IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

ESTATE OF DANIEL JOSEPH MEERS, DECEASED Through Estate Representative Tabitha Meers c/o Michael Hill Trial Law 815 Superior Ave., Ste. 623 Cleveland, Ohio 44112 Plaintiffs, vs. REM OHIO, INC. 3561 Potts Dr. Barberton, OH 44203 Also Serve c/o Registered Agent: Corporation Service Company 1160 Dublin Road, Suite 400 Columbus, OH 43215 and REM OHIO WAIVERED SERVICES, INC. c/o Registered Agent: Corporation Service Company 1160 Dublin Road, Suite 400 Columbus, OH 43215 and REM OHIO II, LLC c/o Registered Agent: Corporation Service Company 1160 Dublin Road, Suite 400 Columbus, OH 43215 and CAPGROW PARTNERS LLC c/o Registered Agent:	) CASE NO.)) JUDGE)) **COMPLAINT WITH JURY DEMAND**)) **MOTION FOR EXTENSION OF AFFIDAVIT OF MERIT**

Matthew Pettinelli
320 W. Ohio St., Suite 650
Chicago, IL 60654

and

CAPGROW HOLDINGS JV SUB VI LLC
c/o Registered Agent:
C T Corporation System
4400 Easton Commons Way, Suite 125
Columbus, OH 43219

and

SEVITA HEALTH a.k.a. NATIONAL MENTOR HOLDINGS, INC.
c/o Registered Agent:
Corporation Service Company
2780 Snelling Avenue N., Suite 101
Roseville, MN 55113

and

NATIONAL MENTOR HOLDINGS, LLC
c/o Registered Agent:
Corporation Service Company
2780 Snelling Avenue N., Suite 101
Roseville, MN 55113

and

GRACE HOUSE AKRON, INC.
c/o Registered Agent:
Victoria Holly Klein
846 Chinook Avenue
Akron, OH 44305,

Defendants.

Plaintiff, the Estate of Daniel Joseph Meers, through Estate Representative Tabitha Meers, for this Complaint against the above-named Defendants, states and avers upon information and belief:

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INTRODUCTION

1. This action involves multiple claims (medical negligence, negligence, wrongful death, and Resident Rights violations) involving REM Ohio, Inc., a residential treatment facility for individuals with intellectual and/or developmental disabilities, and the facility's disregard for the health and well-being of Daniel Joseph Meers, as well as the corporate control of the facility leading to such inadequate care that led to Daniel Joseph Meers's untimely and wrongful death on March 27, 2025.

2. Defendants REM Ohio, Inc., REM Ohio II, LLC, REM Ohio Waivered Services, Inc., Capgrow Partners LLC, Capgrow Holdings JV Sub VI LLC, Sevita Health a.k.a. National Mentor Holdings, Inc., and National Mentor Holdings, LLC, will be referred to collectively as "Sevita Defendants"

3. This is a negligence case against Sevita Defendants for failing to take appropriate action to supervise and protect Daniel from suffering repeated falls while under their care, and to provide Daniel a safe living environment free from fall hazards including unprotected stairwells. When Sevita Defendants allowed Daniel to fall down an unprotected stairwell, Daniel suffered a traumatic pneumothorax – an injury rupturing his lungs which caused his chest to fill with air, sending him into respiratory distress. Daniel passed away just over a month after these injuries.

4. Additionally, Plaintiff brings claims against Grace House Akron, Inc., ("Grace House") for negligently overdosing Daniel with sedative medication while he was admitted as a hospice patient, hastening his demise.

5. On or about February 25, 2025, Daniel Meers was residing at Sevita Defendants' group home at 3561 Potts Drive in Barberton, Ohio ("the Group Home").

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6. Daniel Meers was a 69 year-old intellectually disabled adult who relied on the Sevita Defendants to provide him with supportive services, assistance with his activities of daily living, a safe living environment, and monitoring and supervision to protect him from harm.

7. As of February 25, 2025, Daniel Meers had been a resident of the Group Home for nearly twenty years and was well known to Sevita Defendants.

8. Sevita Defendants received compensation in the form of taxpayer money through the Summit County Board of Developmental Disabilities in exchange for providing room and board and daily services and support to Daniel Meers, which included providing a safe living environment for Daniel, and supervision and monitoring to protect him from harm.

9. Over the six weeks preceding February 25, 2025, Daniel began to suffer increased falls.

10. In the week before February 25, 2025, alone Daniel suffered three separate falls at the Sevita Defendants' group home.

11. Despite Daniel's increasing number of falls, Sevita Defendants did not provide increased monitoring and supervision of Daniel to protect him from further falls.

12. Sevita Defendants also did not take measures to ensure the stairwells in the Group Home were protected so that residents, including Daniel Meers, could not access the stairwells unsupervised.

13. Daniel Meers was not able to appreciate the unsafe conditions which stairwells in the Group Home posed for him due to his increasing fall risk, or his need to rely on the assistance of the Sevita Defendants' employees and/or agents to navigate the stairwells, due to his intellectual disability.

14. On February 25, 2025, the Sevita Defendants' employees and/or agents were not monitoring and/or supervising Daniel Meers, and he attempted to go up a stairwell in the group home without the knowledge or assistance of the Sevita Defendants' employees and/or agents.

15. While attempting to go up the stairwell unassisted on February 25, 2025, Daniel fell down the stairwell landing on the floor.

16. The fall down the stairwell caused Daniel to suffer a traumatic pneumothorax, which is a rupture of the lungs due to trauma that allows air to leak out of the lung and into the chest cavity.

17. Daniel was taken to Summa Barberton Hospital where he was diagnosed with pneumothorax and subcutaneous emphysema – or air collecting under the surface of the skin – causing respiratory distress and shortness of breath.

18. The doctors at Summa Barberton Hospital cut a hole in between Daniel's ribs and inserted a hard plastic chest tube into his chest cavity, in order to release the air filling his chest cavity and allow Daniel to breath.

19. Daniel was then admitted to the intensive care unit, however his condition did not improve.

20. Daniel's injuries caused him to suffer oropharyngeal dysphagia, or difficulty swallowing, which resulted in Daniel aspirating fluids and food into his lungs.

21. The aspiration of fluid and foods into his lungs caused Daniel to develop aspiration pneumonia, which made his already compromised lung function worse.

22. On February 28, 2025, Daniel's physicians concluded his condition was terminal and unlikely to improve with treatment, and recommended that he be made a hospice patient and provided comfort care until his passing.

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23. Daniel remained admitted to Summa Barberton Hospital as a hospice patient until he was discharged to Defendant Grace House of Akron, Inc., for hospice care on or about March 14, 2025.

24. On or about March 24, 2025, Defendant Grace House of Akron, Inc.'s nursing staff negligently delivered excessive doses of Daniel's prescribed Clonazepam, Olanzapine, and Lorazepam – powerful sedative medications that depress the respiratory system.

25. As a result of the excessive doses of Clonazepam, Olanzapine, and Lorazepam, Daniel's lung function decreased even further, resulting in critically low blood-oxygen concentration which deprived his brain and vital organs the oxygen needed to survive.

26. Daniel's condition declined rapidly following the excessive doses of Clonazepam, Olanzapine, and Lorazepam delivered by Defendant Grace House of Akron, Inc.'s nursing staff, which hastened his death.

27. Daniel Joseph Meers passed away on March 27, 2025.

28. Dr. Kyle M. Yoder, MD, completed Daniel's death certificate, certifying his cause of death as aspiration pneumonitis due to oropharyngeal dysphagia.

29. The aspiration pneumonia Daniel Meers developed was a direct and proximate result of the oropharyngeal dysphagia which in turn was a direct and proximate result of the injuries Daniel Meers suffered in the fall on February 25, 2025.

30. But for the negligence of the Sevita Defendants, Daniel Meers would have never suffered the fall on February 25, 2025, which caused his severe injuries, fatal complications of said injuries, and premature death.

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31. Plaintiffs bring 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 their 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.

32. Plaintiffs seek 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.

33. Plaintiffs request a trial by jury.

34. A motion for extension to file an affidavit of merit is attached.

DEFENDANTS

35. REM Ohio, Inc., is an Ohio corporation that holds itself out to the public as a provider of residential and intermediate care, through its agents, operatives and / or employees and does business as REM Ohio.

36. REM Ohio Waivered Services, Inc., is an Ohio corporation that holds itself out to the public as a provider of residential and intermediate care, through its agents, operatives and / or employees and does business as REM Ohio.

37. REM Ohio II, LLC, is an Ohio corporation that holds itself out to the public as a provider of residential and intermediate care, through its agents, operatives and / or employees and does business as REM Ohio.

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38. CapGrow Partners LLC is an Illinois corporation that holds itself out to the public as a provider of residential and intermediate care, through its agents, operatives and / or employees and does business as REM Ohio.

39. Capgrow Holdings JV Sub VI LLC is a Delaware corporation that holds itself out to the public as a provider of residential and intermediate care, through its agents, operatives and / or employees and does business as REM Ohio.

40. Sevita Health a.k.a. National Mentor Holdings, Inc., is a Delaware corporation that holds itself out to the public as a provider residential and intermediate care, through its agents, operatives and / or employees and does business as Sevita Health.

41. National Mentor Holdings, LLC, is a Delaware corporation that holds itself out to the public as a provider of residential and intermediate care, through its agents, operatives and / or employees and does business as Sevita Health.

42. Defendant Grace House of Akron, Inc., is an Ohio corporation that holds itself out to the public as a provider of hospice and palliative care services, through its agents, operatives and / or employees and does business as Grace House of Akron.

43. Defendants Sevita Health a.k.a. National Mentor Holdings, Inc., National Mentor Holdings, LLC, CapGrow Partners LLC, and Capgrow Holdings JV Sub VI LLC, are privately held for-profit companies in the business of acquiring and operating group homes and intermediate care facilities including the Group Home for the exclusive purpose of extracting capital out of such facilities by cutting budgets, slashing staffing levels, and acquiring high-value loans secured against the facilities while delivering the profits and cash principal of said loans directly to the owners of Defendants Sevita Health a.k.a. National Mentor Holdings, Inc., National Mentor Holdings, LLC, CapGrow

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Partners LLC, and Capgrow Holdings JV Sub VI LLC – leaving the facilities including the Group Home with the debt obligation on the loans and insufficient funds to operate safely.

44. Defendants Sevita Health a.k.a. National Mentor Holdings, Inc., National Mentor Holdings, LLC, CapGrow Partners LLC, and Capgrow Holdings JV Sub VI LLC, own and exercise complete control over Defendants REM Ohio, Inc., REM Ohio Waivered Services, Inc., REM Ohio II, LLC, such that they have no independent will of their own, in furtherance of the scheme to enrich the owners of Defendants Sevita Health a.k.a. National Mentor Holdings, Inc., National Mentor Holdings, LLC, CapGrow Partners LLC, and Capgrow Holdings JV Sub VI LLC, to the direct detriment of and jeopardizing the safety of the residents of Defendants REM Ohio, Inc., REM Ohio Waivered Services, Inc., REM Ohio II, LLC's group homes and intermediate care facilities, including Daniel Meers and the Group Home.

45. Residential group homes and intermediate care facilities including the Group Home are directly compensated by taxpayer dollars through Medicaid and the Department of Developmental Disabilities to provide the services and support intellectually disabled individuals including Daniel Meers require, and receive compensation based on the anticipated services and support they are contracted to provide to intellectually disabled individuals.

46. Defendants Sevita Health a.k.a. National Mentor Holdings, Inc., National Mentor Holdings, LLC, CapGrow Partners LLC, and Capgrow Holdings JV Sub VI LLC, through their complete and total control of Defendants REM Ohio, Inc., REM Ohio Waivered Services, Inc., REM Ohio II, LLC's group homes and intermediate care facilities including the Group Home, directed Defendants REM Ohio, Inc., REM Ohio Waivered Services, Inc., REM Ohio II, LLC, to collect payments from Medicaid and the Department

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of Developmental Disabilities as compensation to provide contracted services and support to their residents, fully knowing that the Sevita Defendants would not and never intended to provide the contracted services and support to residents of the group homes and intermediate care facilities paid for by Medicaid and the Department of Developmental Disabilities, including Daniel Meers.

47. The Sevita Defendants knew that this fraudulent scheme to enrich themselves using taxpayer dollars while slashing budgets and staffing at their facilities including the Group Home created dangerous environments for their intellectually disabled residents, including increasing the risk of falls, and knew that this scheme in fact resulted in severe injuries and even death to their intellectually disabled residents including Daniel Meers.

48. Defendants Sevita Health a.k.a. National Mentor Holdings, Inc., National Mentor Holdings, LLC, employ directly the employees and/or agents operating the corporate entities, residential facilities, and group homes owned by Defendants REM Ohio, Inc., REM Ohio Waivered Services, Inc., REM Ohio II, LLC, including the Group Home. The employees and/or agents directly employed by Defendants Sevita Health a.k.a. National Mentor Holdings, Inc., National Mentor Holdings, LLC, include Defendants REM Ohio, Inc., REM Ohio Waivered Services, Inc., REM Ohio II, LLC's regional and corporate level employees, managers, administrators, and executive officers, as well as the managers, administrators, direct support providers ("DSPs") and staff providing the support and services to the intellectually disabled residents of each individual group home and intermediate care facility – including the Group Home and including Daniel Meers.

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49. The Sevita Defendants are not a "home" as that term is defined by O.R.C. 2305.113(E)(14), which defines a "home" as:

> "(1) a home as defined in section 3721.01 of the Revised Code;
>
> (2) any facility or part of a facility not defined as a home under section 3721.01 of the Revised Code that is a skilled nursing facility or nursing facility, both as defined in section 5165.01 of the Revised Code; and
>
> (3) a county home or district home operated pursuant to Chapter 5155. of the Revised Code."

O.R.C. 2305.113(E)(14). O.R.C. 3721.01(A)(1)(a) further defines a "home" as:

> "'[h]ome' means an institution, residence, or facility that provides, for a period of more than twenty-four hours, whether for a consideration or not, accommodations to three or more unrelated individuals who are dependent upon the services of others, including a nursing home, residential care facility, home for the aging, and a veterans' home operated under Chapter 5907 of the Revised Code."

O.R.C. 3721.01(A)(1)(a). O.R.C. 3721.01(A)(1)(b) states:

> "'[h]ome' also means both of the following:
>
> (i) Any facility that a person, as defined in section 3702.51 of the Revised Code, proposes for certification as a skilled nursing facility or nursing facility under Title XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and for which a certificate of need, other than a certificate to recategorize hospital beds as described in section 3702.521 of the Revised Code or division (R)(7)(d) of the version of section 3702.51 of the Revised Code in effect immediately prior to April 20, 1995, has been granted to the person under sections 3702.51 to 3702.62 of the Revised Code after August 5, 1989;
>
> (ii) A county home or district home that is or has been licensed as a residential care facility.

O.R.C. 3721.01(A)(1)(b). O.R.C. 5123.19(A)(5)(b)(iv) states that a "[r]esidential facility" is ***not*** "[a] dwelling in which the only residents with developmental disabilities are in independent living arrangements or are being provided supported living."

50. Because the Sevita Defendants are ***not*** a "home" as that term is defined by O.R.C. 2305.113(E)(14), the claims against them are ***not*** "medical claims" pursuant to O.R.C. 2305.113, and so are not subject to the pleading requirements and damages limitations imposed upon "medical claims" by Ohio law, and are ordinary negligence claims.

DIRECT AND VICARIOUS CORPORATE LIABILITY

51. Some or all of the Sevita Defendants employ the care providers who were responsible for ensuring Daniel Meers's care and safety at the Group Home.

52. The Sevita Defendants manage, control, and/or employ the staff and other caregivers at the Group Home.

53. Daniel Meers and his family looked to the Sevita Defendants for care based upon their representations.

54. Sevita Defendants are vicariously liable for the negligent actions of their employees and agents (respondent superior and agency liability) and/or independent contractors (Clark v. Southview agency by estoppel), including residential care providers, DSPs, and other staff of the Group Home.

JURISDICTION AND VENUE

55. 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.

56. Venue is proper in Summit 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.

Defendants' Negligence and Recklessness with Daniel Meers

57. Sevita Defendants accepted Daniel Meers as a resident/client to provide support and services related to his developmental disabilities.

58. Sevita Defendants agreed to accept Daniel Meers into their facility and provide care in exchange for monetary payment.

59. Sevita Defendants knew Daniel Meers's support and services needs when accepting him into their care.

60. Daniel Meers endured mental and physical pain suffering as a direct and proximate result of Sevita Defendants' failure to provide appropriate support and services.

61. Over the six weeks preceding February 25, 2025, Daniel began to suffer increased falls.

62. In the week before February 25, 2025, alone Daniel suffered three separate falls at the Sevita Defendants' group home.

63. Despite Daniel's increasing number of falls, Sevita Defendants did not provide increased monitoring and supervision of Daniel to protect him from further falls.

64. Sevita Defendants also did not take measures to ensure the stairwells in the Group Home were protected so that residents, including Daniel Meers, could not access the stairwells unsupervised.

65. Daniel Meers was not able to appreciate the unsafe conditions which stairwells in the Group Home posed for him due to his increasing fall risk, or his need to rely on the assistance of the Sevita Defendants' employees and/or agents to navigate the stairwells, due to his intellectual disability.

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66. On February 25, 2025, the Sevita Defendants' employees and/or agents were not monitoring and/or supervising Daniel Meers, and he attempted to go up a stairwell in the group home without the knowledge or assistance of the Sevita Defendants' employees and/or agents.

67. While attempting to go up the stairwell unassisted on February 25, 2025, Daniel fell down the stairwell landing on the floor.

68. The fall down the stairwell caused Daniel to suffer a traumatic pneumothorax, which is a rupture of the lungs due to trauma that allows air to leak out of the lung and into the chest cavity.

69. Daniel was taken to Summa Barberton Hospital where he was diagnosed with pneumothorax and subcutaneous emphysema – or air collecting under the surface of the skin – causing respiratory distress and shortness of breath.

70. The doctors at Summa Barberton Hospital cut a hole in between Daniel's ribs and inserted a hard plastic chest tube into his chest cavity, in order to release the air filling his chest cavity and allow Daniel to breath.

71. Daniel was then admitted to the intensive care unit, however his condition did not improve.

72. Daniel's injuries caused him to suffer oropharyngeal dysphagia, or difficulty swallowing, which resulted in Daniel aspirating fluids and food into his lungs.

73. The aspiration of fluid and foods into his lungs caused Daniel to develop aspiration pneumonia, which made his already compromised lung function worse.

74. On February 28, 2025, Daniel's physicians concluded his condition was terminal and unlikely to improve with treatment, and recommended that he be made a hospice patient and provided comfort care until his passing.

75. Daniel remained admitted to Summa Barberton Hospital as a hospice patient until he was discharged to Defendant Grace House of Akron, Inc., for hospice care on or about March 14, 2025.

76. On or about March 24, 2025, Defendant Grace House of Akron, Inc.'s nursing staff negligently delivered excessive doses of Daniel's prescribed Clonazepam, Olanzapine, and Lorazepam – powerful sedative medications that depress the respiratory system.

77. As a result of the excessive doses of Clonazepam, Olanzapine, and Lorazepam, Daniel's lung function decreased even further, resulting in critically low blood-oxygen concentration which deprived his brain and vital organs the oxygen needed to survive.

78. Daniel's condition declined rapidly following the excessive doses of Clonazepam, Olanzapine, and Lorazepam delivered by Defendant Grace House of Akron, Inc.'s nursing staff, which hastened his death.

79. Daniel Joseph Meers passed away on March 27, 2025.

80. Dr. Kyle M. Yoder, MD, completed Daniel's death certificate, certifying his cause of death as aspiration pneumonitis due to oropharyngeal dysphagia.

81. The aspiration pneumonia Daniel Meers developed was a direct and proximate result of the oropharyngeal dysphagia which in turn was a direct and proximate result of the injuries Daniel Meers suffered in the fall on February 25, 2025.

82. But for the negligence of the Sevita Defendants, Daniel Meers would have never suffered the fall on February 25, 2025, which caused his severe injuries, fatal complications of said injuries, and premature death.

CORPORATE CONTROL

83. Sevita Defendants hold themselves out to the public as providers of residential and intermediate care services.

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

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

86. Sevita Defendants manage, control, and / or employ the staff at the Group Home.

87. Sevita Defendants exercise actual control over the Group Home's management and operations to maximize profits, including control at the facility-level, including:

a. Policies and procedures, including regarding resident supervision and 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, DSPs, 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;

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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 government organizations as to individual resident care and facility-wide issues.

88. As the result of this control, Sevita Defendants make decisions that affect the day-to-day support and services provided to residents of the Group Home, such as the resources available for providing well-qualified, trained, and knowledgeable staff to residents like Daniel Meers, meaning they are responsible for the foreseeable harm that results from careless decisions while voluntarily exercising that control.

89. Sevita Defendants failed to ensure, through their operational, budgetary, consultation and managerial decisions and actions, that the Group Home was sufficiently staffed with well-qualified, trained, and knowledgeable staff to meet the individual needs of its residents, including Daniel Meers.

90. Sevita Defendants engaged in a systemic practice to understaff the facilities to maximize profits at the expense of its residents' safety and wellbeing.

91. This lack of sufficient well-qualified, trained, and knowledgeable staff directly resulted in Daniel Meers not receiving basic and necessary services to prevent, among other things, neglect and abuse leading to his injuries.

Misleading Advertising

92. To persuade the families and/or guardians of intellectually disabled individuals to become and remain residents, Sevita Defendants make promises to the families and/or guardians of such potential and current residents that they will provide a level of support and services that they know they are incapable of providing.

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93. The intent and outcome of this misleading practice is to cause families and/or guardians of intellectually disabled individuals, and external care providers to believe the facility is staffed with well-qualified, trained, and knowledgeable staff to provide the promised support and services more so than what is actually the practice of the Sevita Defendants with regard to staffing the facility with well-qualified, trained, and knowledgeable staff.

94. 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 resident safety and wellbeing.

FIRST CAUSE OF ACTION
(NEGLIGENCE / RECKLESSNESS)

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

96. Daniel Meers depended on Sevita Defendants, and their respective staff, to provide support and services due to his developmental disabilities.

97. Sevita Defendants had a duty to provide proper support and services to Daniel Meers and to avoid causing him injury.

98. Sevita Defendants, including their staff, failed to provide proper support and services to Daniel Meers, which they knew or should have known he required, and their negligence was the direct and proximate cause of the injuries that Daniel Meers suffered.

99. Sevita Defendants' failure to provide proper support and services included, but is not limited to:

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

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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 staff members for resident needs at each facility to protect and provide adequate support and services to residents like Daniel Meers;

e. Choosing to not provide accurate, adequate, or timely information to Daniel Meers's family and/or guardian;

f. Choosing to not provide accurate, adequate, or timely information to Daniel Meers's family and/or guardian;

g. Choosing to provide inadequate supervision to prevent accidents and injuries;

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

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

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

100. These actions constituted a conscious disregard for Daniel Meers's rights and safety with a great probability of causing substantial harm from this misconduct, by which—through heedless indifference to the consequences— Sevita 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 care were rendered, constituting an unreasonable risk of injury, death, or loss to person or property, or intentional misconduct or willful or wanton misconduct. Sevita Defendants were aware of the great probability of harm that could result from their willful, wanton, and/or reckless misconduct.

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

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

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

104. As a direct and proximate result of the negligent and/or willful, wanton and/or reckless actions of the Defendants described above, Daniel Meers suffered severe pain and suffering before he passed away on March 27, 2025.

105. WHEREFORE, Plaintiffs demand judgment against the Sevita 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
(RESIDENTS' RIGHTS CLAIM)

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

107. Sevita Defendants, directly or through their employees or agents, violated Daniel Meers's rights as a resident of Sevita Defendants' residential facilities, as enumerated in Ohio Admin. Code 5122-30-22, including, but not limited to:

a. The right to be treated all times with courtesy and respect, and with consideration for personal dignity, autonomy and privacy.

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b. The right to receive services in the least restrictive, feasible environment.

c. The right to receive humane services in a clean, safe, comfortable, welcoming, stable and supportive environment.

d. The right to reasonable protection from physical, sexual and emotional abuse, neglect, and exploitation.

e. The right to be informed of one's own condition.

108. As a direct and proximate result of Sevita Defendants' violations of Ohio Admin. Code 5122-30-22, Daniel Meers endured conscious pain and suffering, emotional distress, permanent bodily disfigurement, and death.

109. WHEREFORE, Plaintiff demands judgment against Sevita Defendants, jointly, in an amount more than 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.

THIRD CAUSE OF ACTION (MEDICAL NEGLIGENCE)

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

111. Daniel Meers depended on the Sevita Defendants and Defendant Grace House of Akron, Inc., and their respective nursing and medical staff, for nursing and medical care, treatment, evaluation, and assistance.

112. Sevita Defendants and Defendant Grace House of Akron, Inc. had a duty to provide proper care and treatment to Daniel Meers and to avoid causing injury to Daniel Meers.

113. Sevita Defendants and Defendant Grace House of Akron, Inc., and their respective nursing and medical staff, failed to provide proper care and treatment to Daniel

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Meers, which they knew or should have known they required, and their negligence was the direct and proximate cause of the injuries that Daniel Meers suffered.

114. The Defendant Grace House of Akron, Inc.'s failure to provide proper care and treatment included, but is not limited to:

a. Choosing not to carefully and thoroughly assess Daniel Meers' sedative medications for potential overdose risk;

b. Choosing not to escalate concerns of potential overdose risk for Daniel Meers' sedative medications to his physician;

c. Choosing not to thoroughly monitor for potential overdose of sedative medications;

d. Choosing not to provide appropriate care to Daniel Meers while he was a patient of the Defendant Grace House of Akron, Inc.; and

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

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

a. Choosing not to provide adequate and appropriate monitoring and supervision to Daniel Meers to protect him from harm;

b. Choosing not to regularly assess Daniel Meers for increased fall-risk factors;

c. Failing to appreciate, or choosing not to act on, increasing falls and fall-risk factors;

d. Choosing not to implement adequate and appropriate fall-risk interventions;

e. Choosing not to provide appropriate care to Daniel Meers while he was a resident of the Sevita Defendants' facilities; and

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

116. These actions constituted a conscious disregard for Daniel Meers's rights and safety with a great probability of causing substantial harm from this misconduct, by

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which—through heedless indifference to the consequences—the Sevita Defendants and Defendant Grace House of Akron, Inc. 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 Sevita Defendants and Defendant Grace House of Akron, Inc. were aware of the great probability of the harm that could result from their willful, wanton, and/or reckless misconduct.

117. The Sevita Defendants and Defendant Grace House of Akron, Inc.' disregard for the rights and safety of residents like Daniel Meers created circumstances under which it became substantially certain that serious injuries would result, entitling Plaintiff to awards for compensatory and punitive damages.

118. Sevita Defendants and Defendant Grace House of Akron, Inc. are directly liable for their own willful, wanton, and/or reckless misconduct.

119. The Sevita Defendants and Defendant Grace House of Akron, Inc. are also vicariously liable for their employees' and agents' willful, wanton, and/or reckless misconduct.

120. Sevita Defendants and Defendant Grace House of Akron, Inc., and their respective nursing and medical staff, provided care to Daniel Meers that fell below the standard of care expected of nursing and medical care under the same or similar circumstances.

121. As a direct and proximate result of the negligent and/or willful, wanton and/or reckless actions of the Sevita Defendants and Defendant Grace House of Akron,

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Inc. described above, Daniel Meers sustained permanent injury and loss including, but not limited to, conscious pain and suffering, disability, and death.

122. 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.

FOURTH CAUSE OF ACTION
(WRONGFUL DEATH)

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

124. As a direct and proximate result of the negligent actions of the Defendants described above, Daniel Meers sustained injuries and passed away on November 15, 2024.

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

126. WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly, in an amount more than Twenty-Five Thousand Dollars ($25,000.00) to compensate the decedent's next of kin and heirs at law, together with costs of suit, attorney's fees and expenses, and any other relief to which the Plaintiff may be entitled to and/or that the court finds is appropriate and/or equitable.

FIFTH CAUSE OF ACTION
(CIVIL CONSPIRACY)

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

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128. Sevita Defendants and unknown additional potential co-conspirators had an express agreement, mutual understanding, or tacit agreement to, and/or their agents maliciously combined efforts to:

a. defraud residents and their families and/or guardians by delivering wholly inadequate support and services, contrary to their promises;

b. systemically understaff their facilities in violation of 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. not providing the level of care, by understaffing the facility, paid for by taxpayer dollars;

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

129. This understanding constitutes a malicious combination to injure residents of the Sevita Defendants' group homes and intermediate care facilities, including Daniel Meers.

130. In pursuance of this common plan or design to commit tortious acts, the Sevita 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.

131. The conspiracy caused injury to Daniel Meers, including death.

132. The negligent and / or reckless and / or fraudulent acts of the Sevita Defendants constitute unlawful acts independent from the conspiracy itself.

133. WHEREFORE, Plaintiff prays for judgment against Sevita Defendants, for damages in an amount of more than Twenty-Five Thousand Dollars ($25,000.00), together with punitive and exemplary damages, attorney fees and expenses, fees, interest,

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and costs incurred in this action, and any other relief this Court deems just and equitable to compensate Plaintiffs for the damages and injuries suffered.

SIXTH CAUSE OF ACTION
(FRAUD)

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

135. Sevita Defendants concealed facts concerning their staffing levels, pay, resident injuries including falls, infections, neglect, abuse, and death, and the amount of support and services they were actually capable of providing at their group homes and intermediate care facilities, including the Group Home.

136. Not only did Sevita Defendants conceal this information, they publicly and privately represented that they provide exceptional services in an effort to induce the family and/or guardian of Daniel Meers and other potential customers to place their loved ones and/or permit them to remain in their care and custody.

137. 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 Daniel Meers's family and/or guardian and other potential customers to place their loved ones and/or permit them to remain in Sevita Defendants' care and custody.

138. Daniel Meers's family and/or guardian and the family members and/or guardians of other potential and current customers reasonably relied on Defendants' representations and concealments regarding the degree of services and support they provide.

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139. The result of these inducements and concealments was that Daniel Meers' family and/or guardian, and the family and/or guardian of numerous other residents, allowed their loved one to be placed or remain in Sevita Defendants' facilities including the Group Home.

140. As a direct and proximate result of Sevita Defendants' actions, representations, and concealments, Daniel Meers suffered injuries, conscious pain and suffering, and death.

WHEREFORE, Plaintiff demands judgment against the Sevita 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/ Matthew A. Mooney

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