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CASE NUMBER: 2026 CV 00268 Docket ID: 676165185
Mike Foley
CLERK OF COURTS MONTGOMERY COUNTY OHIO

IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY, OHIO

THE ESTATE OF LOIS MIKESELL c/o Michael Hill Trial Law 815 Superior Avenue, Suite 623 Cleveland, Ohio 44117 Plaintiff, vs. SYCAMORESPRING OF MIAMISBURG AKA SYCAMORESPRING HEALTH CARE AND REHABILITATION, LLC 2164 East Central Avenue Miamisburg, Ohio 45342 Also Serve c/o Registered Agent: David A. Eppers 390 Wards Corner Road Loveland, Ohio 45140 and CARESPRING HEALTH CARE MANAGEMENT, LLC c/o Registered Agent: David A. Eppers 390 Wards Corner Road Loveland, Ohio 45140 and CARESPRING HEALTH CARE HOLDINGS, INC. c/o Registered Agent: David A. Eppers 390 Wards Corner Road Loveland, Ohio 45140 and	CASE NO. JUDGE **COMPLAINT** **WITH JURY DEMAND AND AFFIDAVIT OF MERIT ATTACHED**

SYCAMORE REALTY, LLC)
c/o Registered Agent:)
David A. Eppers)
390 Wards Corner Road)
Loveland, Ohio 45140)
)
and)
)
JILL RENEE LYKINS, APRN-CNP)
29 Kyle Dr.)
Cedarville, Ohio 45314)
)
and)
)
KEVIN LEE SHARRETT, M.D.)
4790 Cottonville Road)
Jamestown, Ohio 45335)
)
and)
)
CHERISH PRUTZMAN, MD)
29 Kyle Dr.)
Cedarville, Ohio 45314)
)
and)
)
RACHEL DEATON, CNP)
5981 Far Hills Ave.)
Dayton, Ohio 45429-2211)
)
and)
)
KETTERING HEALTH AKA KETTERING)
INDEPENDENT MEDICAL GROUP AKA)
KETTERING HEALTH ADVANCED CARE)
AKA KETTERING HEALTH MEDICAL)
GROUP AKA ALLIANCE PHYSICIANS, INC.)
3535 Southern Blvd)
Kettering, Ohio 45429)
)
Also Serve c/o Registered Agent:)
Mick Macomber)
1 Prestige Place, Suite 580)
Miamisburg, Ohio 45342)
)
Defendants.)
)

Plaintiff, the Estate of Lois Mikesell, through Estate Representative Larry Mikesell, for this Complaint against the above-named Defendants, 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) involving Sycamorespring of Miamisburg aka Sycamorespring Health Care and Rehabilitation, LLC's ("Facility's") inadequate care of Lois Mikesell and the corporate control of the facility leading to such inadequate care that led to Lois Mikesell's untimely and wrongful death on January 26, 2025.

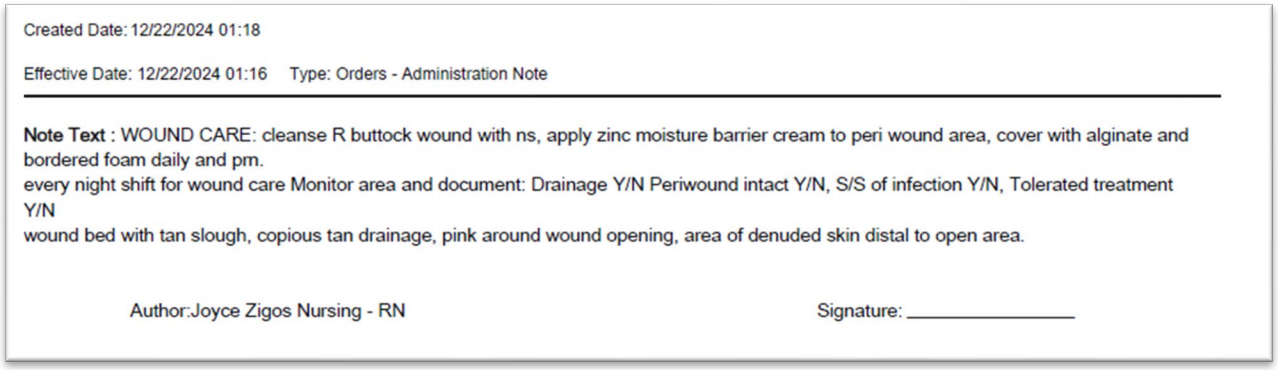
2. This action also includes medical providers from Kettering Health aka Kettering Independent Medical Group aka Kettering Health Advanced Care aka Kettering Health Medical Group aka Alliance Physicians, Inc., making Kettering Health aka Kettering Independent Medical Group aka Kettering Health Advanced Care aka Kettering Health Medical Group aka Alliance Physicians, Inc. vicariously liable for those medical providers who observed Lois Mikesell's condition pertaining to an infected wound while Lois was a resident of the Facility, witnessed and documented her "uncontrolled pain," yet took no action to escalate Lois Mikesell's care to a more intensive wound care professional or send Lois to the hospital.

3. Lois Mikesell was 70-years old, when admitted into the Facility for short-term rehabilitation following a stroke she suffered in September 2024. During her hospitalization following the stroke, Lois developed a pressure injury. The Facility knew about the pressure injury when Lois was admitted to the Facility on November 22, 2024.

4. Upon admission to Sycamorespring, the Facility was aware that Lois was at a high risk for developing infections and pressure wounds (aka "bed sores" or "pressure ulcers"). The Facility had orders to cleanse and change the dressing daily on small wound(s) Lois presented with upon admission, and the Facility was to apply cream twice daily and as needed, provide a low air loss mattress, turn/reposition her at least every 2 hours, and provide devices to relieve pressure on the injury. The Facility recklessly and negligently failed to continually follow the orders.

5. By December 18, 2024, it is documented that there was excessive drainage from the wound, which led to an excisional debridement of the wound on December 19, 2024.

6. After the debridement procedure, facility staff continued to document excessive drainage and concerning signs of infection, including but not limited to "tan slough, copious tan drainage."



Created Date: 12/22/2024 01:18

Effective Date: 12/22/2024 01:16 Type: Orders - Administration Note

Note Text : WOUND CARE: cleanse R buttock wound with ns, apply zinc moisture barrier cream to peri wound area, cover with alginate and bordered foam daily and prn.
every night shift for wound care Monitor area and document: Drainage Y/N Periwound intact Y/N, S/S of infection Y/N, Tolerated treatment Y/N
wound bed with tan slough, copious tan drainage, pink around wound opening, area of denuded skin distal to open area.

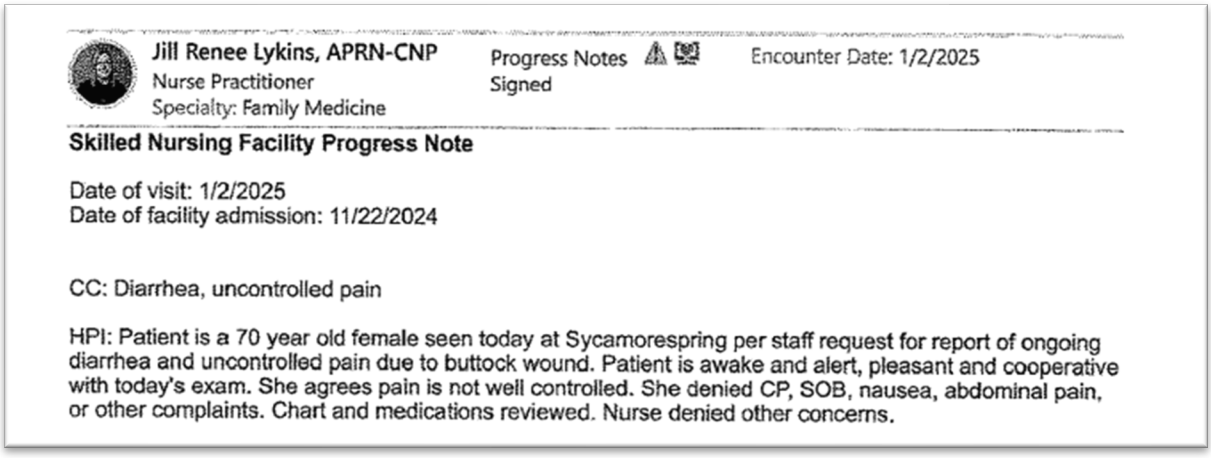
Author:Joyce Zigos Nursing - RN Signature: _____

7. Defendant Cherish Prutzman, M.D., was involved and responsible for wound care management for Lois Mikesell from November 22, 2024, until her death on January 26, 2025.

8. Defendant Rachel Deaton, CNP, was also involved and responsible for wound care management for Lois Mikesell from November 22, 2024, until Lois Mikesell's death on January 26, 2025.

9. Lois's condition pertaining to her wound continuously deteriorated and by December 27, 2024, facility staff documented the need for a wound vac.

10. On January 2, 2025, Lois was seen by Defendant Jill Renee Lykins, APRN-CNP, who documented that Lois was experiencing "uncontrolled pain due to buttock wound." Lois had follow up visits with Defendant Lykins on January 7, 2025, and January 17, 2025. At every visit, it is documented that Lois was experiencing "uncontrolled pain" due to the buttock wound.



Jill Renee Lykins, APRN-CNP
Nurse Practitioner
Specialty: Family Medicine

Progress Notes
Signed

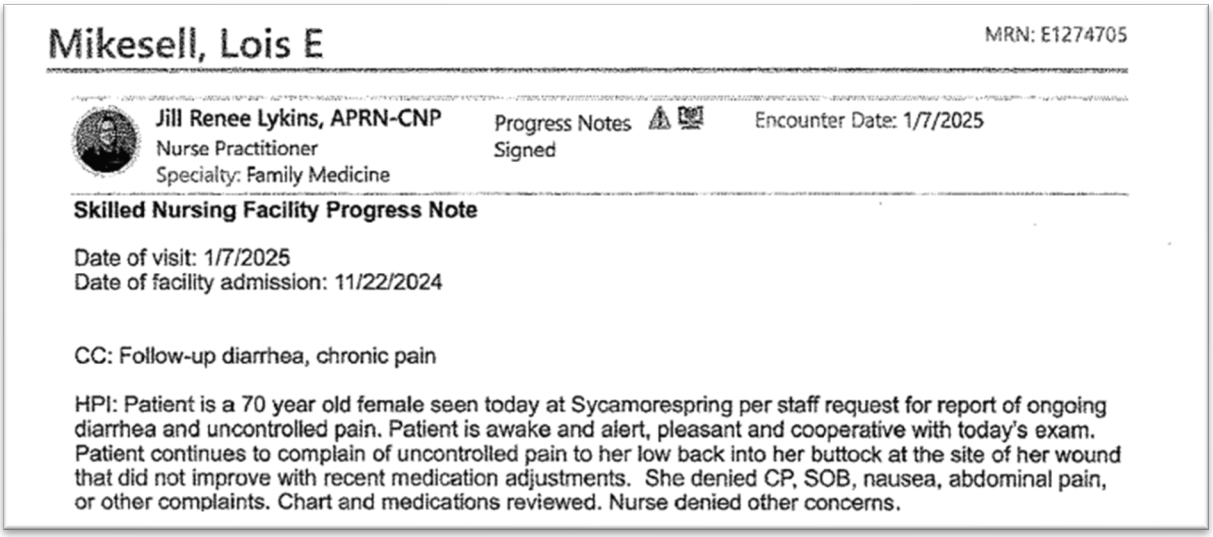
Encounter Date: 1/2/2025

Skilled Nursing Facility Progress Note

Date of visit: 1/2/2025
Date of facility admission: 11/22/2024

CC: Diarrhea, uncontrolled pain

HPI: Patient is a 70 year old female seen today at Sycamorespring per staff request for report of ongoing diarrhea and uncontrolled pain due to buttock wound. Patient is awake and alert, pleasant and cooperative with today's exam. She agrees pain is not well controlled. She denied CP, SOB, nausea, abdominal pain, or other complaints. Chart and medications reviewed. Nurse denied other concerns.



Mikesell, Lois E

MRN: E1274705

Jill Renee Lykins, APRN-CNP
Nurse Practitioner
Specialty: Family Medicine

Progress Notes
Signed

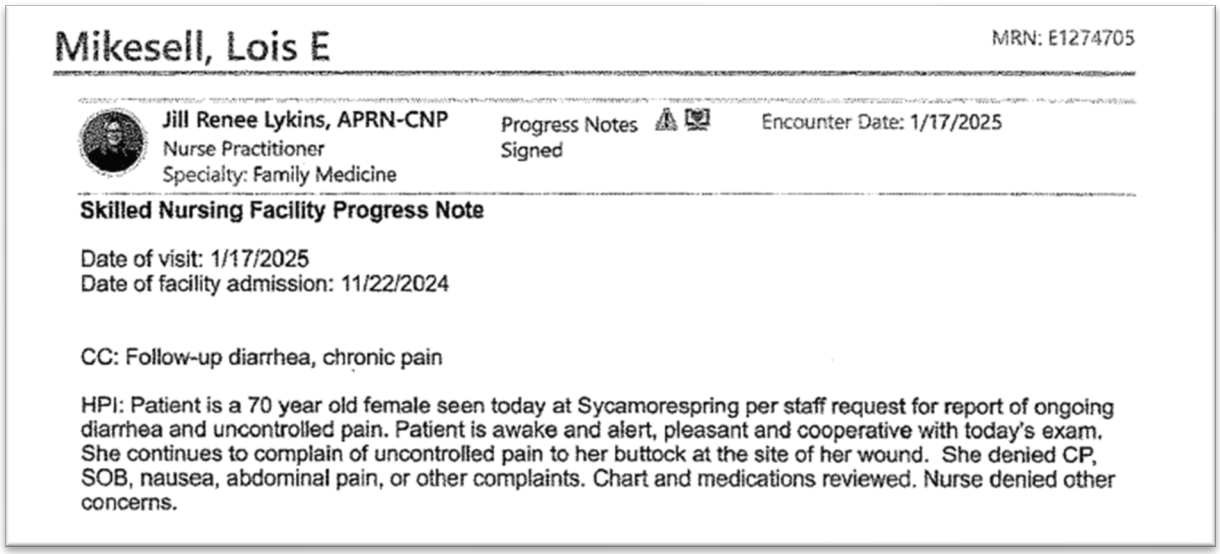
Encounter Date: 1/7/2025

Skilled Nursing Facility Progress Note

Date of visit: 1/7/2025
Date of facility admission: 11/22/2024

CC: Follow-up diarrhea, chronic pain

HPI: Patient is a 70 year old female seen today at Sycamorespring per staff request for report of ongoing diarrhea and uncontrolled pain. Patient is awake and alert, pleasant and cooperative with today's exam. Patient continues to complain of uncontrolled pain to her low back into her buttock at the site of her wound that did not improve with recent medication adjustments. She denied CP, SOB, nausea, abdominal pain, or other complaints. Chart and medications reviewed. Nurse denied other concerns.



Mikesell, Lois E

MRN: E1274705

Jill Renee Lykins, APRN-CNP
Nurse Practitioner
Specialty: Family Medicine

Progress Notes
Signed

Encounter Date: 1/17/2025

Skilled Nursing Facility Progress Note

Date of visit: 1/17/2025
Date of facility admission: 11/22/2024

CC: Follow-up diarrhea, chronic pain

HPI: Patient is a 70 year old female seen today at Sycamorespring per staff request for report of ongoing diarrhea and uncontrolled pain. Patient is awake and alert, pleasant and cooperative with today's exam. She continues to complain of uncontrolled pain to her buttock at the site of her wound. She denied CP, SOB, nausea, abdominal pain, or other complaints. Chart and medications reviewed. Nurse denied other concerns.

11. Over the course of weeks in December 2024 into January 2025, Lois exhibited significant weight loss, decreased appetite, and increased pain levels following the documented concerns regarding the condition of her pressure wound.

12. Lois also experienced fever, change of mental status, and tachycardia in January 2025.

13. Despite these alarming symptoms associated with Lois's pressure injury, it was not until January 20, 2025, that Lois was sent to Kettering Health Miamisburg Hospital after facility staff found her minimally responsive with difficulty breathing.

14. At Kettering Health Miamisburg, it was discovered that Lois had necrotizing fasciitis, a very rare flesh-eating bacteria in the wound on Lois's pelvic region and thigh. Lois also had sepsis. The facility ignored Lois's condition for so long that she developed a flesh-eating bacteria and sepsis before they sent her to the hospital.

15. Developing sepsis and necrotizing fasciitis was completely avoidable if the Facility had an adequate care plan, changed the dressing on Lois's wounds as ordered, properly treated Lois, reported the changes in her condition to her family, reported the changes in her condition to her doctors, and/or transferred her to the hospital when it was clear she likely had an infection.

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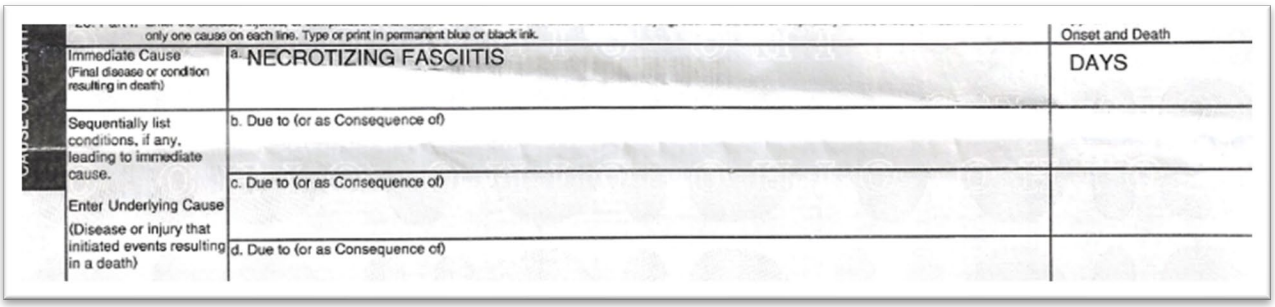


Photo of Lois Mikesell's wound taken by hospital on January 20, 2025.

16. The Carespring Defendants disregarded Lois's safety, health, and rights in numerous ways, including but not limited to: not following the orders to change her wound dressing and to turn and reposition her. That resulted in the wounds worsening, new wounds appearing, and Lois developing infections, including a flesh-eating bacteria. The disregarding of Lois's safety, health and rights by the Defendants caused her death on January 26, 2025.

17. The Kettering Defendants failed to properly monitor Lois Mikesell's wound on her buttocks and failed to escalate her level of care when she was experiencing uncontrolled pain related to the wound.

18. Because of the reckless and negligent actions and inactions of the Facility and the Kettering Defendants, Lois died on January 26, 2025. The death certificate confirms she died due to necrotizing fasciitis.



only one cause on each line. Type or print in permanent blue or black ink.		Onset and Death
Immediate Cause (Final disease or condition resulting in death)	a. NECROTIZING FASCIITIS	DAYS
Sequentially list conditions, if any, leading to immediate cause.	b. Due to (or as Consequence of)	
Enter Underlying Cause (Disease or injury that initiated events resulting in a death)	c. Due to (or as Consequence of)	
	d. Due to (or as Consequence of)	

19. Plaintiff requests a trial by jury.

20. An Affidavit of Merit is attached.

21. 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.

22. 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

23. Sycamorespring of Miamisburg aka Sycamorespring Health Care and Rehabilitation, LLC, is a for-profit limited liability company 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 Sycamorespring of Miamisburg.

24. Carespring Health Care Management, LLC is a for-profit limited liability company 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 Sycamorespring of Miamisburg aka Sycamorespring Health Care and Rehabilitation, LLC, LLC.

25. Carespring Health Care Holdings, Inc., is a for-profit 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 Sycamorespring of Miamisburg aka Sycamorespring Health Care and Rehabilitation, LLC, LLC.

26. Sycamore Realty, LLC, is a for-profit limited liability company 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 Sycamorespring of Miamisburg aka Sycamorespring Health Care and Rehabilitation, LLC, LLC.

27. Jill Renee Lykins, APRN-CNP, is a resident of the state of Ohio, and a nurse practitioner licensed in the State of Ohio. At all times relevant, Jill Renee Lykins was acting within the course and scope of her employment as a nurse practitioner with

Kettering Health aka Kettering Independent Medical Group aka Kettering Health Advanced Care aka Kettering Health Medical Group aka Alliance Physicians, Inc., making Kettering Health aka Kettering Independent Medical Group aka Kettering Health Advanced Care aka Kettering Health Medical Group aka Alliance Physicians, Inc. vicariously liable for her conduct through the doctrine of Respondeat Superior.

28. Kevin Lee Sharrett, MD, is a resident of the state of Ohio, and a medical doctor licensed in the State of Ohio. At all times relevant, Kevin Lee Sharrett was acting within the course and scope of his employment as a physician with Kettering Health aka Kettering Independent Medical Group aka Kettering Health Advanced Care aka Kettering Health Medical Group aka Alliance Physicians, Inc., making Kettering Health aka Kettering Independent Medical Group aka Kettering Health Advanced Care aka Kettering Health Medical Group aka Alliance Physicians, Inc. vicariously liable for his conduct through the doctrine of Respondeat Superior.

29. Cherish Prutzman, M.D., is a resident of the state of Ohio, and a medical doctor licensed in the State of Ohio. At all times relevant, Cherish Prutzman was acting within the course and scope of her employment as a physician with Kettering Health aka Kettering Independent Medical Group aka Kettering Health Advanced Care aka Kettering Health Medical Group aka Alliance Physicians, Inc., making Kettering Health aka Kettering Independent Medical Group aka Kettering Health Advanced Care aka Kettering Health Medical Group aka Alliance Physicians, Inc. vicariously liable for his conduct through the doctrine of Respondeat Superior.

30. Rachel Deaton, CNP, is a resident of the state of Ohio, and a nurse practitioner licensed in the State of Ohio. At all times relevant, Rachel Deaton was acting within the course and scope of her employment as a nurse practitioner with Kettering

Health aka Kettering Independent Medical Group aka Kettering Health Advanced Care aka Kettering Health Medical Group aka Alliance Physicians, Inc., making Kettering Health aka Kettering Independent Medical Group aka Kettering Health Advanced Care aka Kettering Health Medical Group aka Alliance Physicians, Inc. vicariously liable for her conduct through the doctrine of Respondeat Superior.

31. Kettering Health aka Kettering Independent Medical Group aka Kettering Health Advanced Care aka Kettering Health Medical Group aka Alliance Physicians, Inc. is an Ohio corporation (operating under multiple trade names) offering nurse practitioner or physician services to patients through its agents, operatives and / or employees, including Defendants Jill Renee Lykins, APRN-CNP, Kevin Lee Sherrett, M.D., Cherish Prutzman, M.D., and Rachel Deaton, CNP.

32. Defendants Sycamorespring of Miamisburg aka Sycamorespring Health Care and Rehabilitation, LLC, Carespring Health Care Management, LLC, Carespring Health Care Holdings, Inc., and Sycamore Realty, LLC, are collectively referred to as "Carespring Defendants" herein.

33. Defendants Jill Renee Lykins, APRN-CNP, Kevin Lee Sharrett, M.D., Cherish Prutzman, M.D., and Rachel Deaton, CNP, and Kettering Health aka Kettering Independent Medical Group aka Kettering Health Advanced Care aka Kettering Health Medical Group aka Alliance Physicians, Inc., are collectively referred to as "Kettering Defendants" herein.

34. The Carespring Defendants employ, manage, and direct the care and service providers who were responsible for Lois Mikesell's care, treatment, and safety at Sycamorespring of Miamisburg aka Sycamorespring Health Care and Rehabilitation, LLC, LLC 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 Lois Mikesell's injuries and untimely and wrongful death on January 26, 2025.

35. The Carespring 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.

36. The Carespring 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.

37. The Carespring Defendants collectively own, manage, control, and/or are responsible for the care delivered to residents of Sycamorespring of Miamisburg aka Sycamorespring Health Care and Rehabilitation, LLC, LLC directly or through their domination and control of any putative entity license holder.

VICARIOUS LIABILITY

38. The Carespring Defendants employ the care providers who were responsible for ensuring Lois Mikesell's care and safety.

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

40. Lois Mikesell and their family looked to the Carespring Defendants for care based upon their representations.

41. The Carespring 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.

42. The Kettering 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

43. 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.

44. Venue is proper in Montgomery 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

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

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

47. 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.

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

49. The Carespring 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.

50. As the result of this control, the Carespring 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 Lois Mikesell, meaning they are responsible for the foreseeable harm that results from careless decisions while voluntarily exercising that control.

51. Carespring 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 Lois Mikesell.

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

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

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

a. Shawneespring of Harrison
10111 Simonson Rd, Harrison, OH 45030
(513) 367-7780

b. Eastgatespring of Cincinnati
4400 Glen Este-Withamsville Road, Cincinnati, OH 45245
(513) 752-3710

c. The Atlantes of Eastgate
776 Old State Rte 74 B, Cincinnati, OH 45245
(513) 399-6225

d. Indianspring of Oakley
4900 Babson Place, Cincinnati, OH 45227
(513) 561-2600

e. Birchwood of Fairfield Township
4070 Hamilton Mason Rd, Hamilton, OH 45011
(513) 868-3300

f. Doverwood of Fairfield Township
4195 Hamilton Mason Rd, Hamilton, OH 45011
(513) 868-2266

g. Heritagespring of West Chester
7235 Heritagespring Dr, West Chester Township, OH 45069
(513) 759-5777

h. The Advanced Therapy Center at Chesterwood
7924 Chesterwood Blvd, West Chester Township, OH 45069
(513) 777-1400

i. Dayspring of Miami Valley
8001 Dayton Springfield Rd, Fairborn, OH 45324
(937) 864-5800

j. Hillspring of Springboro
325 E Central Ave, Springboro, OH 45066
(937) 748-1100

k. Stonespring of Vandalia
4000 Singing Hills Blvd, Dayton, OH 45414
(937) 415-8000

Reporting Data – Nursing Home

55. 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."

56. 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.

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

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

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

59. Every nursing home receiving Medicare or Medicaid funding—the clear majority of nursing homes, including Sycamorespring of Miamisburg aka Sycamorespring Health Care and Rehabilitation, LLC, LLC 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.

60. Nursing homes like Sycamorespring of Miamisburg aka Sycamorespring Health Care and Rehabilitation, LLC, LLC 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.

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

62. Each resident's PDPM score is contained in the patient's 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' PDPM scores from the various sections of the Minimum Data Set evaluations corresponding to increased needs for nursing care.

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

Misleading Advertising

64. 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.

65. 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.

66. 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.

Defendants' Negligence and Recklessness with Lois Mikesell

67. Carespring Defendants accepted Lois Mikesell as a nursing home resident on November 22, 2024, after she experienced a stroke in September 2024, which resulted in hospitalization.

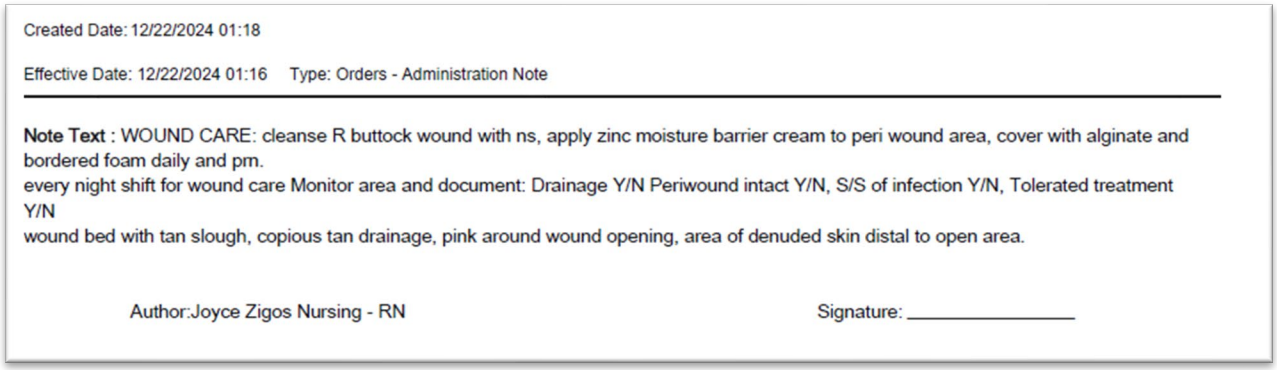
68. Lois Mikesell developed a pressure wound while at the hospital between September 2024 and November 22, 2024.

69. Lois Mikesell was 70-years old, when admitted into the Facility on November 22, 2024, for short term rehabilitation. Upon admission, the Facility was aware

that Lois was at a high risk for developing infections and pressure wounds (aka "bed sores" or "pressure ulcers"). The Facility had orders to cleanse and change the dressing daily on small wound(s) Lois presented with upon admission, and the Facility was to apply cream twice daily and as needed, provide a low air loss mattress, turn/reposition her at least every 2 hours, and provide devices to relieve pressure on the injury. The Facility recklessly and negligently failed to continually follow the orders.

70. By December 18, 2024, it is documented that there was excessive drainage from the wound, which led to an excisional debridement of the wound on December 19, 2024.

71. After the debridement procedure, facility staff continued to document excessive drainage and concerning signs of infection.



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every night shift for wound care Monitor area and document: Drainage Y/N Periwound intact Y/N, S/S of infection Y/N, Tolerated treatment Y/N
wound bed with tan slough, copious tan drainage, pink around wound opening, area of denuded skin distal to open area.

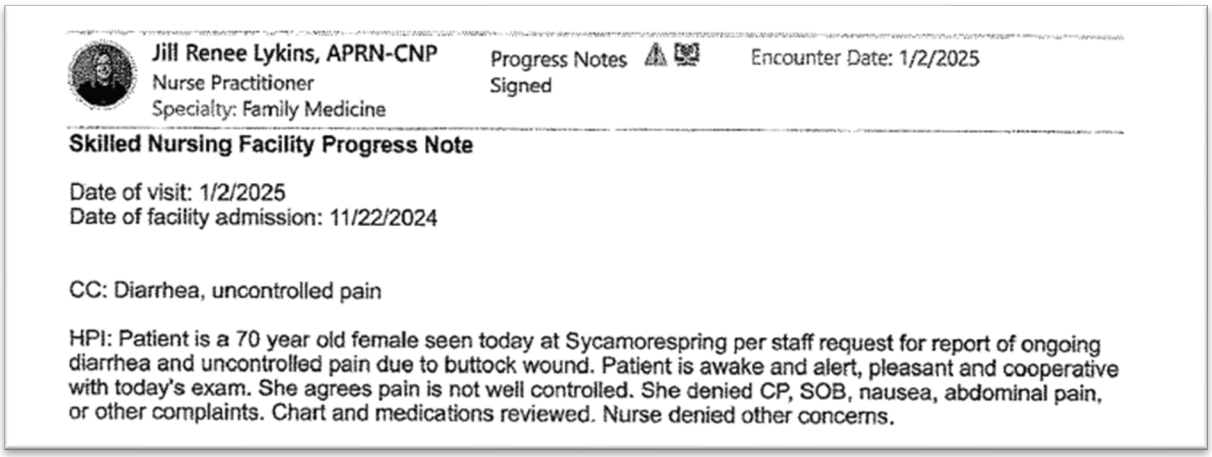
Author:Joyce Zigos Nursing - RN Signature: _____

72. Defendant Cherish Prutzman, M.D., was involved and responsible for wound care management for Lois Mikesell from November 22, 2024, until her death on January 26, 2025.

73. Defendant Rachel Deaton, CNP, was also involved and responsible for wound care management for Lois Mikesell from November 22, 2024, until Lois Mikesell's death on January 26, 2025.

74. Lois's condition pertaining to her wound continuously deteriorated and by December 27, 2024, facility staff documented the need for a wound vac.

75. On January 2, 2025, Lois was seen by Defendant Jill Renee Lykins, APRN-CNP, who documented that Lois was experiencing "uncontrolled pain due to buttock wound." Lois had follow up visits with Defendant Lykins on January 7, 2025, and January 17, 2025. At every visit, it is documented that Lois was experiencing "uncontrolled pain" due to the buttock wound.



Jill Renee Lykins, APRN-CNP
Nurse Practitioner
Specialty: Family Medicine

Progress Notes
Signed

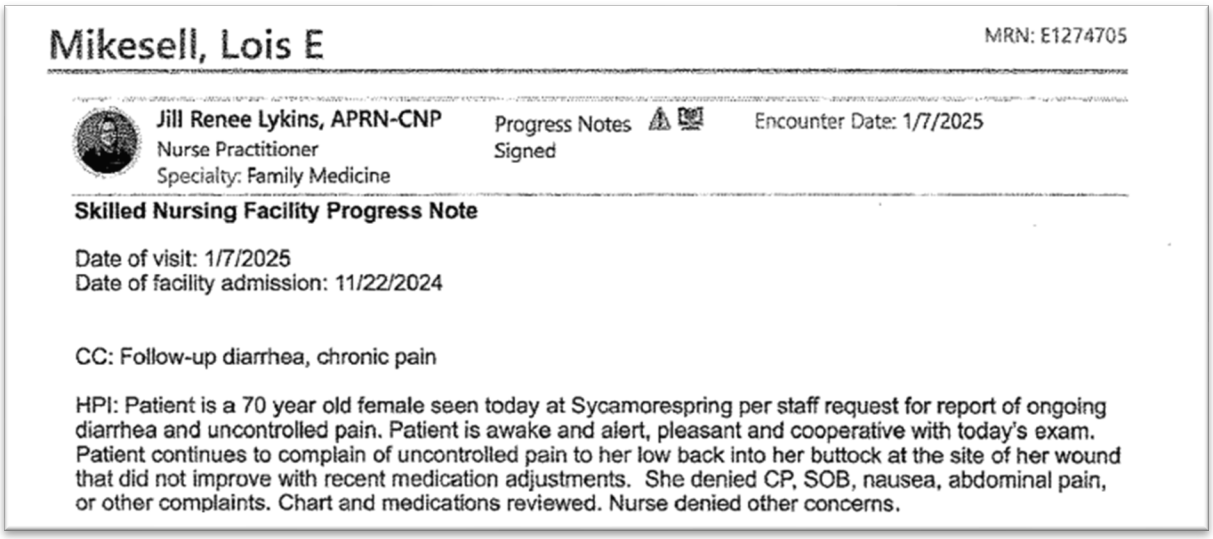
Encounter Date: 1/2/2025

Skilled Nursing Facility Progress Note

Date of visit: 1/2/2025
Date of facility admission: 11/22/2024

CC: Diarrhea, uncontrolled pain

HPI: Patient is a 70 year old female seen today at Sycamorespring per staff request for report of ongoing diarrhea and uncontrolled pain due to buttock wound. Patient is awake and alert, pleasant and cooperative with today's exam. She agrees pain is not well controlled. She denied CP, SOB, nausea, abdominal pain, or other complaints. Chart and medications reviewed. Nurse denied other concerns.



Mikesell, Lois E

MRN: E1274705

Jill Renee Lykins, APRN-CNP
Nurse Practitioner
Specialty: Family Medicine

Progress Notes
Signed

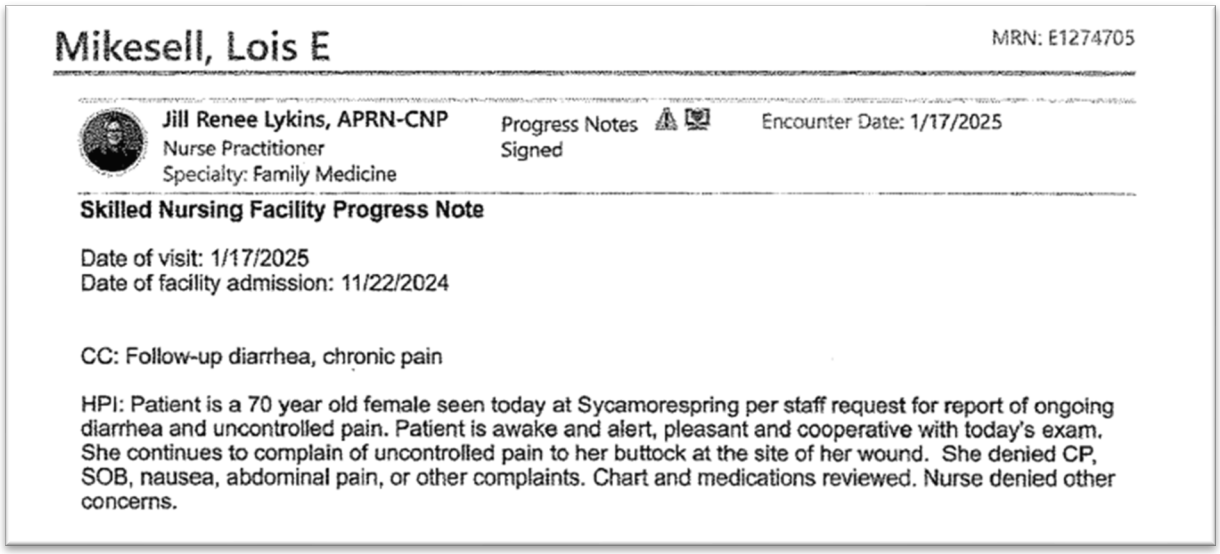
Encounter Date: 1/7/2025

Skilled Nursing Facility Progress Note

Date of visit: 1/7/2025
Date of facility admission: 11/22/2024

CC: Follow-up diarrhea, chronic pain

HPI: Patient is a 70 year old female seen today at Sycamorespring per staff request for report of ongoing diarrhea and uncontrolled pain. Patient is awake and alert, pleasant and cooperative with today's exam. Patient continues to complain of uncontrolled pain to her low back into her buttock at the site of her wound that did not improve with recent medication adjustments. She denied CP, SOB, nausea, abdominal pain, or other complaints. Chart and medications reviewed. Nurse denied other concerns.



Mikesell, Lois E

MRN: E1274705

Jill Renee Lykins, APRN-CNP
Nurse Practitioner
Specialty: Family Medicine

Progress Notes
Signed

Encounter Date: 1/17/2025

Skilled Nursing Facility Progress Note

Date of visit: 1/17/2025
Date of facility admission: 11/22/2024

CC: Follow-up diarrhea, chronic pain

HPI: Patient is a 70 year old female seen today at Sycamorespring per staff request for report of ongoing diarrhea and uncontrolled pain. Patient is awake and alert, pleasant and cooperative with today's exam. She continues to complain of uncontrolled pain to her buttock at the site of her wound. She denied CP, SOB, nausea, abdominal pain, or other complaints. Chart and medications reviewed. Nurse denied other concerns.

76. Over the course of weeks in December 2024 into January 2025, Lois exhibited significant weight loss, decreased appetite, and increased pain levels following the documented concerns regarding the condition of her pressure wound.

77. Lois also experienced fever, change of mental status, and tachycardia in January 2025.

78. Despite these alarming symptoms associated with Lois's pressure injury, it was not until January 20, 2025 that Lois was sent to Kettering Health Miamisburg after facility staff found her minimally responsive with difficulty breathing.

79. At Kettering Health Miamisburg, it was discovered that Lois had necrotizing fasciitis, a very rare flesh-eating bacteria in the wound on Lois's pelvic region and thigh. Lois also had sepsis. The facility ignored Lois's condition for so long that she developed a flesh-eating bacteria and sepsis before they sent her to the hospital.

80. Developing sepsis and necrotizing fasciitis was completely avoidable if the Facility had an adequate care plan, changed the dressing on wounds as ordered, properly

treated Lois, reported the changes in her condition to her family, reported the changes in her condition to her doctors, and/or transferred her to the hospital when it was clear she likely had an infection.



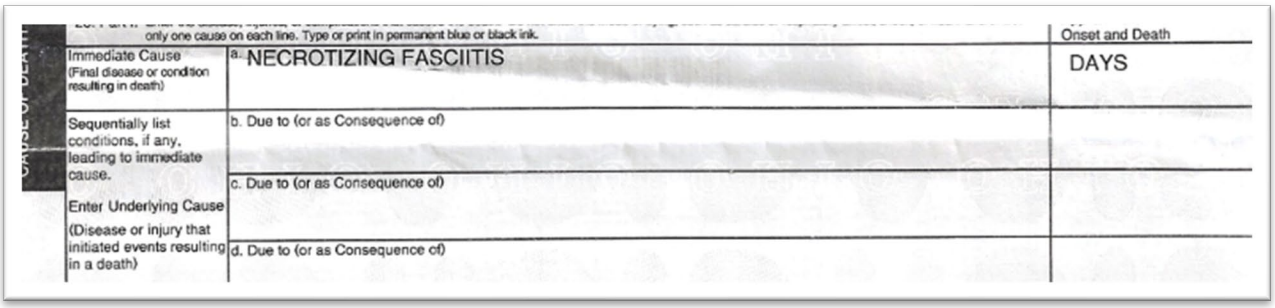
Photo of Lois Mikesell's wound taken by hospital on January 20, 2025.

81. The Carespring Defendants disregarded Lois's safety, health, and rights in numerous ways, including not following the orders to change the dressing and to turn and reposition her. That resulted in the existing wound progressing, new wounds appearing, and infection. The disregarding of Lois's safety, health, and rights also resulted in the development of flesh-eating bacteria. The disregarding of Lois's safety, health and rights

by the Defendants—both Carespring Defendants and Kettering Defendants—caused her death on January 26, 2025.

82. The Kettering Defendants failed to properly monitor Lois Mikesell's wound on her buttocks, and failed to escalate her level of care when she was experiencing uncontrolled pain related to the wound.

83. Because of the reckless and negligent actions and inactions of the Facility and the Kettering Defendants, Lois died on January 26, 2025. The death certificate confirms she died due to necrotizing fasciitis.



	only one cause on each line. Type or print in permanent blue or black ink.	Onset and Death
Immediate Cause (Final disease or condition resulting in death)	a. NECROTIZING FASCIITIS	DAYS
Sequentially list conditions, if any, leading to immediate cause.	b. Due to (or as Consequence of)	
Enter Underlying Cause (Disease or injury that initiated events resulting in a death)	c. Due to (or as Consequence of)	
	d. Due to (or as Consequence of)	

84. Carespring Defendants disregarded Lois's safety, health, and rights in numerous ways, including not following the orders to change the dressing and to turn and reposition her. That resulted in the wounds dressing, new wounds appearing, and becoming infected. The disregarding of Lois's safety, health, and rights also resulted in the development of flesh-eating bacteria. The disregarding of Lois's safety, health and rights but the Defendants caused her death on January 26, 2025.

85. Because of the reckless and negligent actions and inactions of the Facility, Lois died on January 26, 2025. The death certificate confirms she died due to necrotizing fasciitis she developed at the Facility.

86. Defendants agreed to accept Lois Mikesell into their facility and provide care for her in exchange for monetary payment.

87. The Facility knew Lois Mikesell was at high risk for developing infections given her existing wounds, lack of mobility, dependence for activities of daily living and incontinence of her bladder and bowel.

88. The Facility allowed Lois to become infected and for the infections to continue to get worse before addressing them and sending her to the hospital. Not sending Lois to the hospital when her condition began to change was a disregard for Lois's rights and safety.

89. The facility failed to implement a plan to address the wounds she had upon admission, to heal the wounds, prevent the formation of new wounds, to stop her from obtaining infections, or to inform her family of the severe changes in her condition while a resident at the Facility. All of this resulted in Lois becoming infected, having sepsis, and developing Necrotizing Fasciitis.

90. The Defendants' failures to provide reasonable care caused Lois Mikesell's death on January 26, 2025.

FIRST CAUSE OF ACTION
(MEDICAL NEGLIGENCE / RECKLESSNESS)

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

92. Lois Mikesell depended on the Defendants, and their respective nursing and medical staff, for medical and nursing care, treatment, evaluation, and assistance.

93. Carespring Defendants and Kettering Defendants had a duty to provide proper care and treatment to Lois Mikesell and to avoid causing injury to Lois Mikesell.

94. Carespring Defendants, including their medical and nursing staff, failed to provide proper care and treatment to Lois Mikesell, which they knew or should have

known they required, and their negligence was the direct and proximate cause of the injuries that Lois Mikesell suffered.

95. Kettering Defendants failed to provide proper care and treatment to Lois Mikesell, which they knew or should have known they required, and their negligence was the direct and proximate cause of the injuries that Lois Mikesell suffered.

96. The Defendants' (both Carespring Defendants and Kettering 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 Lois Mikesell;

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

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

g. Choosing to violate orders relating to care of Lois Mikesell;

h. Choosing to violate state and federal regulations governing care and staffing levels in nursing home facilities by which residents like Lois Mikesell 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 Lois Mikesell, as required by Ohio and federal regulations;

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

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

97. These actions constituted a conscious disregard for Lois Mikesell'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.

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

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

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

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

102. 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.

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

104. 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)

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

106. As a direct and proximate result of the negligence / recklessness described above, Lois Mikesell sustained injuries that caused their untimely and wrongful death.

107. Lois Mikesell'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.

108. 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)

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

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

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

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

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

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

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

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

111. These violations are evidence of negligence and conscious disregard of Lois Mikesell's rights and safety, and give rise to a statutory cause of action.

112. As a direct and proximate result of Carespring Defendants' violations of R.C. 3721.13, Lois Mikesell conscious pain, suffering, and disability, and other harms and losses.

FOURTH CAUSE OF ACTION
(CIVIL CONSPIRACY)

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

114. Carespring 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. 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;

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

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

115. This understanding constitutes a malicious combination to injure residents of the Facility, including Lois Mikesell.

116. In pursuance of this common plan or design to commit tortious acts, the Carespring 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.

117. The conspiracy caused injury to Lois Mikesell.

118. WHEREFORE, Plaintiffs demand judgment against the Carespring 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)

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

120. Carespring Defendants concealed facts concerning their staffing levels, pay, and the amount of care they were actually capable of providing at Grande Pointe Healthcare Center aka Merit Leasing Co., LLC.

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

122. 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 Lois Mikesell's family and other potential customers into placing their loved ones in the care and custody of Defendants.

123. Lois Mikesell's family and the family members of other potential customers reasonably relied on Carespring Defendants' representations and concealments regarding the degree of care they provide.

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

125. As a direct and proximate result of Carespring Defendants' actions, representations, and concealments, Lois Mikesell suffered conscious pain and suffering and death.

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

127. WHEREFORE, Plaintiff demands judgment against the Carespring 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/ C. Joseph McCoy

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