

STATE OF INDIANA )  
 )SS:  
COUNTY OF MARION )

IN THE MARION COUNTY SUPERIOR COURT  
CIVIL DIVISION  
CAUSE NO. 49D\_\_-1108-CT-\_\_\_\_\_

ABIGAIL E. HINCHY, )

Plaintiff, )

vs. )

WALGREEN CO. and )  
AUDRA D. PETERSON (WITHERS), )

Defendants. )

49D06 11 08 CT 02 9165

JURY DEMAND

FILED

AUG 01 2011

175

*Edith A. Wile*  
CLERK OF THE MARION CIRCUIT COURT

COMPLAINT

COMES NOW the plaintiff, ABIGAIL E. HINCHY, by counsel, and for her Complaint against the defendants, WALGREEN CO. and AUDRA D. PETERSON (WITHERS), states as follows:

1. At all times relevant herein, defendant WALGREEN CO. was and is an Illinois corporation authorized to do business in the state of Indiana.
2. At all times relevant herein, defendant AUDRA D. PETERSON (WITHERS) was and is employed as a pharmacist by defendant WALGREEN CO.
3. At all times relevant herein, defendant AUDRA D. PETERSON (WITHERS) was and is a resident of Marion County, Indiana.
4. At the time of the incident giving rise to this Complaint, defendant AUDRA D. PETERSON (WITHERS) worked at defendant WALGREEN CO.'s store pharmacy located at 6269 West 38th Street, Indianapolis, Indiana 46254, located in Marion County, Indiana.
5. At all times relevant herein, plaintiff ABIGAIL E. HINCHY was and is a resident of Crown Point, Lake County, Indiana.

6. At the time of the incident giving rise to this Complaint, plaintiff ABIGAIL E. HINCHY was a customer of defendant WALGREEN CO. and used defendant WALGREEN CO. exclusively as her sole pharmaceutical provider.

7. On or about May 29, 2010, defendant AUDRA D. PETERSON (WITHERS), acting in the course and scope of her employment, accessed plaintiff's confidential, private patient information through the WALGREEN CO. computer system and, in so doing, reviewed plaintiff's prescription history.

8. On or about May 29, 2010, defendant AUDRA D. PETERSON (WITHERS) divulged certain contents of plaintiff's prescription history to other individuals including her husband, Davion Peterson.

**Count One -- Respondeat Superior (Walgreen Co.)**

9. Plaintiff hereby incorporates the foregoing paragraphs 1-8 as if set forth fully herein.

10. As a provider of pharmaceutical services, defendant WALGREEN CO. owes a non-delegable duty to its customers to protect the privacy and confidentiality of its customers' pharmaceutical information and prescription histories.

11. The above-described acts of defendant AUDRA D. PETERSON (WITHERS) were done in the course and scope of her employment with defendant WALGREEN CO.

12. By and through its employee, defendant WALGREEN CO. breached its statutory and common law duties of confidentiality and privacy to plaintiff.

13. As a direct and proximate result of this breach, plaintiff has suffered damages.

WHEREFORE, plaintiff ABIGAIL E. HINCHY hereby demands judgment against

defendant WALGREEN CO., for costs and interest, for a reasonable attorney's fee, and for all other just and proper relief.

**Count Two -- Negligent Training, Supervision, and Retention (Walgreen Co.)**

14. Plaintiff hereby incorporates the foregoing paragraphs 1-13 as if set forth fully herein.

15. As a provider of pharmaceutical services, defendant WALGREEN CO. owes a duty to its customers to properly train its pharmacists including training and instruction in the protection of customer privacy and confidentiality.

16. Defendant WALGREEN CO. breached its duty to plaintiff in the training and instruction of its employee AUDRA D. PETERSON (WITHERS) in the protection of customer privacy and confidentiality.

17. As a provider of pharmaceutical services, defendant WALGREEN CO. owes a duty to its customers to properly supervise its pharmacists in the performance of the pharmacists' job duties and responsibilities.

18. Defendant WALGREEN CO. breached its duty to plaintiff in the supervision of its employee AUDRA D. PETERSON (WITHERS).

19. As a provider of pharmaceutical services, defendant WALGREEN CO. owes a duty to its customers to take appropriate steps and implement appropriate measures for the protection of its customers after learning of an employee's misuse or abuse of authority granted in the course and scope of employment.

20. Defendant WALGREEN CO. continues to employ defendant AUDRA D. PETERSON (WITHERS) as a pharmacist, and defendant AUDRA D. PETERSON (WITHERS)

continues to have access to plaintiff's confidential and private pharmaceutical information and prescription history.

21. Defendant WALGREEN CO. breached its duty to plaintiff to take appropriate steps and implement appropriate measures for the protection of plaintiff's privacy and confidentiality after learning of AUDRA D. PETERSON (WITHERS) above-described conduct.

22. As a direct and proximate result of defendant WALGREEN CO.'s above-described negligence, plaintiff has suffered damages.

WHEREFORE, plaintiff ABIGAIL E. HINCHY hereby demands judgment against defendant WALGREEN CO., for costs and interest, for a reasonable attorney's fee, and for all other just and proper relief.

**Count Three -- Negligence, Invasion of Privacy, Public Disclosure of Private Facts**  
**(Audra D. Peterson (Withers))**

23. Plaintiff hereby incorporates the foregoing paragraphs 1-22 as if set forth fully herein.

24. As a pharmacist licensed to practice in the state of Indiana, defendant AUDRA D. PETERSON (WITHERS) owes a non-delegable duty to her customers to protect the privacy and confidentiality of her customers' pharmaceutical information and prescription histories.

25. By accessing and reviewing plaintiff's private and confidential pharmaceutical information and prescription history, defendant AUDRA D. PETERSON (WITHERS) breached her statutory and common law duties of confidentiality and privacy to plaintiff.

26. By communicating the contents of plaintiff's private and confidential pharmaceutical information and prescription history to a third-party, defendant AUDRA D. PETERSON (WITHERS) breached her statutory and common law duties of confidentiality and

privacy to plaintiff.

27. As a direct and proximate result of the above-described breaches, plaintiff has suffered damages.

WHEREFORE, plaintiff ABIGAIL E. HINCHY hereby demands judgment against defendant AUDRA D. PETERSON (WITHERS), for costs and interest, for a reasonable attorney's fee, and for all other just and proper relief.

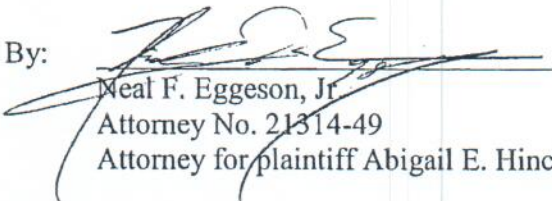
**JURY DEMAND**

COMES NOW the plaintiff, ABIGAIL E. HINCHY, by counsel, and hereby requests trial by jury.

Respectfully submitted,

EGGESON APPELLATE SERVICES

By:

  
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