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IN THE COURT OF COMMON PLEAS
LUCAS COUNTY, OHIO

ESTATE OF SAMUEL FRANK RAY, SR., DECEASED Through Estate Samuel F. Ray, Jr. c/o Michael Hill Trial Law 815 Superior Avenue, Suite 623 Cleveland, Ohio 44114 Plaintiff, vs. ARBORS AT SYLVANIA AKA TOLEDO OPCO, LLC 7120 Port Sylvania Drive Toledo, OH 43617 Also Serve c/o Registered Agent: c/o Registered Agent: Corporation Service Company 1160 Dublin Road, Suite 400 Columbus, OH 43215 and ARBORS AT OHIO 375 West Main St. West Jefferson, OH 43162 and ARK OPCO GROUP, LLC c/o Registered Agent: Corporation Service Company 251 Little Falls Dr. Wilmington, DE 19808 and TOLEDO 7120 PROPERTY HOLDINGS, LLC c/o Registered Agent: Corporation Service Company 1160 Dublin Road, Suite 400 Columbus, OH 43215	CASE NO. CI2025-03702 JUDGE STACY L. COOK **AMENDED COMPLAINT** **WITH JURY DEMAND AND AFFIDAVIT OF MERIT ATTACHED**

and

VILLAS TOLEDO 7120 PROPERTY HOLDINGS, LLC
c/o Registered Agent:
Corporation Service Company
1160 Dublin Road, Suite 400
Columbus, OH 43215

and

PRESTIGE ADMINISTRATIVE SERVICES, LLC
c/o Registered Agent:
Corporation Service Company
421 West Main Street, Suite 219
Frankfort, KY 40601

and

PRESTIGE HEALTHCARE AKA NORTHPOINT SENIOR SERVICES, LLC
c/o Registered Agent:
Corporation Service Company
421 West Main Street, Suite 219
Frankfort, KY 40601

and

NOBLE HEALTHCARE MANAGEMENT, LLC
c/o Registered Agent:
Corporation Service Company
1160 Dublin Road, Suite 400
Columbus, OH 43215

Defendants

Plaintiff, the Estate of Samuel Frank Ray, Sr., Deceased, through Estate Representative Samuel F. Ray, Jr., for this Amended Complaint against the above-named Defendant(s), states and avers upon information and belief:

INTRODUCTION

1. This action concerns the wrongful death of Samuel Frank Ray, Sr., arising out of Arbors at Sylvania AKA Toledo Opco, LLC's ("Facility's") inadequate care of Samuel Frank Ray, Sr. and the corporate control of the facility leading to such inadequate care that led to his untimely and wrongful death on January 17, 2025.

2. Samuel Frank Ray, Sr. was admitted to St. Ann's Hospital on August 2, 2024, after being found at home disoriented and unable to stand. He was diagnosed with a severe urinary tract infection and remained hospitalized for a week. He was subsequently transferred to Spring Meadows Nursing Home, which determined he required further medical care and sent him to ProMedica Flower Hospital, where he was diagnosed with aspiration pneumonia.

3. Following these hospitalizations, Samuel Frank Ray, Sr. suffered significant muscle atrophy but had no skin breakdown or infections at the time of his admission to Arbors of Sylvania on August 30, 2024.

4. Samuel Frank Ray, Sr., was reliant on Arbors of Sylvania's staff to assist him with regular turning and repositioning his body in bed, in order to avoid development of pressure ulcers – also known as bedsores – due to the bony prominences of his body being exposed to prolonged periods of pressure from laying in one position too long.

5. Samuel Frank Ray, Sr., was also dependent upon Arbors of Sylvania's staff to assist him with getting to and from the toilet.

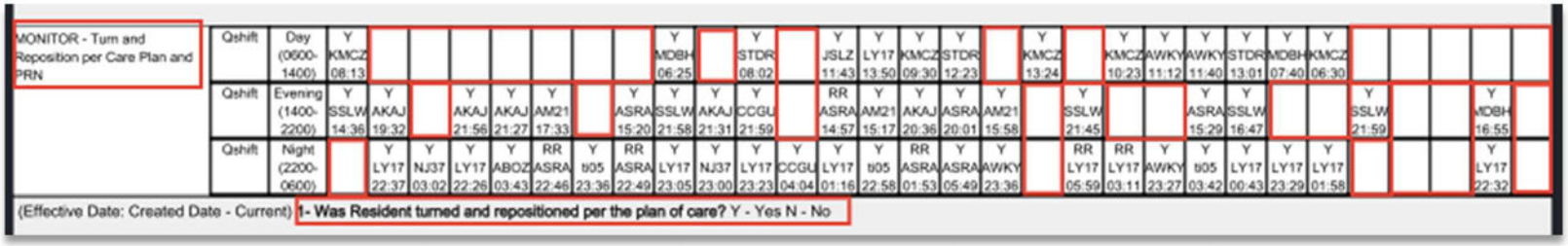
6. Even though Samuel Frank Ray, Sr. was not incontinent and knew when he needed to go to the toilet to relieve himself, Arbors of Sylvania placed him in adult diapers and told Samuel Frank Ray, Sr., that if he needed to go to the toilet, to instead just soil his depends and the staff would be around to change his briefs.

7. Samuel Frank Ray, Sr., would use the call light to request help from Arbors of Sylvania's staff getting to the toilet. Often it took anywhere form 20 minutes to an hour for help to arrive in response to the call light. When help did arrive, Arbors of Sylvania's staff would tell Samuel Frank Ray., Sr., that they would not assist him to the toilet and he'd need to soil his briefs and wait for Arbors of Sylvania's staff to come back and change the briefs later.

8. This resulted in Samuel Frank Ray, Sr., being left laying in his own feces and waste for hours at a time. The prolonged exposure of the skin on his backside to feces caused skin irritation and breakdown, exacerbating Samuel Frank Ray, Sr.'s risk of bedsore development.

9. Arbors at Sylvania created a care plan for Samuel Frank Ray, Sr., which required staff to monitor Samuel Frank Ray, Sr.'s skin for deterioration and breakdown on a daily basis, in order to timely detect bedsores in their early stages and prevent them from developing and worsening into open wounds.

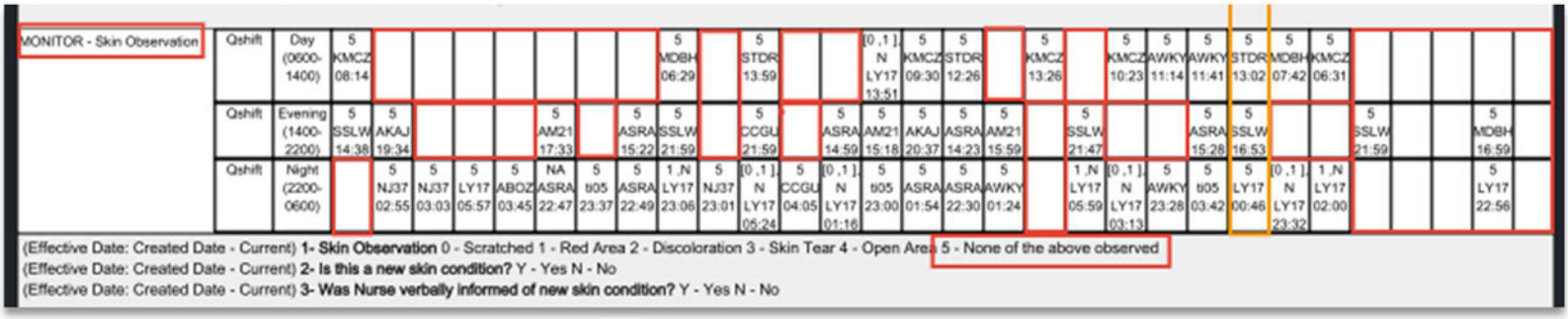
10. During the month of September, 2024, Arbors of Sylvania's staff failed to turn and reposition Samuel Frank Ray, Sr., **thirty three shifts**, leaving him laying in one position in bed and thus exposed to prolonged and excessive periods of pressure:



MONITOR - Turn and Reposition per Care Plan and PRN																																		
	Qshift	Day (0600-1400)	Y KMCZ 08:13								Y MDBH 06:25		Y STDR 08:02		Y JSLZ 11:43	Y LY17 13:50	Y KMCZ 09:30	Y STDR 12:23		Y KMCZ 13:24		Y KMCZ 10:23	Y AWKY 11:12	Y AWKY 11:40	Y STDR 13:01	Y MDBH 07:40	Y KMCZ 06:30						
	Qshift	Evening (1400-2200)	Y SSLW 14:36	Y AKAJ 19:32		Y AKAJ 21:56	Y AKAJ 21:27	Y AM21 17:33		Y ASRA 15:20	Y SSLW 21:58	Y AKAJ 21:31	Y CCGU 21:59		RR ASRA 14:57	Y AM21 15:17	Y AKAJ 20:36	Y ASRA 20:01	Y AM21 15:58		Y SSLW 21:45			Y ASRA 15:29	Y SSLW 16:47			Y SSLW 21:59			Y MDBH 16:55	
	Qshift	Night (2200-0600)		Y LY17 22:37	Y NJ37 03:02	Y LY17 22:26	Y ABOZ 03:43	RR ASRA 22:46	Y 905 23:36	RR ASRA 22:49	Y LY17 23:05	Y NJ37 23:00	Y LY17 23:23	Y CCGU 04:04	Y LY17 01:16	Y 905 22:58	RR ASRA 01:53	Y ASRA 05:49	Y AWKY 23:36		RR LY17 05:59	RR LY17 03:11	Y AWKY 23:27	Y 905 03:42	Y LY17 00:43	Y LY17 23:29	Y LY17 01:58				Y LY17 22:32	
(Effective Date: Created Date - Current)		1- Was Resident turned and repositioned per the plan of care? Y - Yes N - No																																

Treatment and Administration Record of Sam Ray, Sr., for his turning and repositioning at Arbors of Sylvania during September 2024, showing thirty three shifts where he was not turned or repositioned in bed at all. Arbors of Sylvania records, p. 1087.

11. During this same time, Arbors of Sylvania also failed to check and monitor Samuel Frank Ray, Sr.'s skin for areas of breakdown or pressure for **thirty three shifts**, allowing evolving skin breakdown to go undetected until it was too late and Samuel Frank Ray, Sr., developed an open bedsore:



MONITOR - Skin Observation																																
	Qshift	Day (0600-1400)	5 KMCZ 08:14								5 MDBH 06:29		5 STDR 13:59			[0 ,1], N LY17 13:51	5 KMCZ 09:30	5 STDR 12:26		5 KMCZ 13:26		5 KMCZ 10:23	5 AWKY 11:14	5 AWKY 11:41	5 STDR 13:02	5 MDBH 07:42	5 KMCZ 06:31					
	Qshift	Evening (1400-2200)	5 SSLW 14:38	5 AKAJ 19:34				5 AM21 17:33		5 ASRA 15:22	5 SSLW 21:59		5 CCGU 21:59		5 ASRA 14:59	5 AM21 15:18	5 AKAJ 20:37	5 ASRA 14:23	5 AM21 15:59		5 SSLW 21:47			5 ASRA 15:28	5 SSLW 16:53			5 SSLW 21:59			5 MDBH 16:59	
	Qshift	Night (2200-0600)		5 NJ37 02:55	5 NJ37 03:03	5 LY17 05:57	5 ABOZ 03:45	NA ASRA 22:47	5 t05 23:37	5 ASRA 22:49	1 ,N LY17 23:06	5 NJ37 23:01	[0 ,1], N LY17 05:24	5 CCGU 04:05	[0 ,1], N LY17 01:16	5 t05 23:00	5 ASRA 01:54	5 ASRA 22:30	5 AWKY 01:24		1 ,N LY17 05:59	[0 ,1], N LY17 03:13	5 AWKY 23:28	5 t05 03:42	5 LY17 00:46	[0 ,1], N LY17 23:32	1 ,N LY17 02:00				5 LY17 22:56	

(Effective Date: Created Date - Current) **1- Skin Observation** 0 - Scratched 1 - Red Area 2 - Discoloration 3 - Skin Tear 4 - Open Area 5 - None of the above observed
(Effective Date: Created Date - Current) **2- Is this a new skin condition?** Y - Yes N - No
(Effective Date: Created Date - Current) **3- Was Nurse verbally informed of new skin condition?** Y - Yes N - No

Treatment and Administration Record of Sam Ray, Sr., for his skin monitoring at Arbors of Sylvania during September 2024, showing thirty three shifts where his skin was not monitored at all. Arbors of Sylvania records, p. 1087.

12. **Five of the seven shifts** after September 23, 2024, when Arbors of Sylvania first noted Samuel Frank Ray, Sr., had an open wound to his coccyx, Arbors of Sylvania's nurses falsely documented that he had no skin breakdown or open areas.

13. Within just over three weeks at Arbors of Sylvania, on September 23, 2024, Samuel Frank Ray, Sr. developed an open area on his coccyx which Arbors of Sylvania's staff reported to his son and power of attorney, Samuel Frank Ray, Jr., was "a small abrasion" on his right buttock. In truth, Samuel Frank Ray, Sr. was developing a significant open bedsore on his coccyx.

14. As a direct result of Arbors of Sylvania's flippant adherence to their own care plan and the standard of care to turn and reposition Samuel Frank Ray, Sr., diligently and monitor his skin for breakdown, Samuel Frank Ray, Sr., developed a large open bedsore to his coccyx.

15. Arbors of Sylvania's staff still left Samuel Frank Ray, Sr., laying in his feces for hours at a time, resulting in exacerbation of the skin breakdown and bedsore, and exposing the bedsore to feces and harmful bacteria.

16. On October 7, 2024, Samuel Frank Ray, Sr., was taken to the hospital for outpatient treatment of his bedsore on his coccyx. At this point, the bedsore was so large and tunneled so deeply, that the bones of his lower back and pelvis were exposed and visible:



Photograph of Sam Ray, Sr.'s bedsore taken on October 7, 2024, at the hospital.

17. As his wound progressed, Arbors of Sylvania's treatment of Mr. Ray actually declined, with Arbors of Sylvania's staff only performing 33.33% of the skin checks and turning and repositioning in bed of Samuel Frank Ray, Sr., for the month of September 2024 **after** his bedsore was detected by the facility and his treatment with a wound care doctor began.

18. Arbors of Sylvania's care of the open bedsore, toileting and timely clean-up of Samuel Frank Ray., Sr., remained unacceptably inconsistent, and Samuel Frank Ray, Sr.'s bedsore continued to worsen due to prolonged exposure to feces and excessive pressure:



Photo of Sam Ray , Sr.'s coccyx bedsore taken at the hospital on October 23, 2024.

19. On October 23, 2024, Samuel Frank Ray., Sr., began experiencing signs and symptoms of sepsis – a systemic response to severe infection of the bedsore – and was taken emergently to the hospital. There he received antibiotics, and underwent debridement – or scraping and cutting of dead tissues – of the bedsore.

20. Samuel Frank Ray, Sr., remained severely compromised from the open bedsore, and in spite of nearly three months of intensive wound treatment, succumbed to the infection and trauma of the open bedsore on January 17, 2025.

21. The Lucas County Coroner accepted review of Samuel Frank Ray, Sr.'s case, and performed an autopsy. The County Coroner, Dr. Thomas Blomquist, MD, determined that the cause of Samuel Frank Ray, Sr.'s death was polymicrobial infection of the open bedsore resulting in sepsis:

Cause of death and opinion:
Cause of death: POLYMICROBIAL SEPSIS (UNKNOWN)
Due to: SACRAL DECUBITUS ULCER (UNKNOWN)
Significant conditions: PNEUMONIA, ACUTE AND CHRONIC PYELONEPHRITIS, ARTERIOSCLEROTIC CARDIOVASCULAR DISEASE
Manner of death: Natural
Opinion: It is my opinion that SAMUEL RAY died of POLYMICROBIAL SEPSIS due to SACRAL DECUBITUS ULCER. The following significant conditions were present: PNEUMONIA, ACUTE AND CHRONIC PYELONEPHRITIS, ARTERIOSCLEROTIC CARDIOVASCULAR DISEASE. Manner of death: Natural.

Dr. Thomas Blomquist M.D., PhD
Coroner
Friday, April 25, 2025

Examination performed by:
Jeffrey Hudson, MD
Deputy Coroner
Friday, April 25, 2025

22. The circumstances of Samuel Frank Ray, Sr.'s death and his mistreatment at Arbors of Sylvania are concerningly similar to the circumstances surrounding the death

of Lucy Garcia, and Arbors of Oregon resident who died in July 2024 following development of a stage 4 bedsore on her coccyx, detailed in Lucas County Common Pleas Case No. **CI2024-04257 before Judge Eric Marks.**

23. Similar to Arbors at Sylvania's treatment of Samuel Frank Ray, Sr., Arbors at Oregon also placed Lucy Garcia in adult diapers even though she was not incontinent and left her laying in her own waste for hours before cleaning her up.

24. Similar to Arbors at Sylvania's treatment of Samuel Frank Ray, Sr., Arbors at Oregon did not inform Lucy Garcia's family of the full extent of the bedsore and referred to the bedsore as an "abrasion."

25. This pattern of conduct at two separate Arbors facilities indicates a systemic practice of depriving residents of their dignity and appropriate nursing care, resulting in severe bedsores, infection, sepsis, and death. The conduct also points to Arbors' systemic practice of downplaying the severity of bedsores to family members, referring to bedsores misleadingly as "abrasions."

26. Plaintiff demands a trial by jury.

27. An Affidavit of Merit is attached.

28. 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

29. Arbors at Sylvania AKA Toledo Opco, 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 Arbors at Sylvania.

30. Arbors at Ohio 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 Arbors at Sylvania.

31. Ark Opco Group, 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 Arbors at Sylvania.

32. Toledo 7120 Property Holdings, 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 Arbors at Sylvania.

33. Villas Toledo 7120 Property Holdings, 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 Arbors at Sylvania.

34. Prestige Administrative Services, LLC is a Kentucky 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 Arbors at Sylvania.

35. Prestige Healthcare AKA Northpoint Senior Services, LLC is a Kentucky 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 Arbors at Sylvania.

36. Noble Healthcare Management, 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 Arbors at Sylvania.

37. The Defendants employ, manage, and direct the care and service providers who were responsible for Samuel Frank Ray, Sr.'s care, treatment, and safety at Arbors at Sylvania 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 Samuel Frank Ray, Sr.'s injuries and untimely and wrongful death on January 17, 2025.

38. 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.

39. 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.

40. The Defendants collectively own, manage, control, and/or are responsible for the care delivered to residents of Arbors at Sylvania directly or through their domination and control of any putative entity license holder.

VICARIOUS LIABILITY

41. The Defendants employ the care providers who were responsible for ensuring Samuel Frank Ray, Sr.'s care and safety.

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

43. Samuel Frank Ray, Sr. and their family looked to the Defendants for care based upon their representations.

44. The Defendants are vicariously liable for the negligent actions of their employees and agents (respondeat superior and agency liability) and/or independent contractors (Clark v. Southview agency by estoppel), including visiting physicians and nurse practitioners contracted with any of the Defendants and / or provided to residents as default or house care providers.

JURISDICTION AND VENUE

45. This Court has Jurisdiction over Defendant(s) because, among other things, all Defendant(s) do, and all times relevant did, purposefully avail themselves of the laws of the State of Ohio, and/or committed tortious acts within the State of Ohio.

46. Venue is proper in Lucas 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

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

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

49. 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.

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

51. 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;

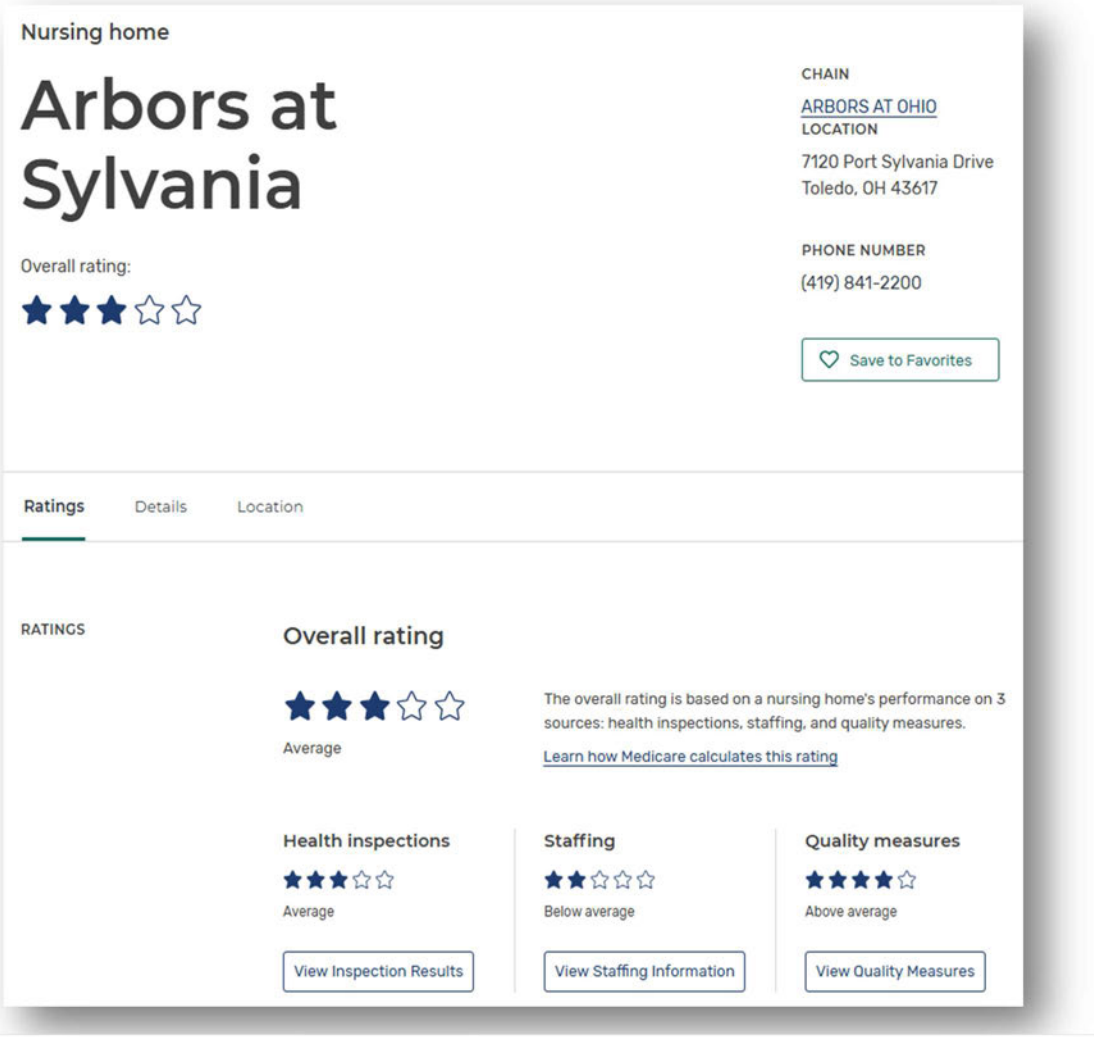
k. Reporting procedures, including reporting to Medicare as to individual resident care and facility-wide issues.

52. 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 Samuel Frank Ray, Sr., meaning they are responsible for the foreseeable harm that results from careless decisions while voluntarily exercising that control.

53. 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 Samuel Frank Ray, Sr..

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

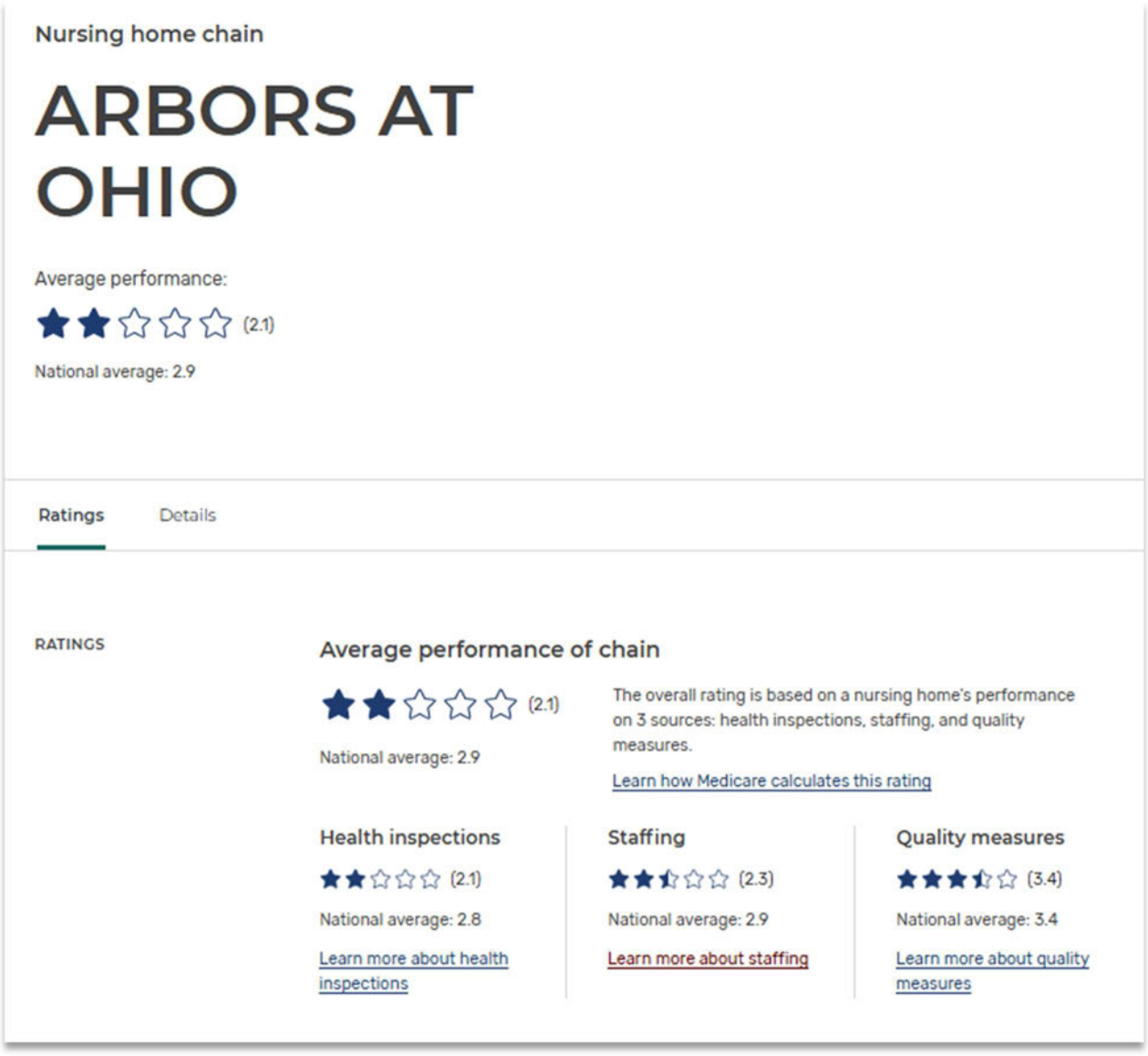
55. The Defendants' systemic understaffing of the Facility resulted in a "2-star" ("below average") ranking for Staffing on the Medicare.gov Nursing Home Compare website and 3-star overall ranking.



According to the Centers for Medicare and Medicaid, Arbors at Sylvania earned a 2-star, or "below average" rating for Staffing. This data was taken directly from medicare.gov on September 23, 2025.

56. This lack of sufficient staff directly resulted in Samuel Frank Ray, Sr. not receiving basic and necessary services to prevent, among other things, neglect leading to their injuries and death.

57. The Defendants' understaffing practices are practiced throughout the facilities they exercise operational and managerial control over, resulting in an average 2.1-star rating for all Defendants' facilities overall, and a 2.3-star rating for staffing:



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

a. Arbors at Carroll
3680 Dolson Court NW, Carroll, OH 43112

b. Arbors at Delaware
2270 Warrensburg Road, Delaware, OH 43015

c. Arbors at Fairlawn
575 S Cleveland Massillon Road, Fairlawn, OH 44333

d. Arbors at Gallipolis
170 Pinecrest Drive, Gallipolis, OH 45631

e. Arbors at Marietta
400 Seventh Street, Marietta, OH 45750

f. Arbors at Mifflin
1600 Crider Rd, Mansfield, OH 44903

g. Arbors at Milford
5900 Meadowcreek Drive, Milford, OH 45150

h. Arbors at Minerva
400 Carolyn Court, Minerva, OH 44657

i. Arbors at Oregon
904 Isaac Streets Drive, Oregon, OH 43616

j. Arbors at Pomeroy
36759 Rocksprings Road, Pomeroy, OH 45769

k. Arbors at Springfield
1600 Saint Paris Pike, Springfield, OH 45504

l. Arbors at Stow
2910 L'ermitage Pl, Stow, OH 44224

m. Arbors at Streetsboro
1645 Maplewood Dr, Streetsboro, OH 44241

n. Arbors at Woodsfield
37930 Airport Road, Woodsfield, OH 43793

o. Arbors West
375 West Main Street, West Jefferson, OH 43162

Reporting Data – Nursing Home

59. 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."

60. 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.

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

62. 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)

63. Every nursing home receiving Medicare or Medicaid funding—the clear majority of nursing homes, including Arbors at Sylvania 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.

64. Nursing homes like Arbors at Sylvania 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.

65. 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.

66. 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.

67. 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

68. 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.

69. 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.

70. 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 Samuel Frank Ray, Sr.'s Care

71. Defendants failed to ensure, through their operational, budgetary, consultation and managerial decisions and actions, that Arbors at Sylvania was sufficiently staffed, and the staff appropriately trained and informed, to meet the individual needs of Samuel Frank Ray, Sr. during the period he was a resident at the facility.

72. Defendants engaged in a systemic practice to understaff Arbors at Sylvania to maximize profits at the expense of its residents' care.

73. This lack of sufficient staff directly resulted in Samuel Frank Ray, Sr. not receiving basic and necessary services, assessments, and interventions to prevent, among other things, neglect leading to their injuries at Arbors at Sylvania during the period they were a resident at the Facility.

Defendants' Negligence and Recklessness with Samuel Frank Ray, Sr.

74. Defendants accepted Samuel Frank Ray, Sr. as a nursing home resident with the goal of returning home.

75. Defendants agreed to accept Samuel Frank Ray, Sr. into their facility and provide care to them in exchange for monetary payment.

76. The Facility knew Samuel Frank Ray, Sr. was at risk for developing pressure wounds and/or ulcers due to impaired skin integrity hen it accepted them into their care.

77. Samuel Frank Ray, Sr. was admitted to St. Ann's Hospital on August 2, 2023, after being found at home disoriented and unable to stand. He was diagnosed with a severe urinary tract infection and remained hospitalized for a week. He was subsequently transferred to Spring Meadows Nursing Home, which determined he required further medical care and sent him to ProMedica Flower Hospital, where he was

diagnosed with aspiration pneumonia. Following these hospitalizations, Samuel Frank Ray, Sr. suffered significant muscle atrophy but had no skin breakdown or infections at the time of his admission to Arbors of Sylvania.

78. Samuel Frank Ray, Sr. ,was admitted to Arbors on August 30, 2024.

79. Within three weeks at Arbors, Samuel Frank Ray, Sr., developed an open bedsore on his coccyx, and over the following three weeks the wound progressed into a severe infected Stage 4 sacral decubitus ulcer, exposing bone and muscle, which required emergency surgery at ProMedica Flower Hospital. Hospital staff advised he could not safely return to Arbors. Samuel Frank Ray, Sr. later died in spite of intensive treatment for his open and infected bedsore. The Lucas County Coroner identified the cause of death listed as polymicrobial sepsis due to the sacral decubitus ulcer.

80. Samuel Frank Ray, Sr. endured mental and physical pain suffering and death as a direct and proximate result of Defendants' failure to provide adequate care due to understaffing the facility.

FIRST CAUSE OF ACTION
(WRONGFUL DEATH)

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

82. Samuel Frank Ray, Sr. depended on the Defendants, and their respective nursing and medical staff, for medical and nursing care, treatment, evaluation, and assistance.

83. The Defendants had a duty to provide proper care and treatment to Samuel Frank Ray, Sr. and to avoid causing injury to Samuel Frank Ray, Sr.

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

85. 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 Samuel Frank Ray, Sr.;

e. Choosing to not provide accurate, adequate, or timely information to Samuel Frank Ray, Sr.'s family;

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

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

h. Failing to ensure the rights and safety of its residents, including Samuel Frank Ray, Sr., as required by Ohio and federal regulations;

i. Choosing not to provide appropriate care to Samuel Frank Ray, Sr. while they were a resident of the Facility; and

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

86. The Defendants and their medical and nursing staff provided care to Samuel Frank Ray, Sr. that fell below the standard of care expected of medical care and nursing home organizations, under the same or similar circumstances.

87. 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.

88. Defendants, directly or through their employees or agents, violated Samuel Frank Ray, Sr.'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.

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

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

91. The Defendants and their medical and nursing staff provided care to Samuel Frank Ray, Sr. that fell below the standard of care expected of medical care and nursing home organizations, under the same or similar circumstances.

92. 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.

93. As a direct and proximate result of the negligent, willful, wanton and / or reckless misconduct described above, Samuel Frank Ray, Sr. sustained injuries that caused their untimely and wrongful death.

94. Samuel Frank Ray, Sr.'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.

95. 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.

A TRIAL BY JURY IS HEREBY DEMANDED

Respectfully Submitted,

/s/ Matthew A. Mooney

MATTHEW A. MOONEY (0088130)
C. JOSEPH McCOY (0092669)
MICHAEL HILL TRIAL LAW
815 Superior Ave., Suite 623
Cleveland, Ohio 44114
(800) 659-2712 (o) | (216) 304-6630 (f)
matthew.mooney@protectseniors.com
joe.mccoy@protectseniors.com
www.protectseniors.com

Counsel for Plaintiff