

**IN THE SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
Civil Division**

Docket No. 2023-CAB-001297

NATONYA MCNEIL,)
5920 Clay Street NE)
Washington DC 20019,)
)
As next friend of minor children W.M. and K.M.)
)
 Plaintiff,)
)
 v.)
)
Janine A. Rethy, MD, MPA, FAAP)
Serve:)
4200 Wisconsin Avenue Northwest)
Suite 200)
Washington, DC 22016)
 Defendant.)

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiff NaTonya McNeil, a citizen of the District of Columbia, on behalf of and as the next friend to her minor children W.M. and K.M., and by and through her undersigned counsel, brings this action and alleges as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant to D.C. Code § 11-921.
2. Ms. McNeil has authority to sue on behalf of her minor children W.M. and K.M. pursuant to D.C. Code § 46-353.02. This suit is brought by Ms. McNeil on behalf of her minor children W.M. and K.M.
3. Jurisdiction and venue in this Court is proper under D.C. Code § 13-423.

PARTIES

4. Plaintiff NaTonya McNeil is a citizen and domiciliary of the District of Columbia. She is the parent of two minor children relevant to this action: K.M and W.M. She is a lifelong resident of the District and currently resides in Ward 6.
5. W.M. is 14 years of age and attends one of the District's public charter schools, Monument Academy.
6. K.M. is 16 years old and attends Dunbar High School, one of the District's public schools.
7. Janine A. Rethy, MD, MPH, FAAP, is a doctor who provides medical services in the District. Since 2017, Dr. Rethy has served as Division Chief, Community Pediatrics, MedStar Georgetown University Hospital, and an Assistant Professor of Pediatrics at Georgetown University School of Medicine. She is also Medical Director of the KIDS Mobile Medical Clinic/Ronald McDonald Care Mobile® and its new FITNESS Program. She is the Director of Medical Education for Community Pediatrics.

INTRODUCTION

8. This is an action in tort, which arises from the vaccination of two minor children without their consent (indeed, over their objections) and without the consent of their parent or any other person with legal authority. This is not an action alleging medical malpractice and it is not subject to the provisions of the Medical Malpractice Amendment Act of 2006.
9. In this case, Ms. McNeil's two minor children were held in a room by Defendant until she overcame their will and forcibly vaccinated them while physically preventing them from consulting with their mother, who was right outside the room.
10. Minor children W.M. and K.M. were additionally provided with false and fraudulent information in order to obtain purported consent to a procedure in the absence of actual or

freely given consent. Specifically, Dr. Rethy told the children that they were required to be vaccinated against COVID-19 to attend school and that they had no lawful option to decline such vaccination.

11. At the time of the events complained of herein, the District of Columbia had purported to allow children, rather than their parents, to consent to COVID-19 vaccination, although the U.S. District Court for the District of Columbia had enjoined enforcement of the District's law allowing minors to consent to such vaccines on March 18, 2022.
12. A medical procedure performed without the patient's consent is a battery under D.C. law. *In re A.C.*, 573 A.2d 1235, 1243 (D.C. 1990).
13. "[F]alse imprisonment . . . is defined as the unlawful detention of a person . . . for any length of time whereby he is deprived of his personal liberty or freedom of locomotion; it may be caused by actual force, or by fear of force, or even by words." *Tocker v. Great Atl. & Pac. Tea Co.*, 190 A.2d 822, 824 (D.C. 1963).
14. "The essential elements of fraud are: (1) a false representation, (2) concerning a material fact, (3) made with knowledge of its falsity, (4) with the intent to deceive, and (5) upon which reliance is placed." *Higgs v. Higgs*, 472 A.2d 875, 876 (D.C. 1984) (internal citations omitted).

FACTUAL BACKGROUND

Events of September 2, 2022

15. On September 2, 2022, NaTonya McNeil took her minor children, W.M. and K.M., to Defendant for annual checkups.
16. Ms. McNeil had made appointments for her children W.M. and K.M. to be examined by a doctor at the Georgetown Kids Mobile Medical Clinic/Ronald McDonald Care Mobile,

operated by Georgetown Hospital (KMMC) on Friday, September 2, 2022 at 1:00 and 1:30 p.m. respectively.

17. The purpose of the appointments was for the children to undergo a required physical examination in preparation for the 2022-23 school year. Ms. McNeil brings her children to KMMC every year for school check-ups.
18. One of the District Schools' approved providers is Georgetown Kids Mobile Medical Clinic/Ronald McDonald Care Mobile located at the King-Greenleaf Recreation Center, 201 N Street, S.W. in Washington, D.C.
19. On September 2, 2022, Ms. McNeil brought W.M. and K.M., as well as her youngest child, Z.M., to the KMMC location.
20. Ms. McNeil sent the two older children, K.M and W.M., into the mobile clinic while she waited outside with Z.M., her one-year-old child.
21. Ms. McNeil immediately called her daughter's cell phone and asked to speak with the doctor. Ms. McNeil explained to Dr. Rethy that she was right outside the KMMC and available to answer any questions and to provide any information as needed at any point during her children's appointments while she was tending to Z.M.
22. Ms. McNeil believed she was sending her children K.M. and W.M. into the KMMC for routine physical exams.
23. At no time before, during, or after the visit was Ms. McNeil asked or informed about any vaccinations, nor was she asked to sign anything.
24. Dr. Rethy never sought information from Ms. McNeil during the appointments, nor was Ms. McNeil asked to provide consent for any medical procedure that might take place during the appointments.

25. K.M.'s appointment was first. As K.M. later explained to Ms. McNeil, the medical provider "came at me with a needle." K.M. asked Dr. Rethy what was in the injection and she was told it was a COVID-19 vaccine. K.M. refused the injection multiple times, telling Dr. Rethy that she did not want to receive the injection. Dr. Rethy told K.M. that the injection was required for her to attend school, and then injected the needle.
26. W.M. also reluctantly agreed to accept the injection after seeing his sister be injected, although he had repeatedly refused COVID-19 injections previously as well. He was told the injection was required for him to attend school.
27. Both children were very upset and angry that they had been coerced into being injected.
28. Dr. Rethy never asked for Ms. McNeil's consent to the injections provided to W.M. and K.M., even though she knew Ms. McNeil was available to discuss the issue and was waiting just outside the KMMC vehicle.
29. In addition to the COVID-19 injection, K.M. was also injected with a meningococcal vaccine without Ms. McNeil's knowledge. Neither Dr. Rethy nor her staff provided Ms. McNeil or K.M. with any information regarding any administered vaccines.
30. In addition to the COVID-19 injection, W.M. was injected with Tdap and meningococcal vaccines without Ms. McNeil's knowledge. Neither Dr. Rethy nor her staff provided Ms. McNeil or W.M. with any information regarding any vaccines.
31. When Dr. Rethy came out with W.M. and K.M., she informed Ms. McNeil that she would call in a prescription for W.M.'s asthma and that she had drawn up an asthma treatment plan.
32. Dr. Rethy did not inform Ms. McNeil that her children had been injected with COVID-19 or other vaccines, nor did she provide any written information about the COVID-19 or other injections to K.M. and W.M.

33. Neither W.M., K.M., nor Ms. McNeil were advised about how to recognize a vaccine adverse reaction or what to do in the event of an adverse reaction. After the appointments, Ms. McNeil drove her children home. On the way, W.M. and K.M. disclosed to Ms. McNeil that Dr. Rethy had injected them both with a COVID-19 vaccine as well as meningococcal vaccines and a TDaP vaccine for W.M.
34. This was shocking for Ms. McNeil to hear. Both of her children were opposed to receiving COVID-19 injections and had refused them multiple times previously.
35. Ms. McNeil was never asked to provide, and did not provide, consent for any injections.
36. Both children received experimental Pfizer/BioNTech injections, according to the “COVID-19 Vaccination Record Cards” provided to them. The Lot Number for both children was indicated as FP7137.
37. Ms. McNeil is strongly opposed to her children receiving injections against COVID-19, for several reasons, and would never have provided consent for her children to be injected. Specifically, in the case of the COVID-19 injections, she was particularly concerned with the experimental nature of the injections and with the very short testing period to evaluate their safety.
38. Ms. McNeil is also opposed to other vaccinations. She does not allow her children to receive vaccines against influenza out of concern for the risks of those vaccines.
39. Additionally, both W.M. and K.M. were strongly opposed to receiving COVID-19 injections and had refused them several times previously. Both of them had informed themselves about the injections and had discussed the issue at home with their mother.
40. W.M. told Ms. McNeil that, although he played football at school, he would give up football rather than accept a COVID-19 vaccine to be able to play.

41. At the time of the events complained of herein, COVID-19 injections were not required for school attendance, Dr. Rethy's misrepresentations to the contrary notwithstanding.
42. The Universal Health Certificate form completed by Dr. Rethy during the physicals specifically stated that the COVID-19 injection was "recommended," not required.
43. Specifically, Dr. Rethy undertook the following acts and omissions:
 - A) Dr. Rethy administered multiple vaccines without parental consent;
 - B) Dr. Rethy tricked and coerced the children into being vaccinated and concealed her actions from Ms. McNeil;
 - C) Dr. Rethy forcefully injected W.M. and K.M. with COVID-19 vaccines and other injections without parental consent and without providing any required documentation;
 - D) Dr. Rethy misrepresented that the COVID-19 vaccine was required for school attendance; and
 - E) Dr. Rethy failed to obtain informed consent for the administration of any injections from the minor children's mother.

COUNT 1: BATTERY

44. Plaintiff re-alleges paragraphs 1-43 as if fully set out herein.
45. Neither W.M. nor K.M. provided voluntary or lawful consent to receive the COVID-19 vaccination or any other injection, nor did Ms. McNeil provide consent on their behalf. As such, the unauthorized and un-consented plunging of needles into the arms of W.M. and K.M. constituted nonconsensual touchings and batteries under the laws of the District of Columbia.
46. Plaintiff is entitled to nominal damages.

47. Plaintiff is entitled to actual damages.

48. Because the conduct complained of herein was willful and wanton, Plaintiff is entitled to punitive damages.

49. Plaintiff asks this Court to enter a judgment awarding nominal, actual, and punitive damages in an amount to be proven at trial.

COUNT 2: FALSE IMPRISONMENT

50. Plaintiff re-alleges paragraphs 1-49 as if fully set out herein.

51. Neither W.M. nor K.M. consented to being held in a medical exam room away from their mother for longer than was necessary in order to receive the annual checkups for which they visited Defendant.

52. As Dr. Rethy came towards K.M., K.M. backed up but had no reasonable means of egress.

53. Neither W.M. nor K.M. felt they had the option to leave because of Dr. Rethy's position as an authority figure.

54. Had W.M. or K.M. been permitted to leave the room, W.M. and K.M. would have immediately rejoined their mother outside the KMMC.

55. Plaintiff is entitled to nominal damages.

56. Plaintiff is entitled to actual damages.

57. Because the conduct complained of herein was willful and wanton, Plaintiff is entitled to punitive damages.

58. Plaintiff asks this Court to enter a judgment awarding nominal, actual, and punitive damages in an amount to be proven at trial.

COUNT 3: FRAUD

59. Plaintiff re-alleges paragraphs 1-58 as if fully set out herein.

60. On September 2, 2022, COVID-19 vaccines were not required for attendance at school. Despite this, Dr. Rethy misrepresented to W.M. and K.M. that the shots were mandatory and required for attendance.
61. After being cornered with no reasonable egress, Dr. Rethy plunged the needle into W.M.'s and K.M.'s arms without checking with their mother, who Dr. Rethy knew was just outside the door.
62. As evidenced by statements to the media, Dr. Rethy's publicly announced goal was to vaccinate all children with the COVID-19 vaccine. She previously had stated to the press:

“Our goal is to increase vaccination rates in children here in D.C. . . . For more than 30 years our role has been to be in the community to help address the problem of health disparities, bringing families care where they are. For this particular effort we are glad to be partnering with DC Health to provide both regular childhood vaccines and COVID-19 vaccines to all children.”

WHEREFORE, Plaintiff requests the relief herein sought, and an award for her attorney fees and costs and such other and further relief as the Court shall deem proper.

JURY DEMAND

Jury is hereby demanded on all issues which are so triable.

Respectfully submitted this 2nd day of March, 2023

NATONYA MCNEIL
By Counsel:

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