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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

<p>CAMILLE KIEFEL,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>AMY RUFF, LCSW, an individual; BRAVE SPACE LLC, an Oregon limited liability company; MARA BURMEISTER, LPC, an individual; PROJECT QUEST dba QUEST CENTER FOR INTEGRATIVE HEALTH, an Oregon public benefit nonprofit corporation; and, DOES 1-10, inclusive.</p> <p style="text-align: center;">Defendants.</p>	<p>) Case No.: 22CV29327</p> <p>) FIRST AMENDED COMPLAINT FOR PROFESSIONAL MALPRACTICE, INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS, AND FRAUD</p> <p>) (Amount of Prayer: \$850,000)</p> <p>) CLAIM NOT SUBJECT TO MANDATORY ARBITRATION</p> <p>) Jury Trial Requested</p>
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Plaintiff CAMILLE KIEFEL alleges for her First Amended Complaint:

THE PARTIES

1.

At all times material hereto, Plaintiff CAMILLE KIEFEL (herein, "Plaintiff") was and is a resident of the State of Oregon.

2.

At all times material hereto, Defendant Amy Ruff, LCSW (herein, "Defendant Ruff") held herself out to the general public as a Licensed Clinical Social Worker in the State of Oregon. Defendant Ruff held herself out to Plaintiff as having special skills, training and

1 experience to provide mental health assessment and/or evaluation including assessment or
2 evaluation of the mental health necessity, appropriateness or benefits of an individual receiving
3 “gender affirming” surgical procedures.

4 3.

5 Defendant Brave Space LLC (herein, “Defendant Brave Space”) was at all relevant
6 times, and is, an Oregon limited liability company. Defendant Ruff was an employee, agent, or
7 apparent agent of Defendant Brave Space and at all relevant times acted within the course and
8 scope of her employment and/or agency. Defendant Brave Space is vicariously liable for the
9 acts and omissions alleged herein committed by Defendant Ruff.

10 4.

11 At all times mentioned herein, Defendant Mara Burmeister, LPC (herein, “Defendant
12 Burmeister”) held herself out to the general public as a Licensed Professional Counselor in the
13 State of Oregon. Defendant Burmeister held herself out to Plaintiff as having special skills,
14 training and experience to provide mental health assessment and/or evaluation including
15 assessment or evaluation of the mental health appropriateness or benefits of an individual
16 receiving “gender affirming” surgical procedures.

17 5.

18 Defendant Project Quest dba Quest Center for Integrative Health (herein, “Defendant
19 Quest”) was at all relevant times, and is, an Oregon public benefit nonprofit corporation offering
20 behavioral and physical health services to low-income, uninsured, and under-insured individuals
21 throughout the State of Oregon. Defendant Burmeister was an employee, agent, or apparent
22 agent of Defendant Quest and at all relevant times acted within the course and scope of her
23 employment and and/or agency. Defendant Quest is vicariously liable for the acts and
24 omissions alleged herein committed by Defendant Ruff.

25 4.

1 Plaintiff is unaware of the true names and capacities of the Defendants sued as
2 DOES 1 to 10, inclusive, and therefore sue these defendants by such fictitious names.
3 Plaintiff is informed and believes and thereon allege that these fictitiously named defendants
4 are responsible in some manner for the occurrences alleged in this Complaint and that
5 Plaintiff's damages as alleged herein were proximately caused by the fictitiously named
6 defendants. Plaintiff is informed and believes and thereon allege that these Defendants
7 were agents, servants, joint venturers, fiduciaries, representatives, conspirators with and/or
8 employees of each of the remaining Defendants, and in doing the things hereinafter alleged,
9 were acting in the course and scope of such agency, service and/or employment, and are
10 the proximate cause of Plaintiff's damages as herein alleged. Plaintiff will seek leave to
11 amend this complaint to allege their true names and capacities when they are ascertained.
12 As used in this complaint, "Defendant" or "Defendants "refers to all the defendants and
13 every allegation with respect to "Defendant" or "Defendants" in an allegation.

14 **JURISDICTION AND VENUE**

15 5.

16 This Court has subject matter jurisdiction over this action under ORS 14.030
17 because Defendants committed the acts complained of herein in the State of Oregon.

18 6.

19 This Court has personal jurisdiction over the Defendants under ORCP 4(A)(4) and
20 4(C) because Defendants are engaged in substantial activities and not isolated within this state,
21 and the injuries to Plaintiffs persons and property arise out of an act or omission within this state
22 by the Defendants.

23 7.

24 Venue is proper under ORS 14.080(1) because the acts or omissions occurred, and
25 the causes of action arose, in the County of Multnomah.

1 **GENERAL ALLEGATIONS APPLICABLE**
2 **TO ALL CAUSES OF ACTION**

3 8.

4 Plaintiff is a 32 year old woman who has struggled with numerous mental health
5 issues and diagnoses since her pre-teen and teenage years. Plaintiff experienced severe
6 childhood traumatic events leading to her feeling discomfort and dissociation with her body.
7 Plaintiff was diagnosed with ADHD, CPTSD, major depressive disorder, and generalized anxiety
8 disorder. These mental health conditions proved treatment-resistant despite nearly two decades
9 of psychotherapy and prescribed medications for ADHD, depression, and anxiety with a variety
10 of therapists over many years. Plaintiff had to stop medications prescribed to treat her mental
11 health conditions due to serious negative side effects. Plaintiff also suffers from PCOS.

12 9.

13 In about 2016, while still experiencing serious symptoms of depression, anxiety,
14 CPTSD, and ADHD, including regular episodes of suicidal ideation, Plaintiff began to identify
15 herself as having a “non-binary” “gender identity” and describing to therapists a feeling of
16 distress (“dysphoria”) regarding her breasts. In the spring of 2020 Plaintiff was still experiencing
17 depression, anxiety, CPTSD, and ADHD symptoms, was undergoing TMS treatment for
18 depression, and general dysfunction including difficulty getting out of bed and inability to work.
19 Feeling as though she had tried “everything” to help her mental health issues, identifying as
20 “non-binary” at the time, and feeling dysphoria over her breasts, Plaintiff came to believe that
21 breast reduction or breast removal (double mastectomy) would finally solve her mental health
22 problems.

23 10.

24 Plaintiff obtained contact information for Defendant Brave Space, and Defendant
25 Brave Space scheduled Plaintiff for an assessment with Defendant Ruff. On or about May 13,
26 2020, Defendant Ruff held one Zoom session with Plaintiff, lasting approximately an hour
27 (herein, the “Ruff Assessment Session”). Following the Ruff Assessment Section, Defendant

1 Ruff prepared a written "Referral for Medical Transition" dated May 13, 2020 recommending that
2 Plaintiff receive "chest reduction to relieve gender dysphoria" (herein, the "Ruff Referral").

3 11.

4 During the Ruff Assessment Session, Plaintiff disclosed to Defendant Ruff Plaintiff's
5 history of mental health diagnoses of ADHD, CPTSD, major depressive disorder, and
6 generalized anxiety disorder. Plaintiff described her struggles with those mental health
7 conditions and told Defendant Ruff that treatments for those mental health conditions had not
8 been successful. Defendant Ruff made statements in the Ruff Referral that Defendant Ruff
9 knew were factually false and/or misleading or made with conscious disregard for the truth or
10 falsity thereof, or that in the exercise of reasonable care Defendant Ruff ought to have known
11 were false or misleading, which statements were not based upon the information provided to
12 Defendant Ruff by Plaintiff, and which were contradicted by Plaintiff's medical or mental health
13 treatment records (none of which Defendant Ruff obtained or reviewed prior to completing the
14 Ruff Referral), including but not limited to: (a) stating that Plaintiff's mental health conditions
15 were "successfully managed...with the help of mental health professionals and medication
16 management"; (b) the statement that "At this time, any other symptoms or situations reported
17 appear to be well enough managed that they should not impact the medical experience or
18 outcomes"; (c) the statement that "We have discussed the expectations for this medical
19 procedure, including the outcomes, the next steps in the process, options of medical providers
20 and their wait times, and the risks associated with this procedure."

21 12.

22 Plaintiff also obtained contact information for Defendant Quest, after learning that
23 a second assessment letter was required in order for Medicaid to pay for breast removal
24 surgery. Defendant Quest scheduled Plaintiff for an assessment with Defendant Burmeister. On
25 or about July 1, 2020, Defendant Burmeister held one Zoom session with Plaintiff, lasting
26 approximately forty minutes (herein, the "Burmeister Assessment Session"). Following the

1 Burmeister Assessment Session, Defendant Burmeister prepared a written “Referral - Mental
2 Health Assessment for Surgery Letter” signed July 2, 2020 (herein, the “Burmeister
3 Assessment”) and a July 1, 2020 letter to a surgeon concluding *inter alia* that Plaintiff “is
4 seeking gender affirming chest reconstruction surgery in order to align their anatomical body
5 with his lived/preferred gender. [Plaintiff] Camille [Kiefel] has explored the potential psychosocial
6 impacts of surgery and demonstrates the ability and the capacity to make a fully informed
7 decision and give consent” (herein, the “Burmeister Surgery Letter”).

8 13.

9 The Burmeister Assessment and Burmeister Surgery Letter contain numerous
10 statements demonstrating that Defendant Burmeister knew, or in the exercise of reasonable
11 care ought to have known, Plaintiff was a high-risk candidate for regretting or not benefitting
12 from undergoing a double mastectomy for the purpose of “gender affirmation” and
13 demonstrating that Defendant Burmeister failed to conduct an individualized, comprehensive
14 mental health assessment prior to recommending that Plaintiff undergo double mastectomy
15 surgery, including but not limited to: (a) noting that Plaintiff suffered from ADHD, anxiety, and
16 depression, and was even undergoing “TCMS treatment for depression”; (b) that Plaintiff’s
17 desire for “chest reconstruction” was based on “individual identity” described as “Absence of
18 femininity” and desire for a “more androgynous” look; (c) that Plaintiff’s “dysphoria” about her
19 body centered on Plaintiff’s breasts *and hips* (for which no “gender affirmation” surgery is
20 possible; (d) noting in the Burmeister Assessment that Plaintiff reported her “pronouns” as
21 “she/they” yet referring in the Burmeister Surgery Letter to Plaintiff by the pronouns “she” “they”
22 and “him”; (e) noting Plaintiff’s history of mental health diagnoses and symptoms of ADHD,
23 generalized anxiety disorder, and depression; (f) noting Plaintiff’s history of trauma; (g) noting
24 that Plaintiff was unemployed and receiving disability payments; (h) noting that Defendant
25 Burmeister was “unable to assess” Plaintiff’s general appearance or psychomotor behavior
26 because the Burmeister Assessment Session was a “phone session”; (i) noting that Plaintiff had
27 experienced suicidal ideation just a couple of months prior to the Burmeister Assessment

1 Session; (j) describing Plaintiff's goals for the Burmeister Assessment Session as "Her goals for
2 this session were related to gaining support for a letter"; (k) diagnosing Plaintiff in the
3 Burmeister Assessment with "Gender Identity Disorder in Adolescents and Adults" based on
4 cut-and-pasted boilerplate diagnostic criteria from the ICD 10, unsupported by the information
5 reported by Plaintiff to Defendant Burmeister, such as concluding that Plaintiff met the
6 diagnostic criterion of "A strong desire to be rid of one's primary and/or secondary sex
7 characteristics because of a marked incongruence with one's experienced/expressed gender"
8 when Plaintiff reported experiencing dysphoria about her breasts *and hips* but no "gender
9 affirmation" surgery would address Plaintiff's hips, and "A strong desire to be of the other gender
10 (or some alternative gender different from one's assigned gender)" when Plaintiff had reported
11 being "gender queer" using "she/they" pronouns and reported no "strong desire" to "be of the
12 other gender" or "some alternative gender" but believed she was "non-binary" for which there is
13 no blueprint in nature and for which surgical body modification is highly experimental, and "The
14 condition is associated with clinically significant distress or impairment in social, occupational or
15 other important areas of functioning" when the Burmeister Assessment is devoid of any facts
16 indicating that Plaintiff experienced "clinically significant distress or impairment" in functioning
17 attributable to having breasts; (l) reporting in the Burmeister Surgery Letter that "recent
18 psychosocial assessment indicates that criteria for Diagnostic and Statistical Manual (DSM V)
19 302.6 Gender Dysphoria are sufficiently met" yet stating in the Burmeister Assessment that the
20 diagnosis was "Gender Identity Disorder in Adolescents and Adults" based on the ICD 10; (k)
21 noting that "Client will not be engaging in further mental health treatment."

22 14.

23 Based on the Ruff Referral, Burmeister Assessment, and Burmeister Surgery Letter,
24 Plaintiff underwent double mastectomy surgery on August 27, 2020, paid for by Medicaid
25 (herein, the "Gender Surgery"). Plaintiff's mental health symptoms and feelings of body
26 dysphoria did not improve after the Gender Surgery despite Defendants' insistence to Plaintiff
27 that the Gender Surgery was medically necessary for Plaintiff's mental health. Plaintiff has come

1 to regret disfiguring her body and removing her healthy breasts via the Gender Surgery,
2 suffering mental health harms including emotional distress and anguish regarding her lifelong
3 inability ever to choose to breastfeed a child, fears and anxiety over finding a life partner
4 sexually and romantically attracted to a woman without breasts, mistrust in mental health
5 professionals, and daily life anxieties such as no longer being able to fit well into dresses and
6 clothing designed for women's bodies. In or around May 2022 Plaintiff realized that she did not
7 have "gender identity disorder" or "gender dysphoria," that she has accepted the fact of being a
8 woman, that her long history of mental health problems were finally improving through engaging
9 in non-invasive mental health therapies involving embodiment and health and wellness and
10 physical health improvements through holistic and alternative therapies, and that having her
11 breasts surgically removed worsened rather than improved her mental, emotional,
12 psychological, social, and physical health and well-being, including increased suicidal ideation
13 after and because of the Gender Surgery.

14 **FIRST CAUSE OF ACTION**

15 (For Professional Malpractice against all Defendants)

16 15.

17 Plaintiff re-alleges paragraphs 1-14 above and incorporates them herein by this
18 reference as though fully set forth.

19 16.

20 At all times material hereto Defendants had a duty of care to Plaintiff to perform
21 mental health assessments meeting the standards of care applicable to Licensed Clinical Social
22 Workers and Licensed Professional Counselors in the State of Oregon.

23 17.

24 Defendant Ruff breached her duty of care to Plaintiff by violating the standards of
25 care applicable to Licensed Clinical Social Workers in the State of Oregon by *inter alia*:

1 (a) Violating OAR Rule 877-030-0070(2) requiring “Regulated social workers must
2 provide services with professional skill, cultural awareness, and language competency with
3 respect to each client's needs” by failing to perform a mental health assessment of Plaintiff with
4 professional skill with respect to Plaintiff’s individual needs;

5 (b) Violating OAR Rule 877-030-0070(3) stating that “Regulated social workers may not
6 provide inappropriate or unnecessary professional services to clients” by preparing a mental
7 health assessment recommending Plaintiff for unnecessary surgery to relieve or alleviate
8 Plaintiff’s mental health conditions;

9 (c) Violating OAR Rule 877-030-0070(4) stating that “Regulated social workers must
10 provide clients with accurate and complete information regarding the extent and nature of
11 services available. This includes the risks, rights, opportunities, and obligations associated with
12 the provision of professional services to the client” by failing to provide Plaintiff with accurate,
13 complete information about the risks of having a double mastectomy ostensibly to relieve or
14 alleviate mental health or emotional distress;

15 (d) Violating OAR Rule 877-030-0070(5) stating that “Regulated social workers must
16 seek consultation or make referrals whenever it may improve the provision of social-work
17 services and is in the best interest of the client” by failing to seek consultation or make referral
18 for Plaintiff to explore alternatives to life-altering, physically damaging, irreversible double
19 mastectomy surgery;

20 (e) Engaging in unprofessional conduct by endangering the health and welfare of
21 Plaintiff, Defendant Ruff’s client, and by making material misrepresentations in the Ruff Referral;

22 (f) Purporting to conduct an individualized mental health assessment of Plaintiff yet
23 performing the Ruff Assessment and preparing the Ruff Referral in a manner that failed to
24 account for Plaintiff’s individual needs and risk of regret electing a double mastectomy surgery.

25 18.

1 Defendant Burmeister breached her duty of care to Plaintiff by violating the
2 standards of care applicable to Licensed Professional Counselors in the State of Oregon by
3 *inter alia*:

4 (a) Violating the 2014 American Counseling Association (ACA) Code of Ethics
5 (herein, "ACA Code"), ACA Code E.1.b. stating that "Counselors do not misuse assessment
6 results and interpretations, and they take reasonable steps to prevent others from misusing the
7 information provided" by purporting to conduct a mental health assessment of Plaintiff that failed
8 to take into account Plaintiff's individual mental health needs yet recommended with no
9 reservation that Plaintiff undergo double mastectomy surgery;

10 (b) Violating ACA Code E.5.a. stating that "Counselors take special care to provide
11 proper diagnosis of mental disorders. Assessment techniques (including personal interviews)
12 used to determine client care (e.g., locus of treatment, type of treatment, recommended follow-
13 up) are carefully selected and appropriately used" by misdiagnosing Plaintiff with gender
14 dysphoria and/or gender identity disorder and failing to carefully select or appropriately use an
15 assessment technique to determine whether Plaintiff's mental health would be served by
16 undergoing double mastectomy surgery;

17 (c) Violating ACA Code E.6.a. stating that "Counselors carefully consider the validity,
18 reliability, psychometric limitations, and appropriateness of instruments when selecting
19 assessments and, when possible, use multiple forms of assessment, data, and/or instruments in
20 forming conclusions, diagnoses, or recommendations" by failing to consider the validity,
21 reliability, or appropriateness of reliance solely on a brief client interview in forming conclusions,
22 diagnoses, and recommendations that Plaintiff should undergo double mastectomy surgery;

23 (d) Engaging in unprofessional conduct by making material misrepresentations in the
24 Burmeister Assessment and Burmeister Surgery Letter and by bringing the profession into
25 disrepute by purporting to conduct mental health assessments (including making mental health
26 diagnoses) for the purpose of facilitating clients to undergo major, irreversible, medically

1 unnecessary surgeries without taking into account the individualized needs of a client such as
2 Plaintiff;

3 (e) Purporting to conduct an individualized mental health assessment of Plaintiff yet
4 performing the Burmeister Assessment and preparing the Burmeister Surgery Letter in a
5 manner that failed to account for Plaintiff's individual needs and risk of regret electing a double
6 mastectomy surgery.

7 19.

8 As a reasonably foreseeable result of Defendants' failure to assess Plaintiff in
9 conformity with the standards of care and codes of ethics that apply to Licensed Clinical Social
10 Workers and Licensed Professional Counselors, Plaintiff sustained physical, emotional, mental,
11 and psychological injury that caused and will continue to cause serious pain, anguish, distress,
12 discomfort, physical impairment, inconvenience and interference with normal and usual
13 activities and ability of Plaintiff to perform major life activities, all to Plaintiff's general damage in
14 an amount to be decided by a jury and not to exceed \$500,000.00. Plaintiff may amend this
15 figure prior to trial.

16 20.

17 As a further reasonably foreseeable result of Defendants' professional malpractice,
18 Plaintiff has incurred and will into the future need to incur necessary cost for medical,
19 psychological, and therapeutic treatment, diagnostics, and other physical and mental health
20 expenses in a reasonable amount to be decided by a jury and not to exceed \$250,000.00.
21 Plaintiffs may amend this figure prior to trial.

22 21.

23 As a further reasonably foreseeable result of Defendants' professional malpractice,
24 Plaintiff has suffered wage loss in an amount not to exceed \$100,000.00. Plaintiff may amend
25 this figure prior to trial.

26 ///

27 ///

1 **SECOND CAUSE OF ACTION**

2 (For Intentional Infliction of Emotional Distress against all Defendants)

3 22.

4 Plaintiff re-alleges paragraphs 1-21 above and incorporates them herein by this
5 reference as though fully set forth.

6 23.

7 Defendants transgressed the bounds of socially tolerable conduct by abusing their
8 positions of trust and authority as mental health professionals and recommending that Plaintiff
9 undergo the Gender Surgery without having appropriately or properly assessed Plaintiff for risk
10 of regretting such a medically unnecessary, irreversible “treatment” and without consideration of
11 Plaintiff’s extensive history of mental health diagnoses and symptoms, including trauma and
12 severe depression, as a factor in Plaintiff’s self-reported desire to undergo the Gender Surgery,
13 and ignoring Plaintiff’s physical health problems that contributed to her mental health problems.

14 24.

15 Defendants abused their positions of professional trust and authority with intent to
16 cause, or with reckless disregard to causing, Plaintiff to suffer extreme, excruciating, severe
17 emotional distress.

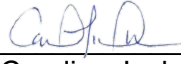
18 25.

19 As the direct and proximate cause of Defendants’ intentional or reckless abuse of
20 Defendants’ positions of trust and authority as mental health professionals, Plaintiff did suffer
21 and is still suffering extreme, excruciating, severe emotional distress including but not limited to
22 feelings of betrayal by mental health professionals, humiliation, distress, and anxiety over
23 having lost her breasts and living with a permanently scarred, disfigured, and physically painful
24 or discomfiting chest, deep feelings of regret over unnecessarily and permanently losing her
25 choice ever to breastfeed a child, and being unable to fit properly into dresses and clothing
26 designed for women’s bodies, all to Plaintiff’s noneconomic damages in amounts to be decided
27 by a jury not to exceed \$500,000.00.

1 6. For such other, different or ancillary relief as the court deems just and
2 reasonable.

3
4 DATED this 12th day of December, 2022.

JACKSON BONE LLP

5
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