PAVAN PARIKH
HAMILTON COUNTY CLERK OF COURTS

COMMON PLEAS DIVISION

ELECTRONICALLY FILED
April 29, 2026 04:47 PM
PAVAN PARIKH
Clerk of Courts
Hamilton County, Ohio
CONFIRMATION 1812036

ESTATE OF JOSEPH D DORNBUSCH DECEASED
vs.
THE CHRISTIAN VILLAGE AT MT HEALTHY AKA MT HEALTHY

A 2602341

FILING TYPE: INITIAL FILING (OUT OF COUNTY) WITH JURY DEMAND

PAGES FILED: 21

EFR200

IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

ESTATE OF JOSEPH D. DORNBUSCH, DECEASED Through Estate Representative Darlene Hacker c/o Michael Hill Trial Law 815 Superior Avenue, Suite 623 Cleveland, Ohio 44114 Plaintiff, vs. THE CHRISTIAN VILLAGE AT MT. HEALTHY AKA MT. HEALTHY CHRISTIAN HOME, INC. 8097 Hamilton Avenue Cincinnati, Ohio 45231 Also Serve c/o Registered Agent: Larry D. Monroe 411 Western Row Road Mason, Ohio 45040 and THE CHRISTIAN VILLAGE COMMUNITIES AKA THE CHRISTIAN BENEVOLENT ASSOCIATION OF GREATER CINCINNATI, INC. c/o Larry D. Monroe 411 Western Row Road Mason, Ohio 45040 Defendants.	CASE NO. JUDGE **COMPLAINT** **WITH JURY DEMAND AND AFFIDAVIT OF MERIT ATTACHED** Previously filed Case No.: A 2405351 (Previously assigned to Judge Alison Hatheway)

Plaintiff, the Estate of Joseph D. Dornbusch, Deceased, through Estate Representative Darlene Hacker, for this refiled Complaint (previously filed Case No. A

E-FILED 04/29/2026 4:47 PM / CONFIRMATION 1812036 / A 2602341 / COMMON PLEAS DIVISION / IFOJ

2405351 assigned to Judge Alison Hatheway) 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 The Christian Village at Mt. Healthy aka Mt. Healthy Christian Home, Inc. ("Facility's") inadequate care of Joseph Dornbusch and the corporate control of the facility leading to such inadequate care that led to Joseph Dornbusch's untimely and wrongful death on February 12, 2024.

2. This is a negligence case against The Christian Village at Mt. Healthy, also known as Mt. Healthy Christian Home, Inc., for failing to provide adequate care to Joseph Dornbusch following a hospitalization due to injuries from a fall, including, but not limited to, failing to administer necessary prescribed medications to treat a urinary tract infection and pneumonia that were discovered during his hospitalization, allowing the infections to progress for weeks, failing to monitor for signs and symptoms of infection, and failing to run appropriate diagnostic testing for infections and seek medical intervention resulting in septic shock that led to his untimely and wrongful death.

3. Plaintiff requests a trial by jury.

4. An Affidavit of Merit is attached.

5. 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

E-FILED 04/29/2026 4:47 PM / CONFIRMATION 1812036 / A 2602341 / COMMON PLEAS DIVISION / IFOJ

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

6. The Christian Village at Mt. Healthy aka Mt. Healthy Christian Home, Inc. is a/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 The Christian Village at Mt. Healthy aka Mt. Healthy Christian Home, Inc.

7. The Chrisitan Village Communities aka The Chrisitan Benevolent Association of Greater Cincinnati, Inc. is a/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 The Christian Village at Mt. Healthy aka Mt. Healthy Christian Home, Inc.

8. The Defendants employ, manage, and direct the care and service providers who were responsible for Joseph Dornbusch's care, treatment, and safety at The Christian Village at Mt. Healthy aka Mt. Healthy Christian Home, Inc. while they were 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 Joseph Dornbusch's injuries and untimely and wrongful death on February 12, 2024.

9. 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.

E-FILED 04/29/2026 4:47 PM / CONFIRMATION 1812036 / A 2602341 / COMMON PLEAS DIVISION / IFOJ

10. 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.

11. The Defendants collectively own, manage, control, and/or are responsible for the care delivered to residents of The Christian Village at Mt. Healthy aka Mt. Healthy Christian Home, Inc. directly or through their domination and control of any putative entity license holder.

VICARIOUS LIABILITY

12. The Defendants employ the care providers who were responsible for ensuring Joseph Dornbusch's care and safety.

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

14. Joseph Dornbusch and their family looked to the Defendants for care based upon their representations.

15. 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 Hosp. & Family Health Ctr.*, 68 Ohio St.3d 435, 628 N.E.2d 46 (1994), 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.

E-FILED 04/29/2026 4:47 PM / CONFIRMATION 1812036 / A 2602341 / COMMON PLEAS DIVISION / IFOJ

JURISDICTION AND VENUE

16. 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.

17. Venue is proper in Hamilton 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

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

19. 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.

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

21. 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;

E-FILED 04/29/2026 4:47 PM / CONFIRMATION 1812036 / A 2602341 / COMMON PLEAS DIVISION / IFOJ

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; and

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

22. 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 Joseph Dornbusch, meaning they are responsible for the foreseeable harm that results from careless decisions while voluntarily exercising that control.

23. This lack of sufficient staff directly resulted in Joseph Dornbusch not receiving basic and necessary services to prevent, among other things, neglect leading to their injuries and death.

E-FILED 04/29/2026 4:47 PM / CONFIRMATION 1812036 / A 2602341 / COMMON PLEAS DIVISION / IFOJ

Reporting Data – Nursing Home

24. 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."

25. 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.

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

27. 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 RUG Scores)

28. Every nursing home receiving Medicare or Medicaid funding—the clear majority of nursing homes, including The Christian Village at Mt. Healthy aka Mt. Healthy Christian Home, 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.

29. Nursing homes like The Christian Village at Mt. Healthy aka Mt. Healthy Christian Home, 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

E-FILED 04/29/2026 4:47 PM / CONFIRMATION 1812036 / A 2602341 / COMMON PLEAS DIVISION / IFOJ

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

30. 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 Resource Utilization Group score, or RUG score.

31. Each resident's Resource Utilization Group score is contained in Section Z of their Minimum Data Set evaluations, meaning the total care needs of the residents in any facility at a specific time is available by totaling the residents' Resource Utilization Group scores from their Minimum Data Set evaluations.

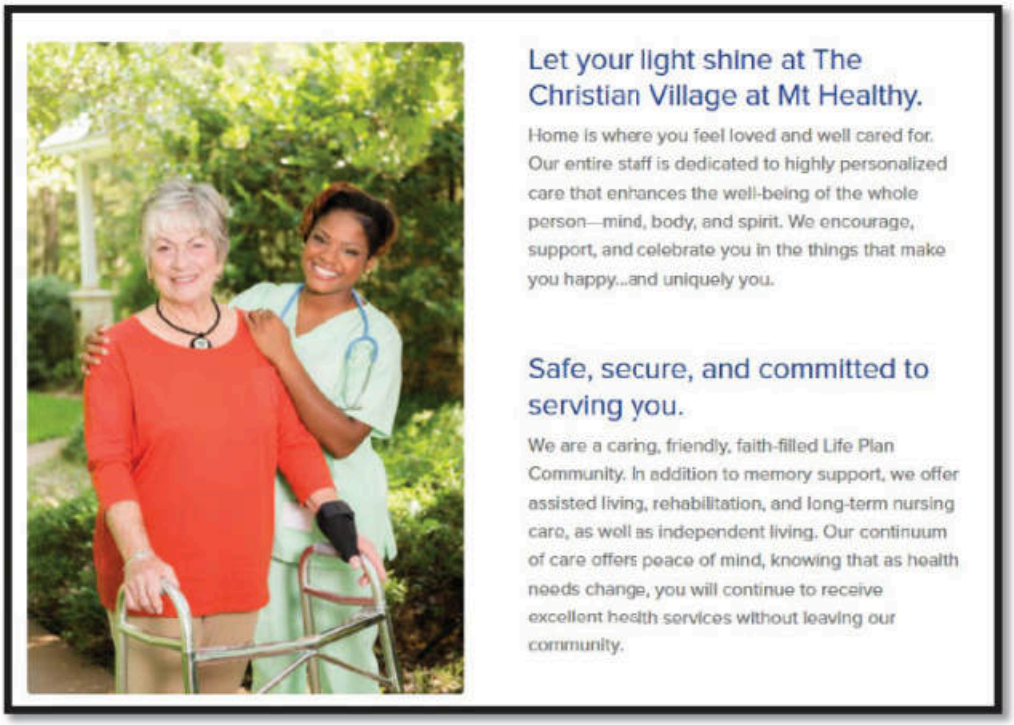
32. Medicare has commissioned and made available to every nursing home studies and data showing the number of minutes of nursing and nursing aide care a person at a specific RUG level should be expected to require, which Medicare calls "expected staffing."

33. When these Resource Utilization Group 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.

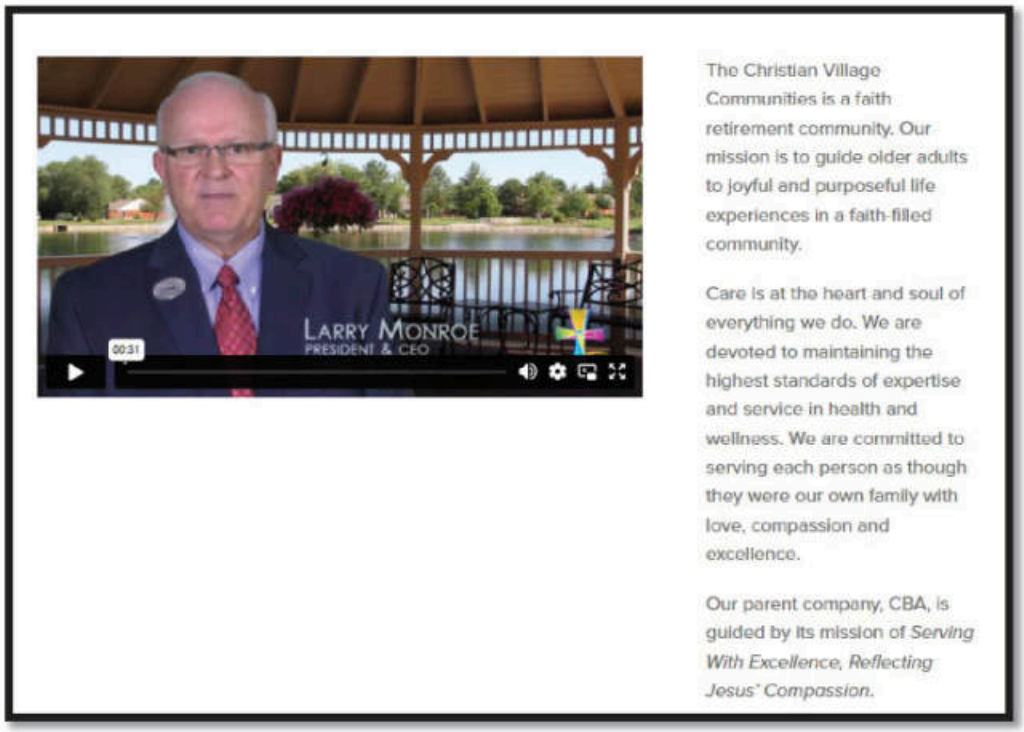
Misleading Advertising

34. 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.

E-FILED 04/29/2026 4:47 PM / CONFIRMATION 1812036 / A 2602341 / COMMON PLEAS DIVISION / IFOJ



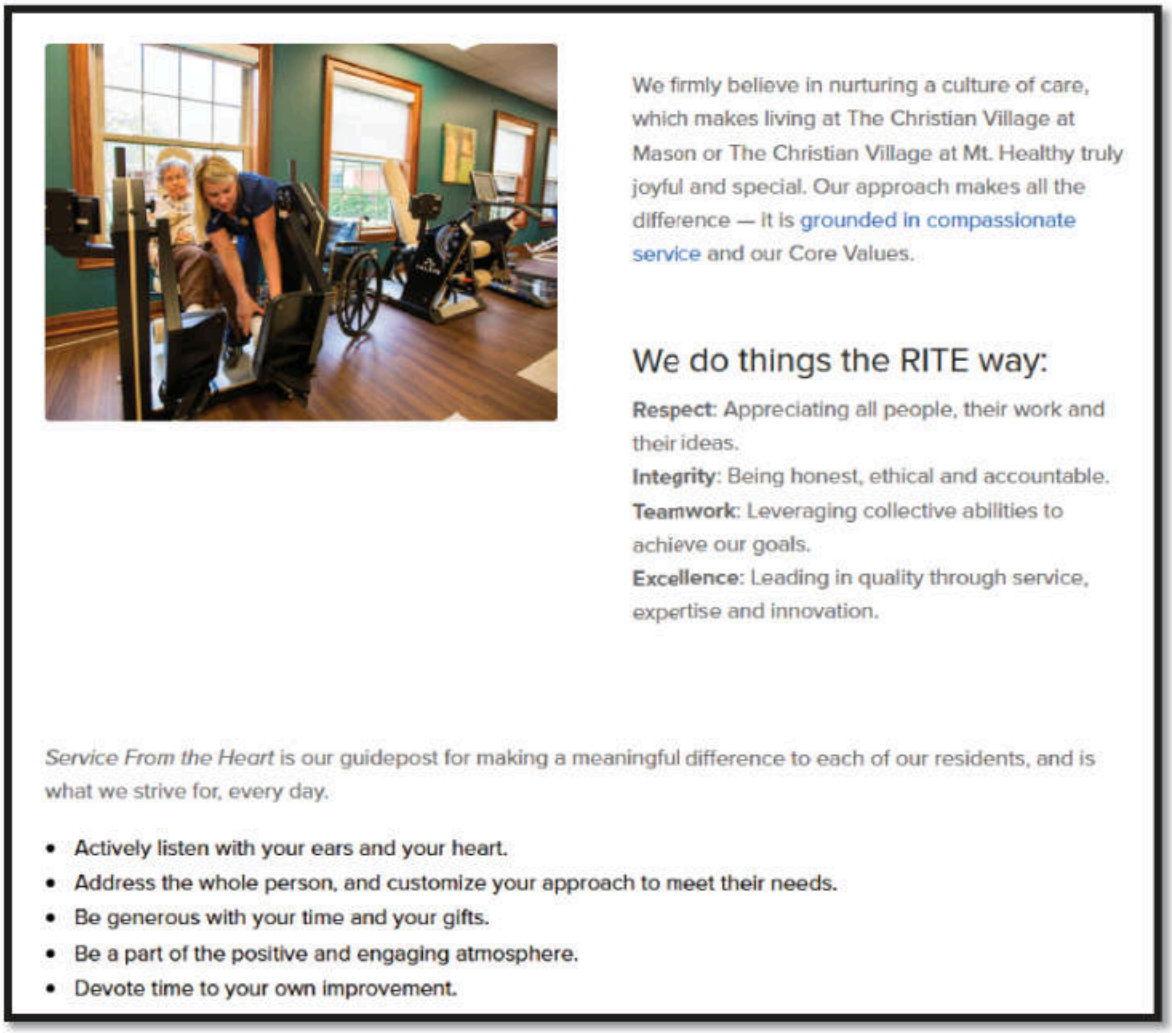
Christian Village at Mt. Healthy advertises its services in a way to lead families and potential residents to believe that their services are specialized to each resident. This is done to make individuals believe that their loved one will be cared for at a level that the facility does not provide. This data was taken directly from christianvillages.org on November 25, 2024.



Christian Village at Mt. Healthy advertises its mission in a way to lead families and potential residents to believe that their loved ones will be treated with care and compassion as if they were being cared for

E-FILED 04/29/2026 4:47 PM / CONFIRMATION 1812036 / A 2602341 / COMMON PLEAS DIVISION / IFOJ

by their own family members. This is done to make individuals believe that their loved one will be cared for at a level that the facility does not provide. This data was taken directly from christianvillages.org on November 25, 2024.



Christian Village at Mt. Healthy advertises its core values and approach in a way to lead families and potential residents to believe that their loved ones will be cared for by individuals who are going to do things the "RITE" way and perform their duties with respect, integrity, teamwork, and excellence. Christian Village at Mt. Healthy advertises its guidepost as, "Service From the Heart." This is done to make individuals believe that their loved one will be cared for at a level that the facility does not provide. This data was taken directly from christianvillages.org on November 25, 2024.

35. The intent and outcome of this misleading practice is to cause residents, their families, and external care providers to believe the nursing facility is providing the promised care versus what is actually the practice of the Defendants with regard to caring for the residents in the Facility.

E-FILED 04/29/2026 4:47 PM / CONFIRMATION 1812036 / A 2602341 / COMMON PLEAS DIVISION / IFOJ

36. 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 Joseph Dornbusch's Care

37. Defendants failed to ensure, through their operational, budgetary, consultation and managerial decisions and actions, that The Christian Village at Mt. Healthy aka Mt. Healthy Christian Home, Inc. was sufficiently staffed, and the staff appropriately trained and informed, to meet the individual needs of Joseph Dornbusch during the period they were a resident at the facility.

38. "Sufficient staffing" requires more than the number of people on payroll who are present in the building at any given time. Sufficient staffing factors in whether staff are sufficiently trained to provide care that meets each resident's needs and also who are responsive to each recipient's needs, which Defendants' Facility lacked.

39. Defendants engaged in a systemic practice to understaff The Christian Village at Mt. Healthy aka Mt. Healthy Christian Home, Inc. to maximize profits at the expense of its residents' care.

40. This lack of sufficient staff directly resulted in Joseph Dornbusch not receiving basic and necessary services, assessments, and interventions to prevent, among other things, neglect leading to their injuries at The Christian Village at Mt. Healthy aka Mt. Healthy Christian Home, Inc. during the period they were a resident at the Facility.

Defendants' Negligence and Recklessness with Joseph Dornbusch

41. Defendants accepted Joseph Dornbusch as a nursing home resident for long-term care.

E-FILED 04/29/2026 4:47 PM / CONFIRMATION 1812036 / A 2602341 / COMMON PLEAS DIVISION / IFOJ

42. Defendants agreed to accept Joseph Dornbusch into their facility and provide care to them in exchange for monetary payment.

43. Over the years, Joseph Dornbusch experienced numerous falls and recurrent urinary tract infections while under the care of The Christian Village at Mt. Healthy aka Mt. Healthy Christian Home, Inc.

44. In December 2023, while under the care of The Christian Village at Mt. Healthy, also known as Mt. Healthy Christian Home, Inc., Joseph Dornbusch suffered another fall that caused head injuries requiring immediate medical attention and resulted in a subsequent hospitalization.

45. During his hospitalization, Joseph Dornbusch was diagnosed with multi-focal pneumonia and a urinary tract infection. Upon discharge, he was prescribed antibiotics to treat these infections, which were to be administered during his continued care at The Christian Village at Mt. Healthy aka Mt. Healthy Christian Home, Inc.

46. When Joseph Dornbusch's family inquired about his care, The Christian Village at Mt. Healthy aka Mt. Healthy Christian Home, Inc., assured them that the prescribed antibiotics were being administered to treat his infections.

47. In mid-February 2024, a staff member from The Christian Village at Mt. Healthy aka Mt. Healthy Christian Home, Inc. contacted Joseph Dornbusch's family and assured them that both of his infections were resolved.

48. Just three days later, Joseph Dornbusch was transferred from The Christian Village at Mt. Healthy aka Mt. Healthy Christian Home, Inc. to Mercy Health Fairfield Hospital where he was placed on life support due to septic shock caused by the persisting infections that staff promised his family were resolved days prior.

E-FILED 04/29/2026 4:47 PM / CONFIRMATION 1812036 / A 2602341 / COMMON PLEAS DIVISION / IFOJ

49. Joseph Dornbusch died on February 12, 2024. His death certificate lists the cause of death as septic shock due to multifocal pneumonia, cystitis, and acute hypercapnic and hypoxic respiratory failure.

50. Joseph Dornbusch endured mental and physical pain suffering and death as a direct and proximate result of Defendants' failure to provide adequate care.

FIRST CAUSE OF ACTION
(MEDICAL NEGLIGENCE/RECKLESSNESS)

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

52. Joseph Dornbusch depended on the Defendants, and their respective nursing and medical staff, for medical and nursing care, treatment, evaluation, and assistance.

53. The Defendants had a duty to provide proper care and treatment to Joseph Dornbusch and to avoid causing injury to Joseph Dornbusch.

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

55. 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;

E-FILED 04/29/2026 4:47 PM / CONFIRMATION 1812036 / A 2602341 / COMMON PLEAS DIVISION / IFOJ

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 Joseph Dornbusch; Choosing to not provide accurate, adequate, or timely information to Joseph Dornbusch's family;

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

f. Choosing to violate orders relating to care of Joseph Dornbusch; Choosing to violate state and federal regulations governing care and staffing levels in nursing home facilities by which residents like Joseph Dornbusch are a member of the class of persons intended to be protected from injuries like those they suffered;

g. Failing to ensure the rights and safety of its residents, including Joseph Dornbusch, as required by Ohio and federal regulations;

h. Choosing not to provide appropriate care to Joseph Dornbusch while they were a resident of the Facility; and

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

56. These actions constituted a conscious disregard for Joseph Dornbusch'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.

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

E-FILED 04/29/2026 4:47 PM / CONFIRMATION 1812036 / A 2602341 / COMMON PLEAS DIVISION / IFOJ

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

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

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

61. 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.

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

63. 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)

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

E-FILED 04/29/2026 4:47 PM / CONFIRMATION 1812036 / A 2602341 / COMMON PLEAS DIVISION / IFOJ

65. Joseph Dornbusch depended on the Defendants, and their respective nursing and medical staff, for medical and nursing care, treatment, evaluation, and assistance.

66. The Defendants had a duty to provide proper care and treatment to Joseph Dornbusch and to avoid causing injury to Joseph Dornbusch.

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

68. 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 Joseph Dornbusch; Choosing to not provide accurate, adequate, or timely information to Joseph Dornbusch's family;

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

f. Choosing to violate orders relating to care of Joseph Dornbusch; Choosing to violate state and federal regulations governing care and staffing levels in nursing home facilities by which residents like Joseph Dornbusch are a member of the class of persons intended to be protected from injuries like those they suffered;

g. Failing to ensure the rights and safety of its residents, including Joseph Dornbusch, as required by Ohio and federal regulations;

E-FILED 04/29/2026 4:47 PM / CONFIRMATION 1812036 / A 2602341 / COMMON PLEAS DIVISION / IFOJ

h. Choosing not to provide appropriate care to Joseph Dornbusch while they were a resident of the Facility; and

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

69. Defendants, directly or through their employees or agents, violated Joseph Dornbusch'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; and

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

70. These violations are evidence of negligence and conscious disregard of Joseph Dornbusch's rights and safety, and give rise to a statutory cause of action.

71. Joseph Dornbusch 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.

72. These actions constituted a conscious disregard for Joseph Dornbusch'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

E-FILED 04/29/2026 4:47 PM / CONFIRMATION 1812036 / A 2602341 / COMMON PLEAS DIVISION / IFOJ

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.

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

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

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

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

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

78. 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.

79. As a direct and proximate result of the negligence / recklessness described above, Joseph Dornbusch sustained injuries that caused their untimely and wrongful death.

80. Joseph Dornbusch'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.

E-FILED 04/29/2026 4:47 PM / CONFIRMATION 1812036 / A 2602341 / COMMON PLEAS DIVISION / IFOJ

81. 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)

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

83. Defendants, directly or through their employees or agents, violated Joseph Dornbusch'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; and

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

84. These violations are evidence of negligence and conscious disregard of Joseph Dornbusch's rights and safety, and give rise to a statutory cause of action.

85. As a direct and proximate result of Defendants' violations of R.C. 3721.13, Joseph Dornbusch conscious pain, suffering, and disability, and other harms and losses including death.

E-FILED 04/29/2026 4:47 PM / CONFIRMATION 1812036 / A 2602341 / COMMON PLEAS DIVISION / IFOJ

86. WHEREFORE, Plaintiff demands 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.

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)
MICHAEL HILL TRIAL LAW
815 Superior Ave., Suite 623
Cleveland, Ohio 44114
(800) 659-2712 (o) | (216)-716-2507 (f)
michael.hill@protectseniors.com
joe.mccoy@protectseniors.com
molly.morris@protectseniors.com
www.protectseniors.com

Counsel for Plaintiff

E-FILED 04/29/2026 4:47 PM / CONFIRMATION 1812036 / A 2602341 / COMMON PLEAS DIVISION / IFOJ

STATE OF OHIO)
) **AFFIDAVIT OF MERIT**
CUYAHOGA COUNTY)
)
)

Affiant KAPIL GULATI, MD, having been first duly sworn, states:

1. I am an adult, have no known disability preventing my truthful testimony, and have personal knowledge of the matters contained within this affidavit.

2. I am a full-time practicing physician in the field of Internal Medicine, licensed in the state of Ohio, board certified in Internal Medicine, spending more than 50% of my professional time providing direct patient care.

3. Through my specialized knowledge, skill, training, experience, and education, I am familiar with the standard of care applicable to the medical and nursing care and treatment that was provided to Joseph Dornbusch while a resident of The Christian Village at Mt. Healthy aka Mt. Healthy Christian Home, Inc. and The Christian Village Communities aka The Christian Benevolent Association of Greater Cincinnati, Inc.

4. I have reviewed all medical records reasonably available to The Estate of Joseph Dornbusch, Deceased concerning the allegations contained in the complaint.

5. To a reasonable degree of medical probability, the Defendants The Christian Village at Mt. Healthy aka Mt. Healthy Christian Home, Inc. and The Christian Village Communities aka The Christian Benevolent Association of Greater Cincinnati, Inc., breached the standard of care in certain respects, and this breach caused injury to Joseph Dornbusch.

6. I reserve the right to supplement or amend my opinion if presented with additional records to review.

FURTHER AFFIANT SAYETH NAUGHT.

KAPIL GULATI, MD

SWORN TO BEFORE ME and subscribed in my presence this 11th day of December, 2024.

NOTARY PUBLIC
Beth Dorak
My commission has no expiration date pursuant to ORC §147.03

E-FILED 04/29/2026 4:47 PM / CONFIRMATION 1812036 / A 2602341 / COMMON PLEAS DIVISION / IFOJ