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UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

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CLERK, US DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

ESTATE OF KYLE THOMAS BRENNAN,
by and through its Administrator,
Victoria L. Britton,

Plaintiff,

vs.

Case No

8:09.24.002647.23EAS

CHURCH OF SCIENTOLOGY
FLAG SERVICE ORGANIZATION, INC.,
DENISE MISCAVIGE GENTILE,
GERALD GENTILE, and
THOMAS BRENNAN,

Defendants.

COMPLAINT FOR WRONGFUL DEATH

COMES NOW the Plaintiff, ESTATE OF KYLE THOMAS BRENNAN, by and through its Administrator, Victoria L. Britton, and sues the Defendants, CHURCH OF SCIENTOLOGY FLAG SERVICE ORGANIZATION, INC., DENISE MISCAVIGE GENTILE, GERALD GENTILE, and THOMAS BRENNAN, and alleges:

- 1 This is an action for damages which exceed \$75,000 00, between residents of different states, thus invoking this court's jurisdiction per 28 U.S.C. § 1332.
- 2 At all times material herein, the decedent, Kyle Brennan, was a resident of Virginia, wherein, upon his death as described hereafter, his estate was opened in Virginia and his mother, Victoria L. Britton, a Virginia resident, was appointed the Administrator of the ESTATE OF KYLE THOMAS BRENNAN (hereinafter referred to as the ESTATE).

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3. At all times material herein, the Defendant, CHURCH OF SCIENTOLOGY FLAG SERVICE ORGANIZATION, INC. is a Florida nonprofit organization operating in Clearwater Florida (hereinafter referred to as SCIENTOLOGY).

4. At all times material herein, the Defendants, DENISE MISCAVIGE GENTILE, GERALD GENTILE, her husband, and THOMAS BRENNAN, were all residents of Clearwater, Florida, members and volunteer workers of SCIENTOLOGY, acting as agents in concert with, and under the control of, SCIENTOLOGY in this matter, and within the scope of any official duties performed under such volunteer services. As a result of the following actions of Defendants within the scope of their duties with SCIENTOLOGY, the individual Defendants are the statutory agents of SCIENTOLOGY pursuant to §768.1355, *Florida Statutes*.

5. At all times material herein, the decedent, Kyle Brennan, age 20, a disabled adult, was not a member of the Church of Scientology and was opposed to Scientology practices.

6. At all times material herein, the Defendant, SCIENTOLOGY, held out DENISE MISCAVIGE GENTILE as a Scientology "Chaplain," wherein the position or title of "Chaplain" is represented by SCIENTOLOGY as an expert in helping families and children, particularly in the area of emotional matters.

7. At all times material herein, the Defendant, DENISE MISCAVIGE GENTILE was the Chaplain to THOMAS BRENNAN, the father of Kyle Brennan, offering THOMAS BRENNAN expert guidance in Scientology matters, including, but not limited to, therapies

for matters concerning what she perceived to be mental disorders to be treated by vitamins and other therapies rather than physician prescribed medications.

8 On February 6, 2007, Kyle Brennan came to Clearwater to visit his father, THOMAS BRENNAN, and stayed at his father's apartment in Clearwater, Florida, in a complex occupied by Scientologists. At that time and place, Kyle Brennan had in his possession prescription medication, Lexapro, particularly prescribed for him by his medical doctor, a Virginia licensed psychiatrist. The Lexapro was prescribed to Kyle for his depression and social anxiety.

9 In February 2007, the Defendant, DENISE MISCAVIGE GENTILE, acting as the Scientology "Chaplain," as well as the other Defendants, GERALD GENTILE and THOMAS BRENNAN, assumed a common law duty of care for Kyle Brennan, a disabled adult, and negligently, recklessly, wantonly, willfully, callously, and with total disregard for the rights and safety of Kyle Brennan, advised and guided THOMAS BRENNAN to take the prescription Lexapro away from Kyle Brennan. Based upon her title, position, and agency with Defendant, SCIENTOLOGY, Thomas Brennan obeyed and negligently, recklessly, wantonly or willfully, callously, and with total disregard for the rights and safety of Kyle Brennan, removed the Lexapro from his son's possession, without the knowledge and consent of his adult son, Kyle Brennan, and locked the Lexapro in THOMAS BRENNAN'S truck. Thereafter, the Defendants, DENISE MISCAVIGE GENTILE, GERALD GENTILE, and THOMAS BRENNAN contacted Kyle Brennan's mother in Virginia, Victoria L. Britton, in their attempt to persuade her to have Kyle Brennan placed into the SCIENTOLOGY treatment facility known as "Narcanon," and had a Narcanon

representative soon thereafter contact Victoria L. Britton in an attempt to persuade her that its treatment therapy would result in having Kyle Brennan stop using Lexapro and be no longer in need of taking Lexapro.

10. Victoria Britton and her son, Kyle Brennan, were not Scientologists and did not follow Scientology practices. Therefore, both refused the treatment offer of the Defendants. Furthermore, Victoria Britton told them to make sure Kyle Brennan kept taking his prescribed medication, Lexapro.

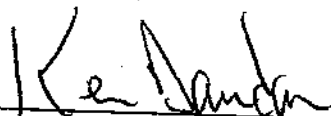
11. Thereafter, on or about February 16, 2007, for reasons yet unknown to the ESTATE, one or more of the Defendants, knowing that Kyle Brennan was a disabled adult, negligently, recklessly, wantonly or willfully, callously, and with total disregard for the rights and safety of Kyle Brennan placed, or provided access to, a loaded 357 Magnum pistol owned by THOMAS BRENNAN, on or next to the bed of Kyle Brennan in the bedroom only occupied by Kyle Brennan in the apartment of THOMAS BRENNAN. There, on or about February 16, 2007, while in a mentally deteriorated state caused by the abrupt denial of his prescription Lexapro, and with ready access to the loaded 357 Magnum, Kyle Brennan was found dead from a gunshot to his head from the 357 Magnum pistol with neither the pistol nor the bullets having any identifiable fingerprints.

12. At all times material herein as alleged above, the Defendants did not act as an ordinary reasonably prudent person would have acted under the same or similar circumstances, and the death of Kyle Brennan was caused by the wanton or willful misconduct on the part of the Defendants in the performance of such duties

13. Kyle Brennan is survived by his mother, Victoria Britton. The ESTATE brings this action to recover for her pain and suffering, funeral expenses, and all other damages permitted by Florida's Wrongful Death Act, §768.16, et seq

14. Plaintiff will seek punitive damages against all Defendants for the above stated gross negligence, reckless, wanton, and/or willful misconduct.

WHEREFORE, the Plaintiff, ESTATE OF KYLE THOMAS BRENNAN, by and through its Personal Representative, Victoria L. Britton, seeks judgment for compensatory damages and will seek punitive damages against the Defendant, CHURCH OF SCIENTOLOGY FLAG SERVICE ORGANIZATION, INC., for the acts or omissions of the individual defendants, and seeks judgment against the Defendants, DENISE MISCAVIGE GENTILE, GERALD GENTILE, and THOMAS BRENNAN, jointly and severally, together with other relief deemed proper by the court, and demands trial by jury.



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