

NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Common Pleas

New Case Electronically Filed: COMPLAINT
March 26, 2026 17:42

By: MICHAEL A. HILL 0088130

Confirmation Nbr. 3802667

ESTATE OF ETHEL J. POLK, DECEASED

vs.

PLEASANTVIEW CARE CENTER, ET AL.

CV 26 135774

Judge: KELLY ANN GALLAGHER

Pages Filed: 29

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

ESTATE OF ETHEL J. POLK, DECEASED Through Estate Representative Lamar Williams c/o Michael Hill Trial Law 815 Superior Avenue, Suite 623 Cleveland, Ohio 44114 Plaintiff, vs. PLEASANTVIEW CARE CENTER AKA RIDGE-PLEASANT VALLEY, INC. 7377 Ridge Road Parma, Ohio 44129 Also Serve c/o Registered Agent: GH&R Business Services, Inc. 312 Walnut Street, Suite 1800 Cincinnati, Ohio 45202 and LEGACY HEALTH SERVICES AKA DMD MANAGEMENT, INC. c/o Registered Agent: GH&R Business Services, Inc. 312 Walnut Street, Suite 1800 Cincinnati, Ohio 45202 and OH 10 HOLDCO, LLC c/o Registered Agent: Incorp Services, Inc. 9435 Waterstone Boulevard, Suite 140 Cincinnati, Ohio 45249 and	CASE NO. JUDGE **COMPLAINT** **WITH JURY DEMAND AND AFFIDAVIT OF MERIT ATTACHED**

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CC OH10 OPCO, LLC)
c/o Registered Agent:)
Platinum Filings, LLC)
555 E. Loockerman Street, Suite 320)
Dover, Delaware 19901)
)
and)
)
CHAVOS221 HOLDINGS, LLC)
c/o Registered Agent:)
Harvard Business Services, Inc.)
16192 Coastal Highway)
Lewes, Delaware 19958)
)
and)
)
LIONSVIEW OPCO NR, LLC)
c/o Registered Agent:)
Platinum Filings, LLC)
555 E. Loockerman Street, Suite 320)
Dover, Delaware 19901)
)
and)
)
LIONSVIEW SC, LLC)
c/o Registered Agent:)
Platinum Filings, LLC)
555 E. Loockerman Street, Suite 320)
Dover, Delaware 19901)
)
and)
)
LIVING26 HOLDINGS, LLC)
c/o Registered Agent:)
Harvard Business Services, Inc.)
16192 Coastal Highway)
Lewes, Delaware 19958)
)
and)
)
SAPPHIRE143 HOLDINGS, LLC)
c/o Registered Agent:)
Harvard Business Services, Inc.)
16192 Coastal Highway)
Lewes, Delaware 19958)
)

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and)
)
PLEASANTVIEW REAL ESTATE COMPANY)
c/o Registered Agent:)
L&M Statutory Agent, LLC)
30670 Bainbridge Road, Suite 201)
Solon, Ohio 44139)
)

Defendants.

Plaintiff, the Estate of Ethel J. Polk, Deceased, through Estate Representative Lamar Williams, for this Complaint against the above-named Defendants, states and avers upon information and belief:

INTRODUCTION

1. This action involves multiple claims (medical negligence, recklessness, wrongful death, Resident's Rights Law violations, civil conspiracy, and fraud) involving Pleasantview Care Center aka Ridge-Pleasant Valley, Inc. ("Facility's") inadequate care of Ethel Polk and the corporate control of the facility leading to such inadequate care that led to Ethel Polk's untimely and wrongful death on March 29, 2025.

2. This is a negligence and wrongful death case against Pleasantview Care Center aka Ridge-Pleasant Valley, Inc., a Legacy Health Services aka DMD Management, Inc. facility, for failing to properly supervise, assess, monitor, and safely care for Ethel Polk, a resident who was paralyzed on her right side and dependent on staff assistance with toileting, personal hygiene, repositioning, and transfers, which resulted in her sustaining a significantly displaced acute humeral neck fracture with medial angulation to her right arm, leading to her decline and ultimate death on March 29, 2025.

3. On the evening of March 22, 2025, Ethel Polk guarded her right arm, not allowing nursing staff to touch or move it. Nurses noted redness, that it was warm to the

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touch, swelling, and sensitivity. Ms. Polk's nurse practitioner ordered an ultrasound and x-ray. The ultrasound of Ms. Polk's arm was negative.

4. The right arm x-ray imaging revealed a significantly displaced acute proximal right humeral neck fracture with medial angulation with a greater than 1 shaft width displacement.

Report Date: 3/22/2025 9:30:21 PM

RADIOLOGY REPORT

SHOULDER 1 VIEW, RIGHT

Results: Views of the right shoulder demonstrate a significantly displaced acute proximal right humeral neck fracture with medial angulation. Greater than 1 shaft width displacement. The right humeral head remains in articulation with the glenoid with advanced degenerative changes of the joint space. Moderate degenerative changes of the acromioclavicular joint. Reactive soft tissue swelling.

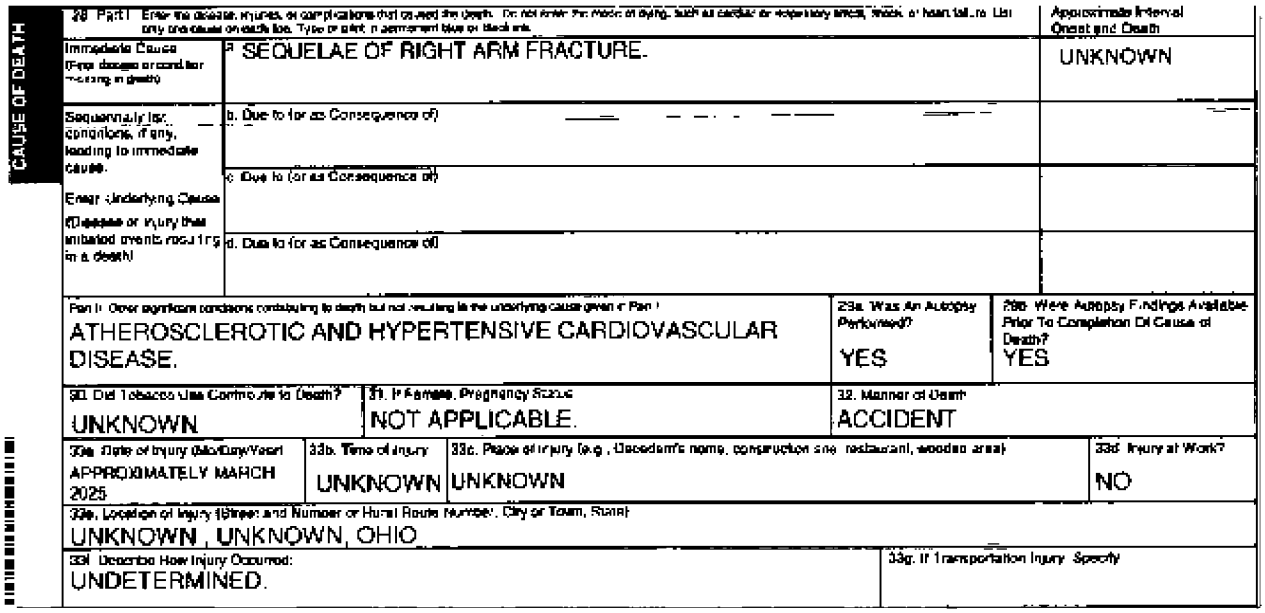
Conclusion: Acute significantly displaced proximal right humeral neck fracture.

Electronically signed by NEAL PATRICK PASSANTE, M.D. 3/22/2025 9:30:21 PM EDT.

5. Following the significantly displaced fracture to her right arm on March 22, 2025, Ethel Polk experienced a precipitous and uninterrupted decline that was characterized by reduced energy and activity leading to lethargy, pain, difficulty breathing with declining oxygen levels, and her death on March 29, 2025.

6. The Cuyahoga County Medical Examiner's Office determined that Ethel Polk's immediate cause of death was "Sequelae of Right Arm Fracture" that occurred "Approximately March 2025" and determined her death to be accidental in nature (pictured below).

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CAUSE OF DEATH

29 Part I Enter the disease, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line. Type or print in permanent blue or black ink.

		Approximate Interval Onset and Death
Immediate Cause (Final disease or condition resulting in death)	a. SEQUELAE OF RIGHT ARM FRACTURE.	UNKNOWN
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 death)	c. Due to (or as Consequence of)	
	d. Due to (or as Consequence of)	

Part II Other significant conditions contributing to death but not resulting in the underlying cause given in Part I	29a. Was An Autopsy Performed?	29b. Were Autopsy Findings Available Prior To Completion Of Cause of Death?
ATHEROSCLEROTIC AND HYPERTENSIVE CARDIOVASCULAR DISEASE.	YES	YES

30. Did Tobacco Use Contribute to Death?	31. If Female, Pregnancy Status	32. Manner of Death
UNKNOWN	NOT APPLICABLE.	ACCIDENT

33a. Date of Injury (Mo/Day/Year)	33b. Time of Injury	33c. Place of Injury (e.g., Decedent's home, construction site, restaurant, wooded area)	33d. Injury at Work?
APPROXIMATELY MARCH 2025	UNKNOWN	UNKNOWN	NO

33e. Location of Injury (Street and Number or Rural Route Number, City or Town, State)
UNKNOWN, UNKNOWN, OHIO

33f. Describe How Injury Occurred:	33g. If Transportation Injury, Specify
UNDETERMINED.	

7. Plaintiff requests a trial by jury.

8. An Affidavit of Merit is attached.

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

DEFENDANTS

10. Pleasantview Care Center aka Ridge-Pleasant Valley, Inc. is an Ohio corporation that holds itself out to the public as a provider of medical and nursing care, including but not limited to, rehabilitation and skilled nursing care, through its agents,

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operatives and / or employees and does business as Pleasantview Care Center aka Ridge-Pleasant Valley, Inc.

11. Legacy Health Services aka DMD Management, Inc. an Ohio corporation that holds itself out to the public as a provider of medical and nursing care, including but not limited to, rehabilitation and skilled nursing care, through its agents, operatives and / or employees and does business as Pleasantview Care Center aka Ridge-Pleasant Valley, Inc.

12. OH 10 HOLDCO, LLC is an Ohio corporation that holds itself out to the public as a provider of medical and nursing care, including but not limited to, rehabilitation and skilled nursing care, through its agents, operatives and / or employees and does business as Pleasantview Care Center aka Ridge-Pleasant Valley, Inc.

13. CC OH10 OPCO, LLC is a Delaware 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 Pleasantview Care Center aka Ridge-Pleasant Valley, Inc.

14. CHAVOS221 HOLDINGS, LLC is a Delaware 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 Pleasantview Care Center aka Ridge-Pleasant Valley, Inc.

15. LIONSVIEW OPCO NR, LLC is a Delaware 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 Pleasantview Care Center aka Ridge-Pleasant Valley, Inc.

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16. LIONSVIEW SC, LLC is a Delaware 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 Pleasantview Care Center aka Ridge-Pleasant Valley, Inc.

17. LIVING26 HOLDINGS, LLC is a Delaware 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 Pleasantview Care Center aka Ridge-Pleasant Valley, Inc.

18. SAPPHIRE143 HOLDINGS, LLC is a Delaware 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 Pleasantview Care Center aka Ridge-Pleasant Valley, Inc.

19. Pleasantview Real Estate Company is an Ohio corporation that holds itself out to the public as a provider of medical and nursing care, including but not limited to, rehabilitation and skilled nursing care, through its agents, operatives and / or employees and does business as Pleasantview Care Center aka Ridge-Pleasant Valley, Inc.

20. The Defendants employ, manage, and direct the care and service providers who were responsible for Ethel Polk's care, treatment, and safety at Pleasantview Care Center aka Ridge-Pleasant Valley, Inc. while she was a resident there, and / or are responsible for creating unsafe conditions at the Facility through their control of the Facility management that directly led to Ethel Polk's injuries and untimely and wrongful death on March 29, 2025.

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

22. The Defendant organization controls the other corporations in a way that is so complete that the corporations have no separate mind, will, or existence of their own, is exercised in such a manner as to commit fraud or an illegal act against the person seeking to disregard the corporate entity; and injury or unjust loss resulted to the plaintiff from such control and wrong, meaning the Defendants should be held directly liable for such harms and losses.

23. The Defendants collectively own, manage, control, and/or are responsible for the care delivered to residents of Pleasantview Care Center aka Ridge-Pleasant Valley, Inc. directly or through their domination and control of any putative entity license holder.

VICARIOUS LIABILITY

24. The Defendants employ the care providers who were responsible for ensuring Ethel Polk's care and safety.

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

26. Ethel Polk and her family looked to the Defendants for care based upon their representations.

27. The Defendants are vicariously liable for the negligent actions of their employees and agents (respondeat superior and agency liability) and/or independent contractors (*Clark v. Southview Hosp. & Family Health Ctr.*, 68 Ohio St.3d 435, 628 N.E.2d 46 (1994), agency by estoppel), including visiting physicians and nurse

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practitioners contracted with any of the Defendants and / or provided to residents as default or house care providers.

JURISDICTION AND VENUE

28. 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.

29. Venue is proper in Cuyahoga 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

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

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

32. 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.

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

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

a. Policies and procedures, including regarding resident care;

b. Finances, including obtaining credit and loans, guaranteeing loans (both at the corporate and individual facility level), maintaining funds and banking, obtaining, owning, and leasing facility land and buildings, and capital expenditures.

c. Budgeting, including controlling the amount of funds available for staffing facilities;

d. Personnel management, including hiring and firing, or having authority to hire and fire, the supervisory and management personnel in each facility;

e. Supervision of management, care providers, and staff in each facility, including compliance with federal and state regulations;

f. Employment, such as setting pay scales, shifts, and time and vacation policies;

g. Systems for training, monitoring, and supervising staff;

h. Medical record systems and management;

i. Financial control systems, including budgeting and payment processing;

j. Marketing, including setting the image and expectations residents and their family should expect at the facility, and even the name of the facility;

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

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

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36. 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 Ethel Polk.

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

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



According to the Centers for Medicare and Medicaid, Pleasantview Care Center aka Ridge-Pleasant Valley, Inc., earned a 2-star, or "below average" rating for Staffing. This data was taken directly from medicare.gov on March 22, 2026.

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39. This lack of sufficient staff directly resulted in Ethel Polk not receiving basic and necessary services to prevent, among other things, neglect leading to her injuries and death.

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

a. Broadview Multi-Care Center
5520 Broadview Road
Parma, OH 44134

b. Cedarwood Plaza
12504 Cedar Road
Cleveland Heights, OH 44106

c. Franklin Plaza
3600 Franklin Boulevard
Cleveland, OH 44113

d. Hillside Plaza
18220 Euclid Avenue
Cleveland, OH 44112

e. Mapleview Country Villa
775 South Street
Chardon, OH 44024

f. Orchard Villa
2841 Munding Drive
Oregon, OH 43616

g. Parkside Villa
7040 Hepburn Road
Middleburg Heights, OH 44130

h. Pleasant Lake Villa
7260 Ridge Road
Parma, OH 44129

i. Wickliffe Country Place
1919 Bishop Road
Wickliffe, OH 44092

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41. The Defendants' profits-over-safety model and systemic understaffing, applied across the entire chain of nursing homes owned and operated by the Defendants, has resulted in an average ranking of "1.9-star" ranking for Staffing across all the Defendants' nursing homes on Medicare.gov Nursing Home Compare website.



According to the Centers for Medicare and Medicaid, the Legacy Health Services chain of nursing homes average a "1.9-star" rating for Staffing – below the national average of 2.9 stars. This data was taken directly from medicare.gov on March 22, 2026.

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Reporting Data – Nursing Home

42. 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."

43. 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.

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

45. 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)

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

47. Nursing homes like Pleasantview Care Center aka Ridge-Pleasant Valley, Inc. are required to evaluate every resident using the Minimum Data Set questionnaire shortly after the time of admission, every 90 days thereafter, when a resident has a

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

48. 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.

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

50. 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

51. 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.

52. 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.

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

Systemic Understaffing and Ethel Polk's Care

54. Defendants failed to ensure, through their operational, budgetary, consultation and managerial decisions and actions, that Pleasantview Care Center aka Ridge-Pleasant Valley, Inc. was sufficiently staffed, and the staff appropriately trained and informed, to meet the individual needs of Ethel Polk during the period she was a resident at the facility.

55. Defendants engaged in a systemic practice to understaff Pleasantview Care Center aka Ridge-Pleasant Valley, Inc. to maximize profits at the expense of its residents' care.

56. This lack of sufficient staff directly resulted in Ethel Polk not receiving basic and necessary services, assessments, and interventions to prevent, among other things, neglect leading to her injuries at Pleasantview Care Center aka Ridge-Pleasant Valley, Inc., during the period she was a resident at the Facility.

Defendants' Negligence and Recklessness with Ethel Polk

57. Defendants accepted Ethel Polk as a resident to their facility on February 27, 2024.

58. Defendants agreed to accept Ethel Polk into their facility and provide care to them in exchange for monetary payment.

59. At the time the Facility accepted Ethel Polk as a resident, it knew that she required physical assistance with her activities of daily living, including assistance with

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toileting, personal hygiene, transferring (in and out of bed, to and from a chair, etc.) due to her diagnosis of hemiplegia and hemiparesis affecting her right dominant side.

60. Defendants failed to properly provide supervision, assistance with activities of daily living, and specifically failed to provide appropriate assistance with transfers.

61. As a direct and proximate cause of Defendants' failures to provide appropriate care, Ethel Polk suffered a traumatic fracture of her upper right arm (humerus) on March 22, 2025, during her residency at the Facility.

62. Facility staff were required to immediately report Ethel Polk's injury to a supervisor and/or administrator but failed to do so, resulting in a delay before any investigation into her traumatic fracture was initiated. When an investigation was ultimately conducted, it was inadequate and failed to determine how the fracture occurred.

63. Ethel Polk guarded her right arm, refusing to permit the nursing staff to touch or move her arm due to the excruciating pain she was experiencing. Her arm was red, swollen, and warm to the touch.

64. After suffering the traumatic fracture to her right arm as a result of the unreasonable care provided by Defendants, Ethel Polk suffered a continuous physical and functional decline until her death on March 29, 2025.

65. The Cuyahoga County Medical Examiner's Office determined that Ethel Polk's immediate cause of death was "Sequelae of Right Arm Fracture" that occurred "Approximately March 2025" and determined her death to be accidental in nature.

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66. Ethel Polk endured mental and physical pain suffering and death as a direct and proximate result of Defendants' failure to provide adequate care due to understaffing and inadequate training of the Facility's staff.

FIRST CAUSE OF ACTION
(MEDICAL NEGLIGENCE / RECKLESSNESS)

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

68. Ethel Polk depended on the Defendants, and their respective nursing and medical staff, for medical and nursing care, treatment, evaluation, and assistance.

69. The Defendants had a duty to provide proper care and treatment to Ethel Polk and to avoid causing injury to her.

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

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

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

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

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

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

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

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

g. Choosing to violate orders relating to the care of Ethel Polk;

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

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

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

72. These actions constituted a conscious disregard for Ethel Polk'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.

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

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

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

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

77. 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.

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

79. 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)

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

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81. Ethel Polk depended on the Defendants, and their respective nursing and medical staff, for medical and nursing care, treatment, evaluation, and assistance.

82. The Defendants had a duty to provide proper care and treatment to Ethel Polk and to avoid causing injury to her.

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

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

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

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

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

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

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

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

g. Choosing to violate orders relating to the care of Ethel Polk;

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

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

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

85. Defendants, directly or through their employees or agents, violated Ethel Polk'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.

86. These violations are evidence of negligence and conscious disregard of Ethel Polk's rights and safety, and give rise to a statutory cause of action.

87. Ethel Polk endured conscious pain, suffering, and disability, and other harms and losses as the direct and proximate result of Defendants' violations of R.C. 3721.13.

88. These actions constituted a conscious disregard for Ethel Polk'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

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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.

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

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

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

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

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

94. 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.

95. As a direct and proximate result of the negligence / recklessness described above, Ethel Polk sustained injuries that caused her untimely and wrongful death.

96. Ethel Polk'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.

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97. 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)

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

99. Defendants, directly or through their employees or agents, violated Ethel Polk'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.

100. These violations are evidence of negligence and conscious disregard of Ethel Polk's rights and safety, and give rise to a statutory cause of action.

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101. As a direct and proximate result of Defendants' violations of R.C. 3721.13, Ethel Polk endured conscious pain, suffering, and disability, and other harms and losses, including death.

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

FOURTH CAUSE OF ACTION
(CIVIL CONSPIRACY)

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

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

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

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

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

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

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

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

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

105. This understanding constitutes a malicious combination to injure residents of the Facility, including Ethel Polk.

106. In pursuance of this common plan or design to commit tortious acts, the Defendants actively took part in it, or furthered it by cooperation or request, or lent aid or encouragement to the wrongdoers, or ratified and adopted the wrongdoers' acts done for their benefit.

107. The conspiracy caused injury to Ethel Polk.

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

FIFTH CAUSE OF ACTION
(FRAUD)

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

110. Defendants concealed facts concerning their staffing levels, pay, and the amount of care they were actually capable of providing at Pleasantview Care Center aka Ridge-Pleasant Valley, Inc.

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

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112. 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 Ethel Polk's family and other potential customers into placing their loved ones in the care and custody of Defendants.

113. Ethel Polk's family and the family members of other potential customers reasonably relied on Defendants' representations and concealments regarding the degree of care they provide.

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

115. As a direct and proximate result of Defendants' actions, representations, and concealments, Ethel Polk suffered conscious pain and suffering and death.

116. As a direct and proximate result of Defendants' action, representations, and concealments, Ethel Polk'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.*

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

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A TRIAL BY JURY IS HEREBY DEMANDED

Respectfully Submitted,

/s/ Michael A. Hill

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

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

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

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

3. Through my specialized knowledge, skill, training, experience, and education, I am familiar with the standard of care applicable to the medical and nursing care and treatment that was provided to Ethel Polk while a resident of Pleasantview Care Center aka Ridge-Pleasant Valley, Inc., Legacy Health Services aka DMD Management, Inc., OH 10 HOLDCO, LLC, CC OH10 OPCO, LLC, CHAVOS221 HOLDINGS, LLC, LIONSVIEW OPCO NR, LLC, LIONSVIEW SC, LLC, LIVINGS26 HOLDINGS, LLC, SAPPHIRE143 HOLDINGS, LLC, and Pleasantview Real Estate Company.

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

5. To a reasonable degree of medical probability, the Defendants Pleasantview Care Center aka Ridge-Pleasant Valley, Inc., Legacy Health Services aka DMD Management, Inc., OH 10 HOLDCO, LLC, CC OH10 OPCO, LLC, CHAVOS221 HOLDINGS, LLC, LIONSVIEW OPCO NR, LLC, LIONSVIEW SC, LLC, LIVINGS26 HOLDINGS, LLC, SAPPHIRE143 HOLDINGS, LLC, and Pleasantview Real Estate Company, breached the standard of care and the breach caused Ethel Polk's injuries and death.

FURTHER AFFIANT SAYETH NAUGHT.

KAPIL GULATI, MD

SWORN TO BEFORE ME and subscribed in my presence this 23rd day of March, 2026.

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

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