IN THE COURT OF COMMON PLEAS
MERCER COUNTY, OHIO

THE ESTATE OF VERENA A. LANGENKAMP
c/o Eadie Hill Trial Lawyers
3100 E. 45th St., Suite 400
Cleveland, Ohio 44127

Plaintiff,

vs.

BRIARWOOD VILLAGE AKA HCF OF BRIARWOOD, INC.
100 Don Desch Drive
Coldwater, Ohio 45828

Also Serve c/o Registered Agent:

Ryan Stechschulte
1100 Shawnee Rd
Lima OH 45805

and

HCF MANAGEMENT, INC.
c/o Registered Agent:
Ryan Stechschulte
1100 Shawnee Rd
Lima OH 45805

and

HCF OPERATIONS, INC.
c/o Registered Agent:
Ryan Stechschulte
1100 Shawnee Rd
Lima OH 45805

and

HCF, INC.
c/o Registered Agent:
Ryan Stechschulte
1100 Shawnee Rd

CASE NO. 23-CIV-108

JUDGE

COMPLAINT

WITH JURY DEMAND AND AFFIDAVIT OF MERIT ATTACHED

Sup. R. 37 Statistical Report A
Classification A EP

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Lima OH 45805)
)

Plaintiff The Estate of Verena A. Langenkamp, for this Complaint against the above-named Defendant(s), states and avers upon information and belief:

INTRODUCTION

1. This action involves multiple claims (negligence, recklessness, wrongful death, Resident's Rights Law violations, civil conspiracy, fraud) involving Briarwood Village aka HCF of Briarwood, Inc.'s ("Facility's") inadequate care of Verena Langenkamp and the corporate control of the facility leading to such inadequate care that led to Verena Langenkamp's untimely and wrongful death on November 19, 2022.

2. Briarwood Village nursing home caused and covered up a traumatic upper arm (humerus) fracture that led to an incredibly painful dying process over two days requiring morphine that was unable to relieve her pain. Verena's family was never told what had caused Verena's injuries or even what her injuries were. Verena's right arm was deformed from an apparent fracture and her skin was severely bruised. Verena remained in agonizing pain until her death. Verena's daughter demanded that Verena undergo post-mortem x-rays of her right arm. The x-rays revealed a traumatic fracture, "Acute fracture of the humeral neck with displacement" and "fracture of the humeral head and neck with impaction," meaning (per radiology) by force.

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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 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.

6. Plaintiff seeks punitive damages in an amount necessary to punish the above-named Defendants and deter the Defendants from engaging in similar conduct in the future, attorneys' fees, and the costs of this litigation.

DEFENDANTS

7. Briarwood Village aka HCF of Briarwood, 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 Briarwood Village aka HCF of Briarwood, Inc.

8. HCF Management, 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 Briarwood Village aka HCF of Briarwood, Inc.

9. HCF Operations, 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 Briarwood Village aka HCF of Briarwood, Inc.

10. HCF, 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

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skilled nursing care, through its agents, operatives and / or employees and does business as Briarwood Village aka HCF of Briarwood, Inc.

11. The Defendants employ, manage, and direct the care and service providers who were responsible for Verena Langenkamp's care, treatment, and safety at Briarwood Village aka HCF of Briarwood, 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 Verena Langenkamp's injuries on November 17, 2022 and her death on November 19, 2022.

12. 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.

13. 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.

14. The Defendants collectively own, manage, control, and/or are responsible for the care delivered to residents of Briarwood Village aka HCF of Briarwood, Inc. directly or through their domination and control of any putative entity license holder.

VICARIOUS LIABILITY

15. The Defendants employ the care providers who were responsible for ensuring Verena Langenkamp's care and safety.

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

17. Verena Langenkamp and her family looked to the Defendants for care based upon their representations.

18. 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

19. This Court has Jurisdiction over Defendant(s) because, among other things, all Defendant(s) 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.

20. Venue is proper in Mercer 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

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

22. Defendants' for-profit model means their primary goal is to maximize profit, measured by revenues minus expenses.

23. For nursing homes generally, the largest individual revenue source is residents (filling beds), and the largest individual expense is the cost of employing nursing

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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.

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

25. 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.

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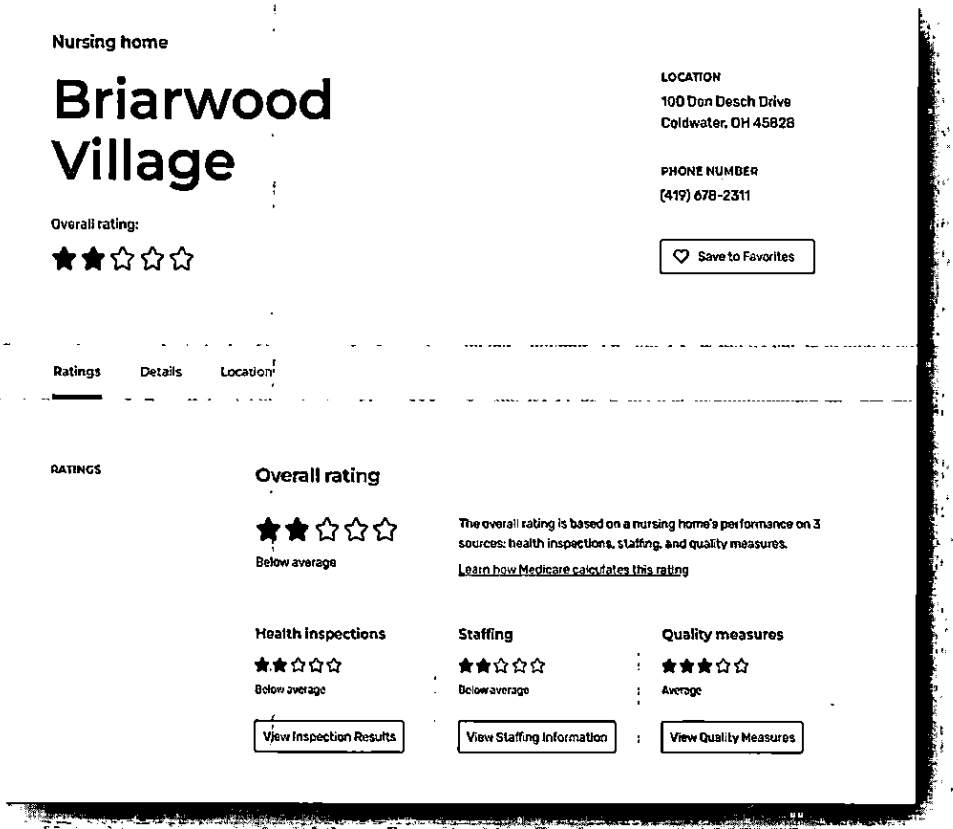
26. As the result of this control, the Defendants make decisions that affect the day-to-day care of residents of the Facility, such as the resources available for providing nursing staff and care to residents like Verena Langenkamp, meaning they are responsible for the foreseeable harm that results from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

27. 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 Verena Langenkamp.

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

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29. The Defendants' systemic understaffing of the Facility resulted in a "2-star" ("below average") ranking for Staffing on the Medicare.gov Nursing Home Compare website and 2-star overall ranking.



According to the Centers for Medicare and Medicaid, Briarwood Village aka HCF of Briarwood, Inc. earned a 2-star, or "below average" rating for both Staffing and Health Inspections. This data was taken directly from medicare.gov on November 11, 2023

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

31. 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. Burton's Ridge
2651 Fort Amanda Road
Lima, OH 45804

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Phone (419) 228-8412
Fax (419) 228-8612

b. Celina Manor
1001 Myers Road
Celina, OH 45822
Phone (419) 586-6645
Fax (419) 586-5858

c. Court House Manor
555 N. Glenn Avenue
Washington Court House, OH 43160
Phone (740) 335-9290
Fax (740) 636-0954

d. Fox Run Manor
11745 Twp Rd 145
Findlay, OH 45840
Phone (419) 424-0832
Fax (419) 424-3870

e. Garbry Ridge
1567 Garbry Rd.
Piqua, OH 45356
Phone (937) 778-9385
Fax (937) 778-9530

f. Piqua Manor
1840 West High Street
Piqua, OH 45356
Phone (937) 773-0040
Fax (937) 773-4836

g. Roselawn Manor
420 East Fourth Street
Spencerville, OH 45887
Phone (419) 647-4115
Fax (419) 647-6744

h. Shawnee Manor

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2535 Fort Amanda Road
Lima, OH 45804
Phone (419) 999-2055
Fax (419) 999-2058

i. The Manor at Greendale
2101 Greendale Boulevard
Findlay, OH 45840
Phone (419) 422-3978
Fax (419) 422-3928

j. St. Catherine's Manor of Fostoria
25 Christopher Drive
Fostoria, OH 44830
Phone (419) 435-8112
Fax (419) 435-6220

k. St. Catherine's Manor of Washington Court House
250 Glenn Avenue
Washington Court House, OH 43160
Phone (740) 335-6391
Fax (740) 636-1689

l. The Manor at Perrysburg
250 Manor Drive
Perrysburg, OH 43551
Phone (419) 874-0306
Fax (419) 874-9295

m. The Ridge at Lancaster
241 Whittier Drive South
Lancaster, OH 43130
Phone (740) 681-9903
Fax (740) 681-9344

n. Van Wert Manor
160 Fox Road
Van Wert, OH 45891
Phone (419) 238-6655
Fax (419) 238-6696

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o. Village At The Greene
4381 Tonawanda Trail
Dayton, OH 45430
Phone (937) 426-5033
Fax (937) 426-9044

p. Wapakoneta Manor
1010 Lincoln Avenue
Wapakoneta, OH 45895
Phone (419) 738-3711
Fax (419) 738-3701

Reporting Data – Nursing Home

32. 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."

33. 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.

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

35. 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)

36. Every nursing home receiving Medicare or Medicaid funding—the clear majority of nursing homes, including Briarwood Village aka HCF of Briarwood, 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

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This evaluation is done for all nursing home residents regardless of whether their care is being paid for by Medicare.

37. Nursing homes like Briarwood Village aka HCF of Briarwood, 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.

38. 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.

39. 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.

40. 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."

41. 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.

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Misleading Advertising

42. 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.

43. 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.

44. 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 Verena Langenkamp's Care

45. Defendants failed to ensure, through their operational, budgetary, consultation and managerial decisions and actions, that Briarwood Village aka HCF of Briarwood, Inc. was sufficiently staffed, and the staff appropriately trained and informed, to meet the individual needs of Verena Langenkamp during the period she was a resident at the facility.

46. Defendants engaged in a systemic practice to understaff Briarwood Village aka HCF of Briarwood, Inc. to maximize profits at the expense of its residents' care.

47. This lack of sufficient staff directly resulted in Verena Langenkamp not receiving basic and necessary services, assessments, and interventions to prevent, among other things, neglect leading to her injuries at Briarwood Village aka HCF of Briarwood, Inc. during the period she was a resident at the Facility.

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Defendants' Negligence and Recklessness with Verena Langenkamp

48. Defendants accepted Verena Langenkamp as a nursing home resident for long-term care on February 23, 2021.

49. Defendants agreed to accept Verena Langenkamp into their facility and provide care to her in exchange for monetary payment.

50. When the Facility accepted Verena Langenkamp as a resident, it knew that she was a high fall risk who required physical assistance with moving to and from the bed, to and from a chair, and when walking.

51. During her residency at the Facility, on November 17, 2022, Verena suffered a traumatic fracture of her upper right arm (humerus).

52. The Facility hid this injury from Verena's family.

53. Verena was in severe pain all night and up until her death.

54. The Facility chose not to inform Verena's power of attorney that she had suffered an injury, which it was legally required to do.

55. Verana told a Facility nurse that she believed her arm was broken. Still, the Facility did not report this injury Verana's power of attorney or seek additional medical care.

56. The extent of Verena's injury was visible to the naked eye. Her arm was swollen, bruised, and deformed.

57. When Verena's daughter, Rita, arrived at the Facility, the staff did not tell her anything was wrong. Rita tried to hold her mom's right hand and she pulled away. Staff came to change her and give her a bed bath, and Rita stopped them, recognizing she was in pain.

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58. Rita had the Facility staff remove the clothes on Verena's arm, at which time it was apparent that her right arm was swollen, bruised, and her arm was deformed from a severe fracture.



Verena's broken arm discovered by Verena's family when they arrived on November 18th, 2022.

59. Verena Langenkamp suffered a continuous physical and functional decline until her death on on November 19, 2022.

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60. Due to the Facility's understaffing and inadequate training, Verena Langenkamp 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)

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

62. Verena Langenkamp depended on the Defendants, and their respective nursing and medical staff, for medical and nursing care, treatment, evaluation, and assistance.

63. The Defendants had a duty to provide appropriate care and treatment to Verena Langenkamp and to avoid causing injury to her.

64. The Defendants, including their medical and nursing staff, failed to provide appropriate care and treatment to Verena Langenkamp, which they knew or should have known she required, and their negligence was the direct and proximate cause of Verena Langenkamp's injuries.

65. The Defendants' failure to provide appropiate 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 Verena Langenkamp;

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

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

g. Choosing to violate orders relating to care of Verena Langenkamp;

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

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

j. Choosing not to provide appropriate care to Verena Langenkamp while they were a resident of the Facility; and

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

66. These actions constituted a conscious disregard for Verena Langenkamp'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.

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

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

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

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

71. 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.

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

73. 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)

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

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75. As a direct and proximate result of the negligence / recklessness described above, Verena Langenkamp sustained injuries that caused their untimely and wrongful death.

76. Verena Langenkamp'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.

77. 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)

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

79. Defendants, directly or through their employees or agents, violated Verena Langenkamp'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;

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

80. These violations are evidence of negligence and conscious disregard of Verena Langenkamp's rights and safety,and give rise to a statutory cause of action.

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

82. 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)

83. Plaintiff(s) incorporate all other paragraphs of this Complaint as if fully rewritten herein.

84. 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 RUG levels to obtain excessive and unjustified payments from Medicare and Medicaid while not providing the care paid for with these taxpayer dollars;

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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.

85. This understanding constitutes a malicious combination to injure residents of the Facility, including Verena Langenkamp.

86. 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.

87. The conspiracy caused injury to Verena Langenkamp

88. 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)

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

90. Defendants concealed facts concerning their staffing levels, pay, and the amount of care they were actually capable of providing at Briarwood Village aka HCF of Briarwood, Inc..

91. Not only did Defendants conceal this information, they publicly and privately represented that they provide exceptional services in an effort to induce the

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family of Verena Langenkamp and other potential customers to place their loved ones in their care and custody.

92. 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 Verena Langenkamp's family and other potential customers into placing their loved ones in the care and custody of Defendants.

93. Verena Langenkamp's family and the family members of other potential customers reasonably relied on Defendants' representations and concealments regarding the degree of care they provide.

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

95. As a direct and proximate result of Defendants' actions, representations, and concealments, Verena Langenkamp suffered conscious pain and suffering and death.

96. As a direct and proximate result of Defendants' action, representations, and concealments, Verena Langenkamp'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*.

97. 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.

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A TRIAL BY JURY IS HEREBY DEMANDED

Respectfully Submitted,

/s/ Michael A. Hill

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Counsel for Plaintiff

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

Affiant MARK SHOAG, 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 fields of Geriatric and Internal Medicine, licensed in the state of Ohio, board certified in Internal Medicine, and a medical director of a long-term acute care hospital, 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 Verena Langenkamp while a resident of Briarwood Village aka HCF of Briarwood, Inc.

4. I have reviewed all medical records reasonably available to The Estate of Verena Langenkamp concerning the allegations contained in the complaint.

5. To a reasonable degree of medical probability, the Defendants Briarwood Village aka HCF of Briarwood, Inc., HCF Management, Inc., HCF Operations, Inc., HCF, Inc., breached the standard of care and the breach caused Verena Langenkamp's injuries and death.

FURTHER AFFIANT SAYETH NAUGHT.

MARK SHOAG, MD

SWORN TO BEFORE ME and subscribed in my presence this 14th day of November, 2023.

FILED
NOV 17 2023
MERCER COUNTY CLERK OF COURTS
CELINA, OHIO

NOTARY PUBLIC

Beth Dvorak
My commission has no expiration date
pursuant to RC § 147.03