IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

FLORINE RICHARDSON c/o Michael Hill Trial Law 815 Superior Avenue, Suite 623 Cleveland, Ohio 44114 Plaintiff, vs. ARBORS AT FAIRLAWN A.K.A. FAIRLAWN OPCO, LLC 575 S. Cleveland Massillon Road Fairlawn, OH 44333 Also serve c/o Registered Agent, Corporation Service Company 1160 Dublin Rd., Ste. 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, NOBLE HEALTHCARE MANAGEMENT, LLC c/o Registered Agent, Corporation Service Company 1160 Dublin Road, Suite 400 Columbus OH 43215 and,	CASE NO. JUDGE **COMPLAINT** **WITH JURY DEMAND** **MOTION FOR EXTENSION OF AFFIDAVIT OF MERIT FILING DEADLINE FILED HEREWITH**

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

and,

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

and,

FAIRLAWN RE 1, LLC
c/o Registered Agent,
Corporation Service Company
1160 Dublin Road, Suite 400
Columbus OH 43215

and,

FAIRLAWN 575 PROPERTY HOLDINGS, LLC
c/o Registered Agent,
Corporation Service Company
1160 Dublin Road, Suite 400
Columbus OH 43215

Defendants

Plaintiff, Florine Richardson, 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, Resident's Rights Law violations, civil conspiracy, and fraud) involving Arbors at Fairlawn

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A.K.A. Fairlawn OPCO, LLC ("Facility's") inadequate care of Florine Richardson and the corporate control of the facility leading to inadequate care that led to Florine Richardson suffering multiple injuries, including a severe laceration on her leg, bruises and bed sores on her body, and developing avoidable infections.

2. The facility, Arbors at Fairlawn A.K.A. Fairlawn OPCO, LLC ("Arbors at Fairlawn"), and their corporate owners, together with her medical providers, utterly neglected the care needs of Florine Richardson, depriving her of basic human dignity, inflicted misery and suffering upon her, and caused bodily injuries and avoidable infections.

3. Florine was admitted to Arbors at Fairlawn on August 12, 2024 for respite stay. Before what was anticipated as a brief stay at the facility, Florine lived comfortably in her home with family members providing for her needs. Upon admission, the facility was aware that Florine depended on the staff for all transfers, and Florine's care plan provided that a mechanical lift with maximal assistance was to be used for any transfer.

4. While under the care of Arbors at Fairlawn, Florine suffered a 10-centimeter laceration that went to her bone with profuse bleeding to her right calf during an attempted transfer. The facility staff failed to use a mechanical lift as was required by Florine's care plan.

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5. During the brief time that Florine was at Defendants' facility, the facility failed to provide adequate care for her, which resulted in the development of a bed sore that caused significant pain for Florine.

6. Also during the brief time that Florine was under Defendants' care, she developed an infection due to inadequate sanitation protocols and monitoring.

7. Plaintiff requests a trial by jury.

8. 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

9. Arbors at Fairlawn a.k.a. Fairlawn 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 Fairlawn.

10. 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 Fairlawn.

11. 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 Fairlawn.

12. 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,

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rehabilitation and skilled nursing care, through its agents, operatives and / or employees and does business as Arbors at Fairlawn.

13. 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 Fairlawn.

14. Prestige Healthcare, a.k.a. 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 Fairlawn.

15. Fairlawn 575 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 Fairlawn.

16. Fairlawn RE 1, 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 Fairlawn.

17. Defendants Arbors at Fairlawn a.k.a. Fairlawn OPCO, LLC, Ark Opco Group, LLC, Arbors at Ohio, Noble Healthcare Management, LLC, Prestige Administrative Services, LLC, Prestige Healthcare, a.k.a. Northpoint Senior Services, LLC, Fairlawn 575 Property Holdings, LLC, and Fairlawn RE 1, LLC, employ, manage, and direct the care and service providers who were responsible for Florine Richardson's care, treatment, and safety at Arbors at Fairlawn while they were a resident there, and /

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or are responsible for creating unsafe conditions at the Facility through their control of the Facility management that directly led to Florine Richardson's injuries, pain and suffering, and permanent substantial physical deformity.

18. 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.

19. The Defendants' 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.

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

21. Arbors at Fairlawn ("Facility") hold themselves out to the public as providers of medical and nursing care, including but not limited to, rehabilitation and skilled nursing care, through its agents, operatives and / or employees, commonly referred to as "nursing homes."

VICARIOUS LIABILITY

22. The Defendants employ the care providers who were responsible for ensuring Florine Richardson's care and safety.

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

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24. Florine Richardson and her family looked to the Defendants for care based upon their representations.

25. 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

26. 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.

27. Venue is proper in Summit County, Ohio under Civil Rule 3(B) because, among other reasons: (a) one or more Defendants reside, domicile, or carry on their principal place of business in that county; and (b) part of the claim for relief arose in that county.

COMMON FACTS

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

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

30. 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.

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

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

a. Policies and procedures, including regarding resident care;

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

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

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

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

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

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

h. Medical record systems and management;

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

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

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

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33. As the result of this control, the Defendants make decisions that affect the day-to-day care of residents of the Facilities, such as the resources available for providing nursing staff and care to residents like Florine Richardson, meaning they are responsible for the foreseeable harm that results from careless decisions while voluntarily exercising that control.2

34. The 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 Florine Richardson

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

36. This lack of sufficient staff directly resulted in Florine Richardson not receiving basic and necessary services to prevent, among other things, neglect leading to their injuries.

37. 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. Arbors At Carroll
3680 Dolson Court Nw, Carroll, OH 43112

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

c. Arbors At Oregon
904 Isaacs St., Oregon OH 43616

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

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

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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 Pomeroy
36759 Rocksprings Road, Pomeroy, OH 45769

j. Arbors At Springfield
1600 Saint Paris Pike, Springfield, OH 45504

k. Arbors At Stow
2910 L'ermitage Pl, Stow, OH 44224

l. Arbors At Streetsboro
1645 Maplewood Dr, Streetsboro, OH 44241

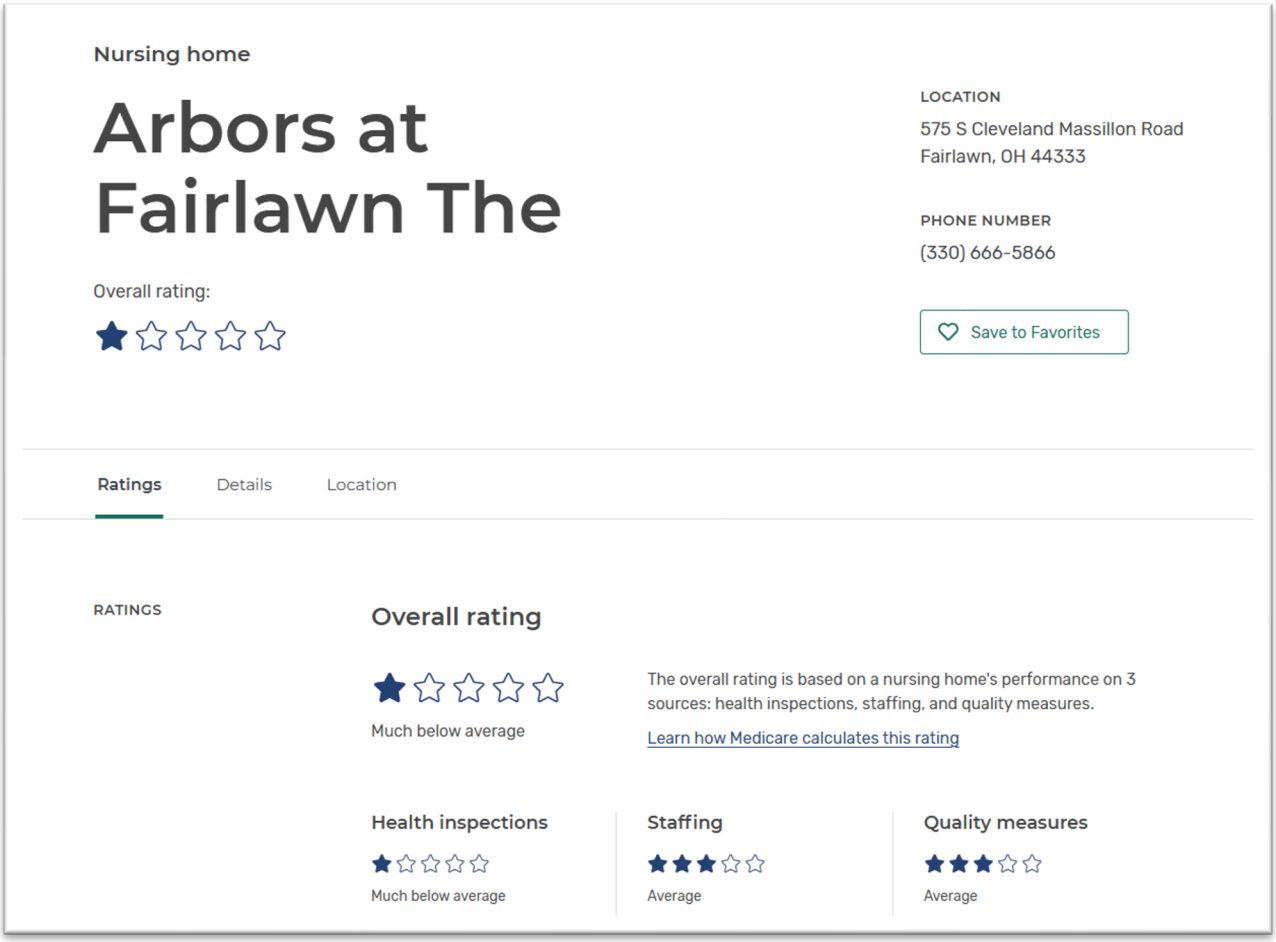
m. Arbors At Sylvania
7120 Port Sylvania Drive, Toledo, OH 43617

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

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

38. The Defendants' systemic understaffing of the Facility resulted in a "1-star" ("below average") overall ranking on the Medicare.gov Nursing Home Compare website. This lack of sufficient care directly resulted in Florine Richardson not receiving basic and necessary services to prevent, among other things, neglect leading to her injuries.

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Medicare Compare information for Arbors at Fairlawn, showing a 1-star "below average" ranking, accessed from medicare.gov/care-compare on July 26, 2025.

39. At all times relevant the Defendants knew that their pattern and practice of systemic understaffing resulted in an environment where residents' needs were not met, where residents' rights were violated, and where residents were not kept safe from injury or harm while under the care of the Arbors at Fairlawn.

40. At all times relevant the Defendants knew that their patterns and practice of systemic understaffing was causing harm to their residents, resulting in increased instances of falls, infections, bedsores, and other injuries among their residents, and that

these injuries and harms even resulted in death of residents due to neglect by the caregivers at Arbors at Fairlawn.

41. At all times relevant the Defendants knew that federal law required that instances of injury to residents at the Arbors at Fairlawn be reported to the Centers for Medicare and Medicaid Services, which would negatively impact the facility's "Quality Measures" rating on the publicly available Medicare Nursing Home Compare webpage.

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 RUG/PDPM Scores)

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

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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 Arbors at Fairlawn 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.

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, The 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.

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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.

53. The Defendants know their systemic understaffing of the Facility results in chronic failures to meet resident care needs, and that the failure to meet resident care needs results in instances of injuries, bedsores, falls, and infections. These must be reported to Medicare by law which in turn reduces the Facility's "Quality Measures" score.

54. The Defendants know a facility with a low "Quality Measures" score will likely not be chosen by families and care providers for patients, and so the Defendants manipulate the "Quality Measures" score by reclassifying certain injuries and incidents as non-reportable injuries and incidents. For example, a pressure wound or bedsore can be identified as something else – such as a skin tear or abrasion – resulting in the bedsore not getting reported to Medicare and the "Quality Measures" score not being impacted.

55. 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, while maintaining the illusion that the care provided by the facility and patient outcomes are as good or better than competitors.

Systemic Understaffing and Florine Richardson's Care

56. The Defendants failed to ensure, through their operational, budgetary, consultation and managerial decisions and actions, that Arbors at Fairlawn was sufficiently staffed, and the staff appropriately trained and informed, to meet the individual needs of Florine Richardson during the period she was a resident at the facility.

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

58. This lack of sufficient staff directly resulted in Florine Richardson not receiving basic and necessary services, assessments, and interventions to prevent, among other things, neglect leading to her injuries at Arbors at Fairlawn during the period they were a resident at the Facility.

Manipulating Quality Measures, and Florine Richardson's Care

59. The Defendants knew that Arbors at Fairlawn was not sufficiently staffed, and as a result the residents at the Facility suffered increased falls, bedsores, infections, and injuries.

60. Defendants engaged in a systemic practice to manipulate data sent to Medicare by underreporting falls, bedsores, infections, and injuries among their residents, which artificially inflated their "Quality Measures" rating.

61. Florine Richardson's family and providers relied on these misleading and inflated "Quality Measures" ratings to choose Arbors at Fairlawn for Florine's care, and would not have chosen the Facility if the Defendants accurately reported instances of falls, bedsores, infections, and injuries to Medicare.

62. The Defendants' pattern and practice of insufficient staffing and manipulating "Quality Measures" ratings to conceal this fact directly resulted in Florine Richardson not receiving basic and necessary services, assessments, and interventions to prevent, among other things, neglect leading to their injuries at Arbors at Fairlawn during the period they were a resident at the Facility.

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Defendants' Negligence and Recklessness with Florine Richardson

63. The Defendants accepted Florine Richardson as a nursing home resident for long-term care.

64. The Defendants agreed to accept Florine Richardson into their Facility and provide care to her in exchange for monetary payment.

65. Florine was admitted to Arbors at Fairlawn on August 12, 2024 for respite stay. Before what was anticipated as a brief stay at the facility, Florine lived comfortably in her home with family members providing for her needs. Upon admission, the facility was aware that Florine depended on the staff for all transfers, and Florine's care plan provided that a mechanical lift with maximal assistance was to be used for any transfer.

66. While under the care of Arbors at Fairlawn, on August 25, 2024, Florine suffered a 10-centimeter laceration that went to her bone with profuse bleeding to her right calf during an attempted transfer. The facility staff failed to use a mechanical lift as was required by Florine's care plan.

67. Defendants failed to provide for a safe transfer for Florine, which resulted in significant and permanent injuries.

68. During the brief time that Florine was at Defendants' facility, the facility also failed to provide adequate care for her, which resulted in the development of a bed sore that caused significant pain for Florine.

69. Also during the brief time that Florine was under Defendants' care, she developed an infection due to inadequate sanitation protocols and monitoring.

70. Florine Richardson endured mental and physical pain suffering as a direct and proximate result of Defendants' failure to provide adequate care due to understaffing the facility.

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FIRST CAUSE OF ACTION
(ORDINARY NEGLIGENCE / RECKLESSNESS)

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

72. Defendants and Defendants' agents/employees owed a duty of reasonable care under the circumstances to avoid negligently causing injury to Florine Richardson while she was a resident of the Facilities.

73. Defendants' and their agents/employees' duty included conduct unrelated to the medical and/or nursing care they were providing to Florine Richardson, which included providing safe transfers with appropriate assistance and mechanical devices as identified in Florine's care plan.

74. Defendants' agents/employees breached this duty by negligently and/or willfully, wantonly and/or recklessly causing injury to Florine Richardson by failing to provide safe transfers.

75. The risk of injury and harm to Florine Richardson was a foreseeable consequence of failing to provide safe transfers in accordance with her care plan.

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

77. As a direct and proximate result of the negligent and/or willful, wanton and/or reckless actions of the Defendants described above, Florine Richardson sustained permanent injury and loss including, but not limited to, conscious pain and suffering, disability, and substantial permanent physical deformity.

78. WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly, in an amount more than Twenty-Five Thousand Dollars ($25,000.00), for conscious pain

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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
(MEDICAL NEGLIGENCE / RECKLESSNESS)

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

80. Florine Richardson depended on the Defendants, and their respective nursing and medical staff, for medical and nursing care, treatment, evaluation, and assistance.

81. The Defendants had a duty to provide proper care and treatment to Florine Richardson and to avoid causing injury to Florine Richardson.

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

83. 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, infection detection, 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 Florine Richardson;

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

f. Choosing to violate orders relating to care of Florine Richardson;

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

i. Choosing not to provide appropriate care to Florine Richardson while they were a resident of the Facilities; and

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

84. These actions constituted a conscious disregard for Florine Richardson'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.

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

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

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

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

89. 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.

90. As a direct and proximate result of the negligent and/or willful, wanton and/or reckless actions of the Defendants described above, Florine Richardson sustained permanent injury and loss including, but not limited to, conscious pain and suffering, disability, and substantial permanent physical deformity.

91. WHEREFORE, Plaintiff demands judgment against the Defendants 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.

THIRD CAUSE OF ACTION
(NURSING HOME RESIDENT RIGHTS VIOLATION R.C. 3721.13)

92. Plaintiff incorporate all other paragraphs of this Complaint as if fully rewritten herein.

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

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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.

94. These violations are evidence of negligence and conscious disregard of Florine Richardson's rights and safety, and give rise to a statutory cause of action.

95. As a direct and proximate result of Defendants' violations of R.C. 3721.13, Florine Richardson conscious pain, suffering, disability, and other harms and losses including permanent substantial physical deformity.

96. WHEREFORE, Plaintiff demands judgment against the Defendants 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)

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

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

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

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

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

d. not providing the level of care, by understaffing the facility, paid for by taxpayer dollars;

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

99. This understanding constitutes a malicious combination to injure residents of the Defendants' Facility, including Florine Richardson.

100. 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.

101. The conspiracy caused injury to Florine Richardson, including permanent substantial physical deformity.

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

103. WHEREFORE, Plaintiff prays for judgment against Defendants, for damages in an amount of more than Twenty-Five Thousand Dollars ($25,000.00), together with punitive and exemplary damages, attorney fees and expenses, fees, interest, and costs incurred in this action, and any other relief this Court deems just and equitable to compensate Plaintiffs for the damages and injuries suffered.

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FIFTH CAUSE OF ACTION
(FRAUD)

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

105. Defendants concealed facts concerning their staffing levels, pay, patient injuries such as sepsis due to UTIs and pneumonia, and the amount of care they were actually capable of providing Arbors at Fairlawn a.k.a. Fairlawn OPCO, LLC.

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

107. 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 Florine Richardson's family and other potential customers into placing their loved ones in the care and custody of Defendants.

108. Florine Richardson's family and the family members of other potential customers reasonably relied on Defendants' representations and concealments regarding the degree of care they provide.

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

Tavia Galonski, Summit County Clerk of Courts

110. As a direct and proximate result of Defendants' actions, representations, and concealments, Florine Richardson suffered injuries, conscious pain and suffering, and permanent and substantial physical deformity.

111. 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.

A TRIAL BY JURY IS HEREBY DEMANDED

Respectfully Submitted,

/s/ Matthew A. Mooney

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