and embarrassment in front of fellow students and faculty as well as friend, family members, and neighbors.
- c. Other damages yet to be determined with certainty.

WHEREFORE, Plaintiff, demands judgment against Defendant, American University Of Antigua College Of Medicine, for an amount in excess of \$25,000.00, exclusive of costs and attorney fees, and any other relief this Court deems appropriate and equitable.

**COUNT VI
BREACH OF CONTRACT**

44. Plaintiff incorporates by reference the preceding allegations of this Complaint as though fully set forth herein.

45. Plaintiff, Steven Woodward and Defendant, American University of Antigua College of Medicine, entered into a contract whereby said Defendant was to provide a medical curriculum to Plaintiff in exchange for payment of tuition and fees by Plaintiff.

46. Plaintiff has fulfilled his part of the bargain and the American University Of Antigua College Of Medicine, has failed to fulfill its obligations to Plaintiff in all material aspects, yet at the same time, American University Of Antigua College Of Medicine has collected and retained any and all tuition payments that were made by or on behalf of Plaintiff.

47. As a result, Defendant, American University of Antigua College of Medicine has breached the contract and proximately caused damages flowing from the breach.

48. As a proximate result of Defendant, American University Of Antigua College Of Medicine's breach, Plaintiff suffered damages including but not limited limited to:

- a. The inability to complete his educational requirement;
- b. The humiliation and embarrassment in front of fellow students and faculty as well as friend, family members, and neighbors.
- c. Other damages yet to be determined with certainty.

WHEREFORE, Plaintiff, demands judgment against Defendant, American University Of Antigua College Of Medicine, for an amount in excess of \$25,000.00, exclusive of costs and attorney fees, and any other relief this Court deems appropriate and equitable.

VERIFICATION

After being duly sworn, the facts contained in this complaint are true to the best of my information, knowledge, and belief.

Steven Woodward

DEMAND FOR JURY TRIAL

NOW COMES Plaintiff by and through his counsel, Nicoletti & Associates, P.C., and hereby demand a trial by jury on all issues herein.

Respectfully submitted,

NICOLETTI & ASSOCIATES, P.C.

December 20, 2007

Paul J. Nicoletti P44419
Attorney for Plaintiff
39520 Woodward Ave, Ste. 200
Bloomfield Hills, MI 48304
(248) 203-7800