IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

ESTATE OF ROBERT RICKEL, DECEASED c/o Michael Hill Trial Law 815 Superior Avenue, Suite 623 Cleveland, Ohio 44114 Plaintiff, vs. EDEN VISTA OF STOW aka STOW AL OPERATIONS, LLC 5511 Fishcreek Road Stow, OH 44224 Also serve c/o Registered Agent, InCorp Services, Inc. 9435 Waterstorne Boulevard, Ste. 140 Cincinnati, OH 45249 and, VISTA SENIOR LIVING MANAGEMENT aka VISTA SENIOR LIVING MANAGEMENT, LLC c/o Registered Agent, InCorp Services, Inc. 9435 Waterstorne Boulevard, Ste. 140 Cincinnati, OH 45249 and, STOW AL REALTY, LLC InCorp Services, Inc. 9435 Waterstorne Boulevard, Ste. 140 Cincinnati, OH 45249 Defendants.	CASE NO. JUDGE **COMPLAINT** **WITH JURY DEMAND** **AFFIDAVIT OF MERIT ATTACHED**

Plaintiff, the Estate of Robert Rickel, Deceased, 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, and Resident's Rights Law violations) involving Eden Vista of Stow aka Stow AL Operations, LLC ("Facility's") inadequate care of Robert Rickel and the corporate control of the facility leading to inadequate care that led to Robert Rickel's untimely and wrongful death on July 3, 2025.

2. The Facility, Eden Vista of Stow aka Stow AL Operations, LLC ("Eden Vista") and their corporate owners, together with his medical providers, utterly neglected the care needs of 86-year-old Robert Rickel, deprived him of his basic human dignity, inflicted misery and suffering upon him, and caused him bodily injuries and death.

3. Robert Rickel was an 86-year-old male with a past medical history significant for Alzheimer's dementia, frequent falls, atrial fibrillation, orthostatic hypotension, hypertension, myocardial infarction, IBS, GERD, and prostate cancer status post radiation therapy.

4. Robert was a memory care resident at Eden Vista where staff were aware that he suffered from cognitive impairment, impaired safety awareness, impaired mobility, and a history of falls.

5. On June 18, 2025, Robert suffered a fall at the Facility. Following the fall, Robert was reportedly evaluated by the Facility's on-site physician and determined not to require transfer to the hospital or additional workup at that time.

6. Over the following two days, Robert experienced lethargy and altered mental status. On the morning of June 20, 2025 facility staff reported that Robert was difficult to arouse and was not ambulating around the facility with his rollator as he usually did.

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7. Because of Robert's change in condition, the Facility arranged for transport by EMS to Akron General Medical Center on June 20, 2025.

8. Providers at Akron General Medical Center documented that Robert had suffered two falls within the week prior to his hospitalization on June 20, 2025 and ordered extensive imaging due to his altered mental status.

9. Imaging performed at the hospital revealed a right-sided subdural hematoma measuring approximately 2.5 cm with the mass effect and approximately 8mm midline shift. Imaging also identified bilateral ischial tuberosity fractures, fractures of the left T10, T11, and T12 transverse processes, and a possible right twelfth rib fracture.

10. Following these findings, neurosurgery and trauma surgery were consulted and Robert was admitted to the Akron General Medical Center for further evaluation and treatment. Neurosurgery documented that Robert's presentation was consistent with a subdural hematoma following a recent fall and episode of altered mental status.

11. Following his hospitalization, Robert's condition continued to decline and he was transferred to palliative care on July 1, 2025.

12. The falls Robert suffered at the Facility in June of 2025 resulted in blunt force trauma to the head causing a subdural hematoma and additional traumatic injuries.

13. The Facility failed to timely recognize and respond to Robert's worsening condition following his fall, including increased lethargy, altered mental status, and difficulty arousing Robert.

14. The Facility further failed to implement appronnpriate monitoring, supervision, and fall prevention interventions despite Robert's known history of dementia, impaired safety awareness, and frequent falls.

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15. Had the facility met the standard of care, Robert would not have suffered a fall with blunt force trauma to the head, resulting in a subdural hematoma, multiple fractures, and his untimely demise.

16. Plaintiff requests a trial by jury.

17. 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

18. Eden Vista of Stow is an assisted living facility, also referred to as a residential care facility in Ohio, located at 5511 Fishcreek Rd., Stow, Ohio 44224, which is owned, operated, and under the management and control of Defendants Stow AL Operations, LLC, Vista Senior Living Management aka Vista Senior Living Management, LLC, and Stow AL Realty, LLC.

19. Stow AL Operations, LLC is an Ohio corporation that holds itself out to the public as a provider of medical and nursing care to elderly individuals through its agents, operatives, and/or employees, and was responsible for Robert Rickel's care in June 2025, and does business as Eden Vista of Stow.

20. Vista Senior Living Management aka Vista Senior Living Management, LLC, is an Ohio corporation that holds itself out to the public as a provider of medical and

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nursing care to elderly individuals through its agents, operatives, and/or employees, and was responsible for Robert Rickel's care in June 2025, and does business as Eden Vista of Stow.

21. Stow AL Realty, LLC, is an Ohio corporation that holds itself out to the public as a provider of medical and nursing care to elderly individuals through its agents, operatives, and/or employees, and was responsible for Robert Rickel's care in June 2025, and does business as Eden Vista of Stow.

22. Eden Vista of Stow aka Stow AL Operations, LLC, Vista Senior Living Management aka Vista Senior Living Management, LLC, and Stow AL Realty, LLC, employ, manage, and direct the care and service providers who were responsible for Robert Rickel's care, treatment, and safety at Eden Vista of Stow while he 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 Robert Rickel's injuries and untimely and wrongful death on July 3, 2025.

23. 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.

24. 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.

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

VICARIOUS LIABILITY

26. The Defendants employ the care providers who were responsible for ensuring Robert Rickel's care and safety.

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

28. Robert Rickel and his family looked to the Defendants for care based upon their representations.

29. 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

30. 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.

31. 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.

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FIRST CAUSE OF ACTION
(MEDICAL NEGLIGENCE / RECKLESSNESS)

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

33. Robert Rickel depended on the Defendants, and their respective nursing and medical staff, for medical and nursing care, treatment, evaluation, and assistance.

34. The Defendants had a duty to provide proper care and treatment to Robert Rickel and to avoid causing injury to Robert Rickel.

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

36. 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, fall risk and interventions, 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 Robert Rickel;

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

f. Choosing to violate orders relating to care of Robert Rickel;

g. Failing to ensure the rights and safety of its residents, including Robert Rickel, as required by Ohio and federal regulations;

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h. Choosing not to provide appropriate care to Robert Rickel while he was a resident of the Facility; and

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

37. These actions constituted a conscious disregard for Robert Rickel'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.

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

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

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

41. The Defendants and their medical and nursing staff provided care to Robert Rickel that fell below the standard of care expected of medical care and assisted living facilities under the same or similar circumstances.

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42. The departures from the standard of care are evidenced by violations of Ohio Administrative Code sections, OAC 3701-17 et seq., and the Ohio Resident's Rights Law, R.C. section 3721.13.

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

44. 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.

SECOND CAUSE OF ACTION
(RESIDENT RIGHTS VIOLATION R.C. 3721.13)

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

46. The Defendants, directly or through their employees or agents, violated Robert Rickel'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 participate in decisions that affect the resident's life;

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

47. These violations are evidence of negligence and conscious disregard of Robert Rickel's rights and safety, and give rise to a statutory cause of action.

48. As a direct and proximate result of the Defendants' violations of R.C. 3721.13, Robert Rickel's conscious pain, suffering, and disability, and other harms and losses including death.

49. WHEREFORE, Plaintiff demands 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.

THIRD CAUSE OF ACTION
(WRONGFUL DEATH)

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

51. Robert Rickel depended on the Defendants, and their respective nursing and medical staff, for medical and nursing care, treatment, evaluation, and assistance.

52. The Defendants had a duty to provide proper care and treatment to Robert Rickel and to avoid causing injury to Robert Rickel.

53. The Defendants, including their nursing and non-nursing staff, failed to provide proper care and treatment to Robert Rickel, which they knew or should have known they required, and their negligence was the direct and proximate cause Robert Rickel's untimely and wrongful death.

54. As a direct and proximate result of the negligence / recklessness described above, Robert Rickel sustained injuries that caused his untimely and wrongful death.

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55. Robert Rickel'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.

56. 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/ C. Joseph McCoy

C. JOSEPH McCOY (0092669)
MOLLY B. MORRIS (0102510)
MICHAEL A. HILL (0088130)
MICHAEL HILL TRIAL LAW
815 Superior Ave., Suite 623
Cleveland, Ohio 44114
(800) 659-2712 (o) | (216) 304-6630 (f)
joe.mccoy@protectseniors.com
molly.morris@protectseniors.com
michael.hill@protectseniors.com
www.protectseniors.com

Counsel for Plaintiff

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 Robert Rickel while a resident of Eden Vista of Stow aka Stow AL Operations, LLC, Vista Senior Living Management aka Vista Senior Living Management, LLC, and Stow AL Realty, LLC.

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

5. To a reasonable degree of medical probability, the Defendants, Eden Vista of Stow aka Stow AL Operations, LLC, Vista Senior Living Management aka Vista Senior Living Management, LLC, and Stow AL Realty, LLC, breached the standard of care and the breach caused Robert Rickel's injuries and death.

FURTHER AFFIANT SAYETH NAUGHT.

Kapil Gulati
KAPIL GULATI, MD

SWORN TO BEFORE ME and subscribed in my presence this 8th day of June, 2026.

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