IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

ESTATE OF BERNICE N. DANISON, DECEASED Through Estate Representative Tyra Brown c/o Michael Hill Trial Law 815 Superior Avenue, Suite 623 Cleveland, Ohio 44114 Plaintiff, vs. MOTHER ANGELINE MCCRORY MANOR AKA MOTHER ANGELINE MCCRORY MANOR, INC. 5199 E. Broad Street Columbus, Ohio 43213 Also Serve c/o Registered Agent: CT Corporation System 4400 Easton Commons, Suite 125 Columbus, Ohio 43219 and CARMELITE SISTERS FOR THE AGED AND INFIRM c/o Registered Agent: St. Theresa's Motherhouse Avila on the Hudson 600 Woods Road Germantown, New York 12526 and THE CARMELITE SYSTEM, INC. c/o Registered Agent: Trish Gathers Carmelite System for Aged/Infirm 646 Woods Road Germantown, New York 12526 Defendants.	CASE NO. JUDGE COMPLAINT WITH JURY DEMAND ENDORSED HEREON MOTION TO EXTEND DEADLINE TO FILE AFFIDAVIT OF MERIT FILED CONCURRENTLY

Plaintiff, the Estate of Bernice Danison, Deceased, through Estate Representative Tyra Brown, for this Complaint against the above-named Defendants, states and avers upon information and belief:

INTRODUCTION

1. This action involves multiple claims (medical negligence, recklessness, wrongful death, Resident's Rights Law violations, civil conspiracy, and fraud) involving Mother Angeline McCrory Manor aka Mother Angeline McCrory Manor, Inc.'s ("Facility's") inadequate care of Bernice Danison and the corporate control of the facility leading to such inadequate care that led to Bernice Danison's untimely and wrongful death on June 16, 2025.

2. Bernice was admitted to Mother Angeline McCrory Manor after suffering a fall at home. She was initially placed in a Special Recovery Unit for approximately one month.

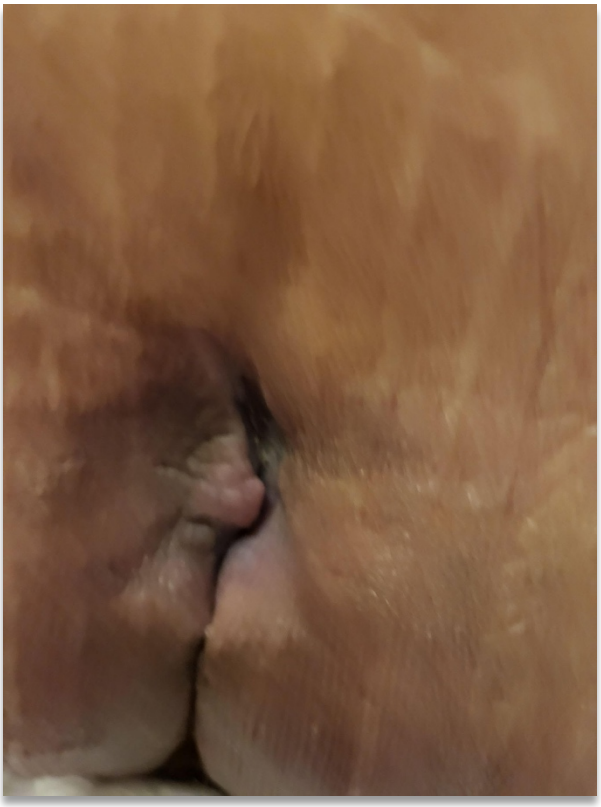
3. Upon admission to the Facility, Bernice was able to ambulate with a walker. She required assistance with eating, but showed gradual weight improvement since being in the hospital. Bernice was alert, oriented, and cognitively intact.

4. Prior to October 2024, Bernice remained active and engaged in Facility life. She participated in activities, maintained her grooming, dressed herself, and applied makeup daily. She was largely independent with bathing and mobile using a wheelchair.

5. In or around October 2024, Bernice began to experience a marked decline in condition. Bernice developed a serious kidney infection and tested positive for Methicillin-resistant Staphylococcus aureus ("MRSA.") Although she initially improved, Bernice subsequently experienced recurrent urinary tract infections.

6. Bernice's family began noticing hygiene concerns, including persistent urine odor caused by soiled incontinence products not being properly discarded and inadequate room cleaning.

7. Around this time, staff informed Tyra Brown, Bernice's daughter, that Bernice had blood in her garments. When examining her mother, Tyra observed a "tear drop" shaped area of damaged skin on Bernice's bottom.



After Tyra was informed that her mother had blood in her garments, she examined her mother and observed a "tear drop" shaped area of damaged skin on Bernice's bottom.

8. Staff acknowledged this condition and failed to implement appropriate wound care interventions, instead ordering only an air mattress.

9. Bernice's blood pressure also began to decline during this period.

10. Bernice's family observed additional hygiene failures, including feces left uncleaned in Bernice's toilet for extended periods, which staff attributed to short staffing.

11. In December 2024, Bernice visited Tyra's home and exhibited persistent coughing and nasal symptoms. Tyra contacted the Facility and demanded diagnostic testing, which later confirmed that Bernice had pneumonia.

12. During that call, Tyra learned for the first time that Bernice had been receiving breathing treatments. The Facility had failed to notify the family of Bernice's respiratory issues.

13. Tyra was also informed that there had been an RSV outbreak within the Facility throughout the month. This information had not previously been disclosed to the family despite multiple visits.

14. In February 2025, Bernice tested positive for MRSA once again.

15. In May 2025, Bernice was transferred from the Facility to Mount Carmel East Hospital at approximately 7:00 a.m. Bernice's family, including her Powers of Attorney, were not notified of this transfer.

16. At approximately 1:00 p.m., Tyra contacted the Facility to inform them she was coming to visit her mother, but instead was informed for the first time that Bernice had been transported to the hospital.

17. Upon arrival to Mount Carmel East Hospital, Tyra observed Bernice in critical condition requiring oxygen support. Physicians informed the family that Bernice was severely dehydrated, had pneumonia, impaired kidney function, and low oxygen levels.

18. During physical examination of Bernice's sacral area, medical staff discovered a severe pressure ulcer. The pressure wound was so severe, it required infectious disease consultation and isolation precautions. Full protective measures were required for anyone entering Bernice's room.



Bernice was found to have a severe pressure ulcer on her sacral area.

** CONTINUED ON NEXT PAGE **

19. Two attempts at bedside debridement were unsuccessful and caused Bernice significant pain. She ultimately required surgical debridement under anesthesia.



Mount Carmel East Hospital physicians were not able to conduct bedside debridement due to the pain it caused Bernice.

** CONTINUED ON NEXT PAGE **





Images of Bernice Danison's pressure wound after surgical debridement.





Additional images of Bernice Danison's pressure wound after surgical debridement.



Additional image of Bernice Danison's pressure wound after surgical debridement.

20. Following surgery, Bernice experienced a complicated recovery, including unstable blood pressure, extensive bruising, and poor nutritional intake.

21. Due to her declining condition, the family elected hospice care. Despite the family's preference for continued hospitalization, insurance limitations required Bernice's return to the Facility.

22. On or about May 22, 2025, Bernice returned to Defendant Facility under hospice care. Tyra observed continued failures, including failure to assist Bernice with feeding and repositioning.

23. On May 25, 2025, Tyra called emergency services due to Bernice's worsening condition, resulting in rehospitalization.

24. On June 2, 2025, Bernice returned again to Defendant Facility and received hospice services through Mount Carmel Hospital.

25. On June 16, 2025, Bernice died at Mother Angeline McCrory Manor.

26. At all relevant times, Defendant Facility failed to provide appropriate care, monitoring, hygiene, infection control, wound prevention, and timely communication, directly and proximately contributing to Bernice's injuries, suffering, and death.

27. Plaintiff requests a trial by jury.

28. Plaintiff brings this action for compensation for the harms and losses sustained as the result of the negligence, recklessness, conscious disregard, reckless disregard, conduct by which—through heedless indifference to the consequences—the Defendants or their staff disregarded a substantial and unjustifiable risk that the health care provider's conduct is likely to cause, at the time those services or that treatment or care were rendered, an unreasonable risk of injury, death, or loss to person or property, or intentional misconduct or willful or wanton misconduct, and other wrongful conduct described herein or discovered during litigation.

DEFENDANTS

29. Mother Angeline McCrory Manor aka Mother Angeline McCrory Manor, Inc. is an Ohio corporation that holds itself out to the public as a provider of medical and nursing care, including but not limited to, rehabilitation and skilled nursing care, through its agents, operatives and / or employees and does business as Mother Angeline McCrory Manor aka Mother Angeline McCrory Manor, Inc.

30. Carmelite Sisters for the Aged and Infirm is a New York corporation that holds itself out to the public as a provider of medical and nursing care, including but not limited to, rehabilitation and skilled nursing care, through its agents, operatives and / or employees and does business as Mother Angeline McCrory Manor aka Mother Angeline McCrory Manor, Inc.

31. The Carmelite System, Inc. is a New York corporation that holds itself out to the public as a provider of medical and nursing care, including but not limited to, rehabilitation and skilled nursing care, through its agents, operatives and / or employees and does business as Mother Angeline McCrory Manor aka Mother Angeline McCrory Manor, Inc.

32. The Defendants employ, manage, and direct the care and service providers who were responsible for Bernice Danison's care, treatment, and safety at Mother Angeline McCrory Manor aka Mother Angeline McCrory Manor, Inc. while she was a resident there, and / or are responsible for creating unsafe conditions at the Facility through their control of the Facility management that directly led to Bernice Danison's injuries and untimely and wrongful death on June 16, 2025.

33. The Defendants direct and control operations at the Facility and are therefore directly liable for mismanagement of the Facility without regard to piercing the corporate veil.

34. The Defendant organization controls the other corporations in a way that is so complete that the corporations have no separate mind, will, or existence of their own, is exercised in such a manner as to commit fraud or an illegal act against the person seeking to disregard the corporate entity; and injury or unjust loss resulted to the plaintiff

from such control and wrong, meaning the Defendants should be held directly liable for such harms and losses.

35. The Defendants collectively own, manage, control, and/or are responsible for the care delivered to residents of Mother Angeline McCrory Manor aka Mother Angeline McCrory Manor, Inc. directly or through their domination and control of any putative entity license holder.

VICARIOUS LIABILITY

36. The Defendants employ the care providers who were responsible for ensuring Bernice Danison's care and safety.

37. The Defendants manage, control, and/or employ the nursing staff at the Facility.

38. Bernice Danison and her family looked to the Defendants for care based upon their representations.

39. The Defendants are vicariously liable for the negligent actions of their employees and agents (respondeat superior and agency liability) and/or independent contractors (Clark v. Southview agency by estoppel), including visiting physicians and nurse practitioners contracted with any of the Defendants and / or provided to residents as default or house care providers.

JURISDICTION AND VENUE

40. This Court has Jurisdiction over Defendants because, among other things, all Defendants do, and all times relevant did, purposefully avail themselves of the laws of the State of Ohio, and/or committed tortious acts within the State of Ohio.

41. Venue is proper in Franklin County, Ohio under Civil Rule 3(B) because, among other reasons: (a) one or more Defendants reside, domicile, or carry on their

principal place of business in that county; and (b) part of the claim for relief arose in that county.

COMMON FACTS

42. Defendants hold themselves out to the public as providers of long-term nursing home, skilled nursing, and memory care services.

43. For nursing homes generally, the largest individual revenue source is residents (filling beds), and the largest individual expense is the cost of employing nursing staff to provide care to those residents. This creates a financial incentive to take on more residents with greater care needs than the nursing staff can properly care for, a violation of federal nursing home regulations regarding staffing levels.

44. The Defendants manage, control, and / or employ the nursing staff at Facility.

45. The Defendants exercise actual control over the Facility's management and operations to maximize profits, including control over facility-level:

a. Policies and procedures, including regarding resident care;
b. Finances, including obtaining credit and loans, guaranteeing loans (both at the corporate and individual facility level), maintaining funds and banking, obtaining, owning, and leasing facility land and buildings, and capital expenditures.
c. Budgeting, including controlling the amount of funds available for staffing facilities;
d. Personnel management, including hiring and firing, or having authority to hire and fire, the supervisory and management personnel in each facility;
e. Supervision of management, care providers, and staff in each facility, including compliance with federal and state regulations;
f. Employment, such as setting pay scales, shifts, and time and vacation policies;
g. Systems for training, monitoring, and supervising staff;
h. Medical record systems and management;
i. Financial control systems, including budgeting and payment processing;
j. Marketing, including setting the image and expectations residents and their family should expect at the facility, and even the name of the facility;

k. Reporting procedures, including reporting to Medicare as to individual resident care and facility-wide issues.

46. As the result of this control, the Defendants make decisions that affect the day-to-day care of residents of the Facility, such as the resources available for providing nursing staff and care to residents like Bernice Danison, meaning they are responsible for the foreseeable harm that results from careless decisions while voluntarily exercising that control.

47. Defendants failed to ensure, through their operational, budgetary, consultation and managerial decisions and actions, that the facilities were sufficiently staffed to meet the individual needs of its residents, including Bernice Danison.

48. Defendants engaged in a systemic practice to understaff the facilities to maximize profits at the expense of its residents' care.

49. The Defendants' systemic failures resulted in a "1-star" ("below average") overall ranking on the Medicare.gov Nursing Home Compare website.



Mother Angeline McCrory Manor is overall rated as a "1-star"facility on the Medicare.gov Nursing Home Compare Website.

50. These failures directly resulted in Bernice Danison not receiving basic and necessary services to prevent, among other things, neglect leading to their injuries and death.

51. The Defendants also exercise operational and managerial control, and apply this profits-over-safety model, at the following facilities in the State of Ohio:

a. The Villas at St. Therese (Independent Living)
5253 E. Broad Street
Columbus, OH 43213

b. The Villas at St. Therese (Assisted Living)
25 Noe Bixby Road
Columbus, OH 43213

52. The Defendants' profits-over-safety model and systemic failures, applied across the entire chain of nursing homes owned and operated by the Defendants, has resulted in an average ranking of "2.8-star" ("below average") ranking for across all the Defendants' nursing homes on Medicare.gov Nursing Home Compare website.



The parent company of Mother Angeline McCrory Manor – Carmelite Sisters for the Aged & Infirm – received an "2.8-star" overall rating on the Medicare.gov Nursing Home Compare Website.

Reporting Data – Nursing Home

53. The Defendants are required to report significant amounts of data to the federal agency that oversees operations of nursing homes receiving federal or state funding, the Centers for Medicare and Medicaid Services, or "Medicare."

54. The data the Defendants submit to Medicare regarding its Facility includes data on its residents (numbers, care needs, and bed days), its finances, and its nurse and nursing aide staffing levels as compared to resident care needs.

55. This data is certified correct by the Defendants and / or submitted under penalty of perjury and / or civil or criminal penalties.

56. Medicare uses some of this data submitted by Defendants to produce its nursing home 5-star rating system, also known as "Nursing Home Compare."

Nursing Home Resident Care Needs and Staffing Levels (MDS and PDPM Scores)

57. Every nursing home receiving Medicare or Medicaid funding—the clear majority of nursing homes, including Mother Angeline McCrory Manor aka Mother Angeline McCrory Manor, Inc. and others operated and / or controlled by Defendants—is required to provide detailed information regarding the health status, care and treatment, and services provided to each resident in the facility using a questionnaire called the Minimum Data Set, or MDS. This evaluation is done for all nursing home residents regardless of whether their care is being paid for by Medicare.

58. Nursing homes like Mother Angeline McCrory Manor aka Mother Angeline McCrory Manor, Inc. are required to evaluate every resident using the Minimum Data Set questionnaire shortly after the time of admission, every 90 days thereafter, when a

resident has a significant improvement or decline in health (physical, mental, or psychosocial), and upon discharge.

59. Based on this Minimum Data Set, each resident's individual care needs (called "acuity level") are assigned into a group signifying how much nursing or staff care the resident requires, called a Patient-Driven Payment Model score, or PDPM score. The PDPM score is calculated for physical therapy, occupational therapy, speech-language pathology, non-therapy ancillary services, and nursing services.

60. Each resident's PDPM score for nursing services is contained in the patient's Minimum Data Set evaluations, meaning the total nursing care needs of the residents in any facility at a specific time is available by totaling the residents' PDPM scores from various sections of the Minimum Data Set evaluations corresponding to increased needs for nursing care.

61. When these PDPM scores are combined for all residents in a nursing home facility, the nursing home knows exactly how many minutes of nursing and nursing aide care should be provided, on average, to meet the expected care needs of their residents.

Misleading Advertising

62. In an effort to persuade the families of patients to become customers, Defendants make promises to the families of such potential residents that they will provide a level of care that they know they are incapable of providing.

63. The intent and outcome of this misleading practice is to cause residents, their families, and external care providers to believe the nursing facility is much better staffed to provide the promised care than what is actually the practice of the Defendants with regard to staffing the Facility.

64. The intent and outcome of this misleading practice is to drastically limit the budget and overhead needed to run a safe facility in order to maximize profits and syphon resources at the expense of patient safety.

Systemic Understaffing and Bernice Danison's Care

65. Defendants failed to ensure, through their operational, budgetary, consultation and managerial decisions and actions, that Mother Angeline McCrory Manor aka Mother Angeline McCrory Manor, Inc. was sufficiently staffed, and the staff appropriately trained and informed, to meet the individual needs of Bernice Danison during the period she was a resident at the facility.

66. Defendants engaged in a systemic practice to understaff Mother Angeline McCrory Manor aka Mother Angeline McCrory Manor, Inc. to maximize profits at the expense of its residents' care.

67. This lack of sufficient staff directly resulted in Bernice Danison not receiving basic and necessary services, assessments, and interventions to prevent, among other things, neglect leading to their injuries at Mother Angeline McCrory Manor aka Mother Angeline McCrory Manor, Inc. during the period she was a resident at the Facility.

Defendants' Negligence and Recklessness with Bernice Danison

68. Defendants accepted Bernice Danison as a nursing home resident for long-term care and to rehabilitate her after a fall she experienced at home.

69. Defendants agreed to accept Bernice Danison into their facility and provide care to her in exchange for monetary payment.

70. The Facility knew Bernice Danison was at risk of developing pressure wounds and infections when it accepted her into their care due to her limited mobility.

71. Bernice Danison endured mental and physical pain suffering and death as a direct and proximate result of Defendants' failure to provide adequate care due to understaffing the facility.

FIRST CAUSE OF ACTION
(MEDICAL NEGLIGENCE / RECKLESSNESS)

72. Plaintiff incorporates all other paragraphs of this Complaint as if fully rewritten herein.

73. Bernice Danison depended on the Defendants, and their respective nursing and medical staff, for medical and nursing care, treatment, evaluation, and assistance.

74. The Defendants had a duty to provide proper care and treatment to Bernice Danison and to avoid causing injury to her.

75. The Defendants, including their medical and nursing staff, failed to provide proper care and treatment to Bernice Danison, which they knew or should have known she required, and their negligence was the direct and proximate cause of the injuries that Bernice Danison suffered.

76. The Defendants' failure to provide proper care and treatment included, but is not limited to:

a. Choosing to put inadequate prevention and response interventions in place to prevent injuries;

b. Choosing to provide inadequate resident observation, supervision, and monitoring;

c. Choosing to provide improper training to staff members regarding resident monitoring, assessment, response, and treatment;

d. Choosing to provide too few, and / or underqualified nursing staff members for resident needs at each facility to protect and provide adequate care to residents like Bernice Danison;

e. Choosing not to provide accurate, adequate, or timely information to Bernice Danison's family;

f. Choosing to provide inadequate supervision to prevent accidents and falls;

g. Choosing to violate orders relating to the care of Bernice Danison;

h. Choosing to violate state and federal regulations governing care and staffing levels in nursing home facilities, by which residents like Bernice Danison are a member of the class of persons intended to be protected from injuries like those she suffered;

i. Failing to ensure the rights and safety of its residents, including Bernice Danison, as required by Ohio and federal regulations;

j. Choosing not to provide appropriate care to Bernice Danison while she was a resident of the Facility; and

k. Such other acts or omissions described in this Complaint or discovered in litigation.

77. These actions constituted a conscious disregard for Bernice Danison's rights and safety with a great probability of causing substantial harm from this misconduct, by which—through heedless indifference to the consequences—the Defendants or their staff disregarded a substantial and unjustifiable risk that the health care provider's conduct was likely to cause, at the time those services or that treatment or care were rendered, constituting an unreasonable risk of injury, death, or loss to person or property, or intentional misconduct or willful or wanton misconduct. The Defendants were aware of the great probability of the harm that could result from their willful, wanton, and/or reckless misconduct.

78. The Defendants' disregard for the rights and safety of residents like Bernice Danison created circumstances under which it became substantially certain that serious injuries would result, entitling Plaintiff to awards for compensatory and punitive damages.

79. The Defendants are directly liable for their own willful, wanton, and/or reckless misconduct.

80. The Defendants are also vicariously liable for their employees' and agents' willful, wanton, and/or reckless misconduct.

81. The Defendants and their medical and nursing staff provided care to Bernice Danison that fell below the standard of care expected of medical care and nursing home organizations, under the same or similar circumstances.

82. The departures from the standard of care are evidenced by violations of sections of Federal Regulations, 42 C.F.R. § 483 et seq., and Ohio Administrative Code sections, OAC 3701-17 et seq., and the Ohio Resident's Rights Law, R.C. section 3721.13.

83. As a direct and proximate result of the negligent and/or willful, wanton and/or reckless actions of the Defendants described above, Bernice Danison sustained permanent injury and loss, including, but not limited to, conscious pain and suffering, disability, and death.

84. WHEREFORE, Plaintiff demands judgment against the Defendants, jointly, in an amount more than Twenty-Five Thousand Dollars ($25,000.00), for conscious pain and suffering, loss of enjoyment, together with costs of suit, attorney's fees and expenses, punitive and exemplary damages, and any other relief to which the Plaintiff may be entitled to and/or that the court finds is appropriate and/or equitable.

SECOND CAUSE OF ACTION
(WRONGFUL DEATH)

85. Plaintiff incorporates all other paragraphs of this Complaint as if fully rewritten herein.

86. Bernice Danison depended on the Defendants, and their respective nursing and medical staff, for medical and nursing care, treatment, evaluation, and assistance.

87. The Defendants had a duty to provide proper care and treatment to Bernice Danison and to avoid causing injury to her.

88. The Defendants, including their medical and nursing staff, failed to provide proper care and treatment to Bernice Danison, which they knew or should have known she required, and their negligence was the direct and proximate cause of the injuries that Bernice Danison suffered.

89. The Defendants' failure to provide proper care and treatment included, but is not limited to:

a. Choosing to put inadequate prevention and response interventions in place to prevent injuries;

b. Choosing to provide inadequate resident observation, supervision, and monitoring;

c. Choosing to provide improper training to staff members regarding resident monitoring, assessment, response, and treatment;

d. Choosing to provide too few, and / or underqualified nursing staff members for resident needs at each facility to protect and provide adequate care to residents like Bernice Danison;

e. Choosing not to provide accurate, adequate, or timely information to Bernice Danison's family;

f. Choosing to provide inadequate supervision to prevent accidents and falls;

g. Choosing to violate orders relating to the care of Bernice Danison;

h. Choosing to violate state and federal regulations governing care and staffing levels in nursing home facilities, by which residents like Bernice Danison are a member of the class of persons intended to be protected from injuries like those she suffered;

i. Failing to ensure the rights and safety of its residents, including Bernice Danison, as required by Ohio and federal regulations;

j. Choosing not to provide appropriate care to Bernice Danison while she was a resident of the Facility; and

k. Such other acts or omissions described in this Complaint or discovered in litigation.

90. Defendants, directly or through their employees or agents, violated Bernice Danison's rights as a resident of the Defendants' facilities, as enumerated in Ohio Revised Code section 3721.13, including, but not limited to:

a. The right to a safe and clean living environment;

b. The right to be free from physical, verbal, mental, and emotional abuse and to be treated at all times with courtesy, respect, and full recognition of dignity and individuality;

c. The right to adequate and appropriate medical treatment and nursing care and to other ancillary services that comprise necessary and appropriate care;

d. The right to have clothes and bed sheets changed as the need arises, to ensure the resident's comfort or sanitation;

e. The right to participate in decisions that affect the resident's life;

f. The right to have any significant change in the resident's health status reported to the resident's sponsor.

91. These violations are evidence of negligence and conscious disregard of Bernice Danison's rights and safety, and give rise to a statutory cause of action.

92. Bernice Danison endured conscious pain, suffering, and disability, and other harms and losses as the direct and proximate result of Defendants' violations of R.C. 3721.13.

93. These actions constituted a conscious disregard for Bernice Danison's rights and safety with a great probability of causing substantial harm from this misconduct, by which—through heedless indifference to the consequences—the Defendants or their staff disregarded a substantial and unjustifiable risk that the health care provider's conduct was likely to cause, at the time those services or that treatment or care were rendered,

constituting an unreasonable risk of injury, death, or loss to person or property, or intentional misconduct or willful or wanton misconduct.

94. The Defendants were aware of the great probability of the harm that could result from their willful, wanton, and/or reckless misconduct.

95. The Defendants' disregard for the rights and safety of residents like Bernice Danison created circumstances under which it became substantially certain that serious injuries would result.

96. The Defendants are directly liable for their own willful, wanton, and/or reckless misconduct.

97. The Defendants are also vicariously liable for their employees' and agents' willful, wanton, and/or reckless misconduct.

98. The Defendants and their medical and nursing staff provided care to Bernice Danison that fell below the standard of care expected of medical care and nursing home organizations, under the same or similar circumstances.

99. The departures from the standard of care are evidenced by violations of sections of Federal Regulations, 42 C.F.R. § 483 et seq., and Ohio Administrative Code sections, OAC 3701-17 et seq., and the Ohio Resident's Rights Law, R.C. section 3721.13.

100. As a direct and proximate result of the negligence / recklessness described above, Bernice Danison sustained injuries that caused her untimely and wrongful death.

101. Bernice Danison's next-of-kin suffered damages as set forth in the Ohio Wrongful Death statute, R.C. 2125.01 et seq., including mental anguish and grief and loss of Decedent's society and companionship.

102. WHEREFORE, Plaintiff demands judgment against Defendants, in an amount more than $25,000.00 to compensate the decedent's next of kin and heirs at law,

together with costs of suit, attorneys' fees and expenses, and any other relief the court finds is appropriate and / or equitable.

THIRD CAUSE OF ACTION
(NURSING HOME RESIDENT RIGHTS VIOLATION R.C. 3721.13)

103. Plaintiff incorporates all other paragraphs of this Complaint as if fully rewritten herein.

104. Defendants, directly or through their employees or agents, violated Bernice Danison's rights as a resident of the Defendants' facilities, as enumerated in Ohio Revised Code section 3721.13, including, but not limited to:

a. The right to a safe and clean living environment;

b. The right to be free from physical, verbal, mental, and emotional abuse and to be treated at all times with courtesy, respect, and full recognition of dignity and individuality;

c. The right to adequate and appropriate medical treatment and nursing care and to other ancillary services that comprise necessary and appropriate care;

d. The right to have clothes and bed sheets changed as the need arises, to ensure the resident's comfort or sanitation;

e. The right to participate in decisions that affect the resident's life;

f. The right to have any significant change in the resident's health status reported to the resident's sponsor.

105. These violations are evidence of negligence and conscious disregard of Bernice Danison's rights and safety, and give rise to a statutory cause of action.

106. As a direct and proximate result of Defendants' violations of R.C. 3721.13, Bernice Danison suffered conscious pain, suffering, and disability, and other harms and losses, including death.

107. WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly, in an amount in excess of $25,000.00, together with costs of suit, attorney's fees and

expenses, punitive and exemplary damages, and any other relief to which the court finds is appropriate and / or equitable.

FOURTH CAUSE OF ACTION
(CIVIL CONSPIRACY)

108. Plaintiff incorporates all other paragraphs of this Complaint as if fully rewritten herein.

109. Defendants had an express agreement, mutual understanding, or tacit agreement to, and/or their agents maliciously combined efforts to:

a. defraud residents and their families by delivering wholly inadequate care, contrary to their promises;

b. systemically understaff their facilities in violation of federal regulations, and for the purposes of their own profit, at the expense of resident health and safety;

c. under-capitalize the facilities and syphon money to themselves and related entities for the purposes of their own profit at the expense of resident health and safety;

d. inflate resident PDPM levels to obtain excessive and unjustified payments from Medicare and Medicaid while not providing the care paid for with these taxpayer dollars;

e. not provide the level of care, by understaffing the facility, paid for by taxpayer dollars;

f. misrepresenting to Medicare the staffing level of the facility to increase their rating; and

g. as otherwise may be described in the Complaint or learned through discovery.

110. This understanding constitutes a malicious combination to injure residents of the Facility, including Bernice Danison.

111. In pursuance of this common plan or design to commit tortious acts, the Defendants actively took part in it, or furthered it by cooperation or request, or lent aid

or encouragement to the wrongdoers, or ratified and adopted the wrongdoers' acts done for their benefit.

112. The conspiracy caused injury to Bernice Danison.

113. WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly, in an amount in excess of $25,000.00, together with costs of suit, attorney's fees and expenses, punitive and exemplary damages, and any other relief to which the court finds is appropriate and / or equitable.

FIFTH CAUSE OF ACTION
(FRAUD)

114. Plaintiff incorporates all other paragraphs of this Complaint as if fully rewritten herein.

115. Defendants concealed facts concerning their staffing levels, pay, and the amount of care they were actually capable of providing at Mother Angeline McCrory Manor aka Mother Angeline McCrory Manor, Inc.

116. Not only did Defendants conceal this information, but they also publicly and privately represented that they provide exceptional services in an effort to induce the family of Bernice Danison and other potential customers to place their loved ones in their care and custody.

117. These inducements were made falsely, with knowledge of their falsity, or with such utter disregard and recklessness as to whether they were true or false that knowledge may be inferred with the intent of misleading Bernice Danison's family and other potential customers into placing their loved ones in the care and custody of Defendants.

118. Bernice Danison's family and the family members of other potential customers reasonably relied on Defendants' representations and concealments regarding the degree of care they provide.

119. The result of these inducements and concealments was that Bernice Danison's family, and the family of numerous other residents, allowed their loved one to be placed in Defendants' facility.

120. As a direct and proximate result of Defendants' actions, representations, and concealments, Bernice Danison suffered conscious pain and suffering and death.

121. As a direct and proximate result of Defendants' action, representations, and concealments, Bernice Danison's next-of-kin have experienced harms and losses as a result of her death, including those damages set forth in Ohio's wrongful death statute, Ohio Revised Code section 2125.02 *et seq*.

122. WHEREFORE, Plaintiff demands judgment against the Defendants, jointly, in an amount in excess of Twenty-Five Thousand Dollars ($25,000.00), together with costs of suit, attorney's fees and expenses, punitive and exemplary damages, and any other relief to which the court finds is appropriate and/or equitable.

A TRIAL BY JURY IS HEREBY DEMANDED

Respectfully Submitted,

/s/ Michael A. Hill

MICHAEL A. HILL (0088130)
C. JOSEPH MCCOY (0092669)
MOLLY B. MORRIS (0102510)
LINA GIRGIS (0106469)
MICHAEL HILL TRIAL LAW
815 Superior Avenue, Suite 623
Cleveland, OH 44114
(800) 659-2712 (o) | (216) 304-6630 (f)
michael.hill@protectseniors.com
joe.mccoy@protectseniors.com

molly.morris@protectseniors.com
lina.girgis@protectseniors.com
www.protectseniors.com
Counsel for Plaintiff