State Court of Fulton County
E-FILED
25EV012977
12/19/2025 10:40 AM
Donald Talley, Clerk
Civil Division

IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA

ROSE LORRAINE DURBIN, Individually, and as Administrator of the Estate of Roselin Shankland,

Plaintiff,

vs.

CANTON CENTER FOR NURSING AND HEALING CENTER, LLC, ENSH CONSULTING, LLC, EMPIRE CARE CENTERS, LLC, and CANTON REALTY, LLC,

Defendants.

CIVIL ACTION

FILE NO.: _____

JURY DEMAND AND AFFIDAVIT OF MERIT ATTACHED

COMPLAINT FOR DAMAGES

Come now Plaintiff, Rose Lorraine Durbin, Individually, and as Administrator of the Estate of Roselin Shankland, and present their Complaint for Damages against Defendants Canton Center for Nursing and Healing Center, LLC, ("Canton Center for Nursing"), ENSH Consulting, LLC, Empire Care Centers, LLC, and Canton Realty, LLC:

1. In this action, Plaintiff shows that the Defendants' violations of federal and state law and regulations in the operation of a long-term care facility, professional negligence, and simple negligence in the provision of nursing home care, treatment and services proximately caused severe and life-threatening injury, pain, suffering. medical expenses, funeral and burial expense, and the death of Roselin Shankland.

JURISDICTION AND VENUE

2. Defendants ENSH Consulting, LLC, Empire Care Centers, LLC, Canton Realty, LLC, and Canton Center for Nursing and Healing Center, LLC are entities capable of being sued in Georgia and are subject to the jurisdiction and venue of this Court.

3. Defendant Canton Center for Nursing and Healing Center, LLC is a Georgia limited liability company licensed to conduct business in the State of Georgia. This defendant can be served with process by service upon its registered agent for service of process in the State of Georgia: Dede Nichols, 1104 Cottage Hill Drive, Macon, Bibb County, GA, 31210.

4. Defendant ENSH Consulting, LLC, is a Georgia limited liability company licensed to conduct business in the State of Georgia. This defendant can be served with process by service upon its registered agent for service of process in the State of Georgia: Dede Nichols, 1104 Cottage Hill Drive, Macon, Bibb County, GA, 31210.

5. Defendant Empire Care Centers, LLC, is an Iowa limited liability company licensed to conduct business in the State of Georgia. This defendant can be served with process by service upon its registered agent for service of process in the State of Georgia: Registered Agent Solutions, Inc., 900 Old Roswell Lakes Pkwy, Suite 310, Roswell, Fulton County, GA, 30076, USA.

6. Defendant Canton Realty, LLC, is a Georgia limited liability company licensed to conduct business in the State of Georgia. This defendant can be served with process by service upon its registered agent for service of process in the State of Georgia: Dede Nichols, 1104 Cottage Hill Drive, Macon, Bibb County, GA, 31210.

7. Defendant Canton Center for Nursing and Healing Center, LLC is headquartered in Lakewood, New Jersey, and it operates a 100-bed nursing home in Canton, Georgia.

8. Defendant Canton Center for Nursing and Healing Center, LLC ('Canton Center for Nursing") was and is a for-profit corporation which claims to specialize in the care of individuals who are chronically infirm, mentally dysfunctional, and/or in need of nursing care and treatment.

9. Defendant Empire Care Centers, LLC is headquartered in Lakewood, New Jersey, and it operates more than 20 skilled nursing homes, assisted living facilities, retirement living communities, home care services and Alzheimer centers, including Canton Center for Nursing.

10. Defendant Empire Care Centers, LLC employs thousands of employees throughout the United States.

11. Defendants ENSH Consulting, LLC, Empire Care Centers, LLC, and Canton Realty, LLC, were and are for-profit corporations which claim to specialize in the care of individuals who are chronically infirm, mentally dysfunctional and/or in need of nursing care and treatment.

12. Defendants ENSH Consulting, LLC, Empire Care Centers, LLC, and Canton Realty, LLC, have and had operational and managerial control of Canton Center for Nursing and Healing Center, LLC, at all times relevant to this Complaint.

13. Defendant Canton Center for Nursing and Healing Center, LLC is located at 321 Hospital Road, Canton, Georgia in Cherokee County, Georgia.

14. During Roselin Shankland's admission, Canton Center for Nursing and Healing Center, LLC was doing business as Canton Center for Nursing in Lawrenceville, Georgia.

15. In 2023, Canton Center for Nursing was owned by Defendants ENSH Consulting, LLC, Empire Care Centers, LLC, and Canton Realty, LLC.

16. In 2023, Canton Center for Nursing was operated by Defendants ENSH Consulting, LLC, Empire Care Centers, LLC, and Canton Realty, LLC.

17. In 2023, Canton Center for Nursing was managed by Defendants ENSH Consulting, LLC, Empire Care Centers, LLC, and Canton Realty, LLC.

18. At all times material hereto, Defendant Canton Center for Nursing and Healing Center, LLC upon information and belief, received money from patients, insurance companies, the United States Government and the State of Georgia in exchange for providing services to the residents of its nursing homes.

19. At all times material hereto, Defendant Empire Care Centers, LLC upon information and belief, received money from patients, insurance companies, the United States Government and the State of Georgia in exchange for providing services to the residents of its nursing homes.

20. Defendants ENSH Consulting, LLC, Empire Care Centers, LLC, Canton Realty, LLC, and Canton Center for Nursing and Healing Center, LLC received payment for services rendered to Roselin Shankland while she was a resident at the Canton Center for Nursing nursing home.

21. Defendant Empire Care Centers, LLC is a major privately-owned nursing and retirement center company operating at least twenty nursing homes in the United States.

22. At all times material hereto, Defendants ENSH Consulting, LLC, Empire Care Centers, LLC, and Canton Realty, LLC receive a substantial amount of money from the nursing homes which they manage, operate or own.

23. Since its opening, Canton Center for Nursing has been operated and managed by Defendants ENSH Consulting, LLC, Empire Care Centers, LLC, and Canton Realty, LLC.

24. Defendants ENSH Consulting, LLC, Empire Care Centers, LLC, and Canton Realty, LLC are the only corporations that have ever operated the Canton Center for Nursing.

25. Defendants ENSH Consulting, LLC, Empire Care Centers, LLC, and Canton Realty, LLC are the only corporations that have ever managed the Canton Center for Nursing facility.

26. Defendants ENSH Consulting, LLC, Empire Care Centers, LLC, and Canton Realty, LLC have employed all of the Executive Directors at the Canton Center for Nursing facility.

27. Defendants ENSH Consulting, LLC, Empire Care Centers, LLC, and Canton Realty, LLC, have employed all of the Directors of Nursing at the Canton Center for Nursing facility.

28. Defendants ENSH Consulting, LLC, Empire Care Centers, LLC, and Canton Realty, LLC have employed all of the nurses at the Canton Center for Nursing facility.

29. Defendants ENSH Consulting, LLC, Empire Care Centers, LLC, and Canton Realty, LLC have employed all of the nursing assistants at the Canton Center for Nursing facility.

30. Defendants ENSH Consulting, LLC, Empire Care Centers, LLC, and Canton Realty, LLC, opened Canton Center for Nursing and began actively seeking and accepting residents in its Sub-Acute, Long-Term Care and Alzheimer Units.

31. At all times material hereto Defendants ENSH Consulting, LLC, Empire Care Centers, LLC, Canton Realty, LLC, and Canton Center for Nursing and Healing Center, LLC were required to satisfy the provisions of Sections 1819 and 1919 of the Social Security Act in order to qualify to participate as a skilled nursing facility in the Medicare Program and as a nursing facility in the Medicaid Program.

32. 42 CFR 483.1, et seq., are designed in whole or in part to protect the health and welfare of residents in facilities such as Canton Center for Nursing.

33. During Roselin Shankland's admission at Canton Center for Nursing, Defendants ENSH Consulting, LLC, Empire Care Centers, LLC, Canton Realty, LLC, and Canton Center for Nursing and Healing Center, LLC were required to comply with each of "the requirements for long-term care facilities" established by the Secretary of Health and Human Services in 42 CFR 483.1, et seq., in order to qualify to participate as a skilled nursing facility in the Medicare program and as a nursing facility in the Medicaid program.

34. During Roselin Shankland's admission at Canton Center for Nursing, at all times material hereto, Defendants ENSH Consulting, LLC, Empire Care Centers, LLC, Canton Realty, LLC, and Canton Center for Nursing and Healing Center, LLC were required to abide by and satisfy the rules and regulations of the Georgia Department of Human Resources pertaining to homes, rules and regulations, Chapter 111-8, et seq.

35. At all times material hereto, Defendants ENSH Consulting, LLC, Empire Care Centers, LLC, Canton Realty, LLC, and Canton Center for Nursing and Healing Center, LLC, were required by law to have sufficient nursing staff at the Canton Center for Nursing facility to provide nursing and related services to maintain the highest possible practicable physical. mental and psychological well-being of each resident.

36. The Department of Human Resources' Rules and Regulation. Chapter 111-8, et seq., are designed in whole or in part to protect the health and welfare of residents at facilities such as Canton Center for Nursing.

37. Registered Agent Solutions, Inc., located at 900 Old Roswell Lakes Pkwy, Suite 310, Roswell, Georgia, in Fulton County, Georgia, is the registered agent in the State of Georgia for Defendant Empire Care Centers, LLC. Based on the foregoing, jurisdiction is proper in the Fulton County Superior Court; and venue is proper under O.C.G.A. §§ 9-10-31 and 14-2-510.

38. At all times material and relevant hereto, Defendants ENSH Consulting, LLC, Empire Care Centers, LLC, and Canton Realty, LLC, had the right to control the time, manner, and method of duties performed by the nurses, nurses' aides, administrators, and other staff at Canton Center for Nursing, and had the right to discharge the nurses, nurses' aides, administrators and other staff at said facility.

39. Furthermore, at all times material hereto, the nurses, nurses' aides, administrators, and other staff at Canton Center for Nursing were agents and/or employees of Defendants ENSH Consulting, LLC, Empire Care Centers, LLC, Canton Realty, LLC, and Canton Center for Nursing and Healing Center, LLC and were acting within the course and scope of their agency.

40. Accordingly, Defendants ENSH Consulting, LLC, Empire Care Centers, LLC, Canton Realty, LLC, and Canton Center for Nursing and Healing Center, LLC are liable for the negligent acts and/or omissions of the nurses, nurses' aides, administrators, and other employees who are agents of Defendant Canton Center for Nursing and Healing Center, LLC, pursuant to the doctrine of respondeat superior.

41. At all times material and relevant hereto, Defendants ENSH Consulting, LLC, Empire Care Centers, LLC, and Canton Realty, LLC, had the right to control the time, manner, and method of duties performed by the nurses, nurses' aides, administrators, and other staff at Canton Center for Nursing, and had the right to discharge the nurses, nurses' aides, administrators, and other staff at said facility.

42. Furthermore, at all times material hereto, the nurses, nurses' aides, administrators, and other staff at Canton Center for Nursing were agents and/or employees of Defendants ENSH Consulting, LLC, Empire Care Centers, LLC, and Canton Realty, LLC, and were acting within the course and scope of their agency.

43. Accordingly, Defendants ENSH Consulting, LLC, Empire Care Centers, LLC, Canton Realty, LLC, and Canton Center for Nursing and Healing Center, LLC, are liable for the negligent acts and/or omissions of the nurses, nurses' aides, administrators, and other employees who are agents of Defendants ENSH Consulting, LLC, Empire Care Centers, LLC, Canton Realty, LLC, and Canton Center for Nursing and Healing Center, LLC, pursuant to the doctrine of respondeat superior.

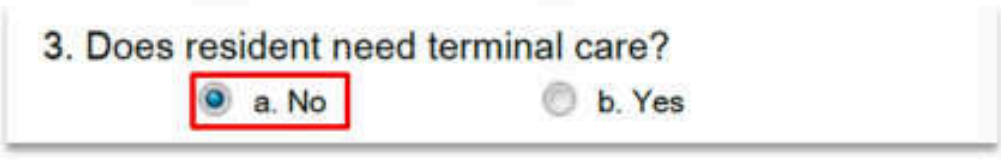
FACTS

44. Plaintiff incorporates herein paragraphs 1 through 40 above as though set forth fully verbatim.

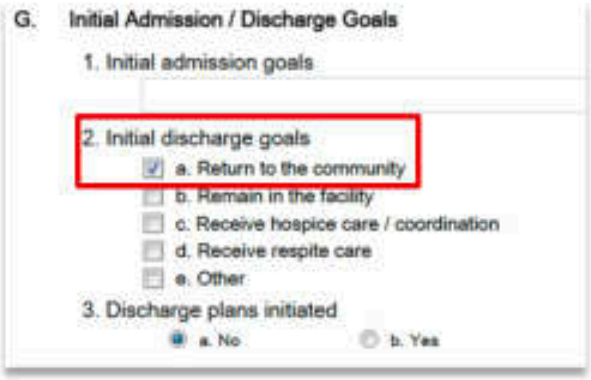
45. On October 28, 2023, Roselin Shankland was found fallen in her home by her daughter, Rose Lorraine Durbin. Ms. Shankland was transferred to Northside Hospital by EMS and diagnosed with a neck fracture, specifically an odontoid fracture; urinary retention; acute kidney injury; and a urinary tract infection.

46. Ms. Shankland was discharged from Northside Hospital and transferred to Canton Center for Nursing on November 13, 2023 for short term care to rehabilitate after her fall.

47. Upon her admission to Canton Center for Nursing, it was determined that the goal was for Roselin to return to the community, and move in with her daughter in Tampa, Florida.

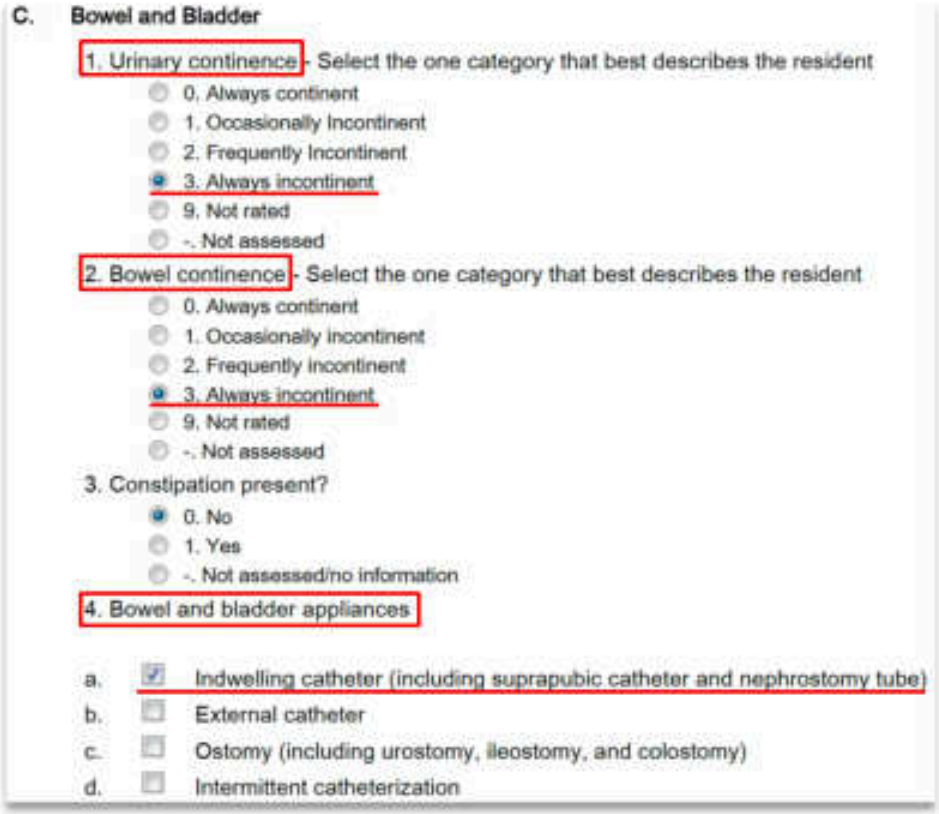


During Roselin's admission evaluation, it was determined that she did not need terminal care, as the intention was to return to home.

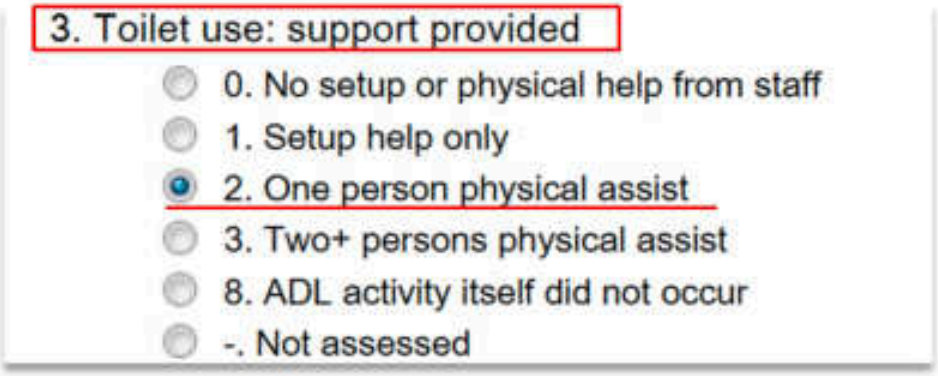


During Roselin's admission evaluation, it was determined that her goal was the return to the community; her care was intended to be short-term.

48. Canton Center for Nursing conducted an initial admission evaluation Ms. Shankland, and acknowledged that she is always incontinent and has an indwelling catheter inserted. Canton Center for Nursing also acknowledged that Roselin required a one-person physical assist to use the toilet.

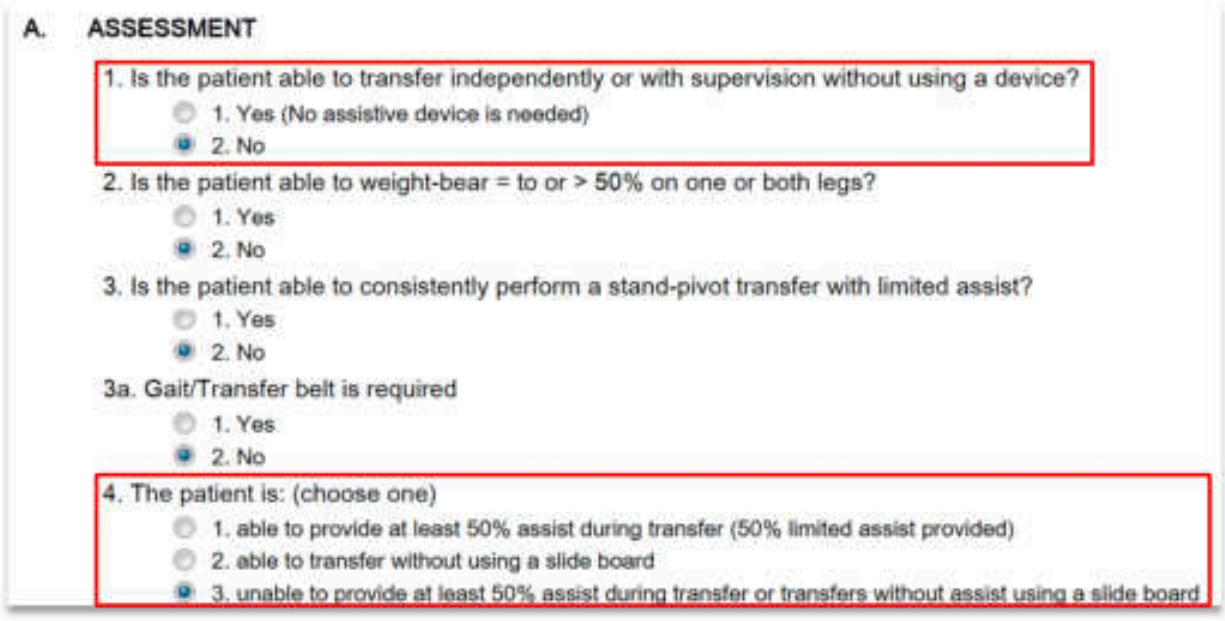


Canton Center for Nursing acknowledged that Roselin Shankland is always incontinent.



Canton Center for Nursing acknowledged that Roselin Shankland required a one-person physical assist to use the toilet.

49. On this same day, November 13, 2023, Canton Center for Nursing conducted a Lift Transfer Reposition Evaluation. Canton Center for Nursing documented that Roselin Shankland was unable to transfer independently, and that she was unable to provide at least 50% assist during transfers, or transfers without assist using a slide board.



Canton Center for Nursing acknowledged that Roselin Shankland required a one-person physical assist to use the toilet.

50. This evaluation also revealed that Canton Center for Nursing did not complete any care planning for Roselin's repositioning/transferring, despite just acknowledging her inability to move on her own.

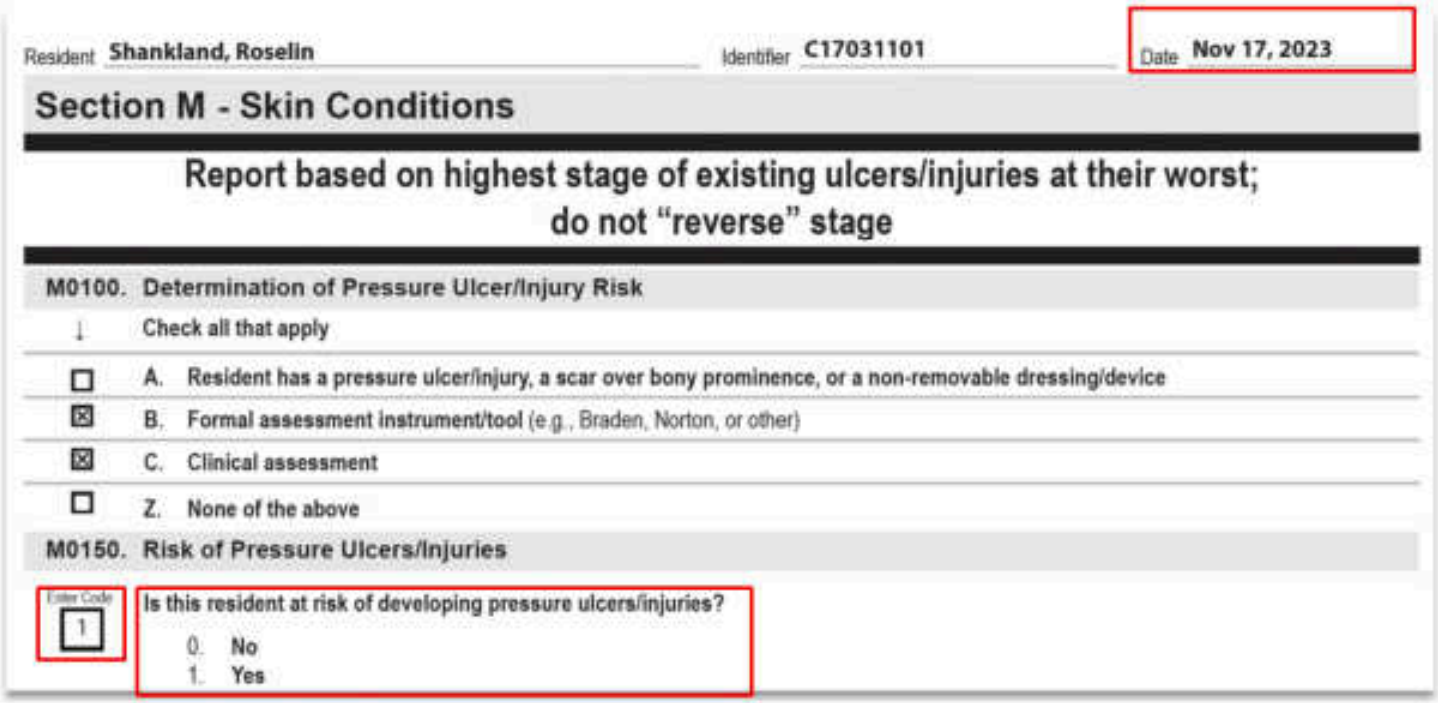

c. CARE PLANNING

1. Care Planning for Repositioning/Transferring was completed/updated?

1. Yes
2. No

Canton Center for Nursing acknowledged that Roselin Shankland required a one-person physical assist to use the toilet.

51. On November 17, 2023, Ms. Shankland's MDS Resident Assessment and Care Screening revealed that she was at risk of developing pressure ulcers/injuries.


Resident Shankland, Roselin Identifier C17031101 Date Nov 17, 2023

Section M - Skin Conditions

Report based on highest stage of existing ulcers/injuries at their worst; do not "reverse" stage

M0100. Determination of Pressure Ulcer/Injury Risk

↓ Check all that apply

☐ A. Resident has a pressure ulcer/injury, a scar over bony prominence, or a non-removable dressing/device

☒ B. Formal assessment instrument/tool (e.g., Braden, Norton, or other)

☒ C. Clinical assessment

☐ Z. None of the above

M0150. Risk of Pressure Ulcers/Injuries

Enter Code: 1

Is this resident at risk of developing pressure ulcers/injuries?

0. No
1. Yes

Canton Center for Nursing was well informed that Roselin Shankland was at risk of developing pressure ulcers/injuries, as indicated in her MDS Resident Assessment and Care Screening.

52. On November 27, 2023, Canton Center for Nursing collected a urine sample from Roselin Shankland in order to conduct a urinary tract infection panel.

53. The UTI panel report, dated November 29, 2023, revealed that Ms. Shankland's urine contained Escherichia coli (E. coli), a bacterium that is found in feces and can be transferred to the urinary tract if a person is in unsanitary conditions and appropriate infection control practices aren't followed.

	Result	Unit	Ref. Range	Flag	Status
E.Coli	Detected	ppm	35.00	A	Final

Roselin Shankland's UTI panel on November 27, 2023 revealed that her urine contained E. coli.

54. Canton Center for Nursing also acknowledged Ms. Shankland's urinary tract infection and catheter once again on November 30, 2023 in her care plan, including multiple interventions to ensure this diagnosis was resolved.

Focus	Goal	Interventions/Tasks
• The resident has a Urinary Tract Infection Date Initiated: 11/30/2023 Created on: 11/30/2023 Created by: loakley Revision on: 11/30/2023 Revision by: loakley - The resident has a Urinary Tract Infection y/t Date Initiated: 11/30/2023 Created on: 11/30/2023 Created by: loakley	• The resident's urinary tract infection will resolve without complications by the review date. Date Initiated: 11/30/2023 Created on: 11/30/2023 Created by: loakley Revision on: 12/07/2023 Revision by: loakley - The resident's urinary tract infection will resolve without complications by the review date Date Initiated: 11/30/2023 Created on: 11/30/2023 Created by: loakley	• Encourage adequate fluid intake. Date Initiated: 11/30/2023 Created on: 11/30/2023 Created by: loakley • Give antibiotic therapy as ordered. Monitor/document for side effects and effectiveness. Date Initiated: 11/30/2023 Created on: 11/30/2023 Created by: loakley • Monitor/document/report to MD PRN for s/sx of UTI: Frequency, Urgency, Malaise, foul smelling urine, dysuria, Fever, nausea and vomiting, flank pain, Supra-pubic pain, Hematuria, Cloudy urine, Altered mental status, Loss of appetite, Behavioral changes. Date Initiated: 11/30/2023 Created on: 11/30/2023 Created by: loakley

On November 30, 2023, Canton Center for Nursing Canton Center for Nursing acknowledged Ms. Shankland's urinary tract infection in her care plan, including multiple interventions to ensure this diagnosis was resolved.

Focus	Goal	Interventions/Tasks
• The resident has Indwelling Catheter: Date Initiated: 11/30/2023 Created on: 11/30/2023 Created by: loakley Revision on: 11/30/2023 Revision by: loakley - The resident has (SPECIFY: Condom/Intermittent/Indwelling Suprapubic) Catheter: Date Initiated: 11/30/2023 Created on: 11/30/2023 Created by: loakley	• The resident will be/remain free from catheter-related trauma through review date. Date Initiated: 11/30/2023 Created on: 11/30/2023 Created by: loakley Revision on: 12/07/2023 Revision by: loakley - The resident will be/remain free from catheter-related trauma through review date. Date Initiated: 11/30/2023 Created on: 11/30/2023 Created by: loakley	• CATHETER: last changed:11/27/23. Change catheter monthly and PRN. Date Initiated: 12/04/2023 Created on: 12/04/2023 Created by: Callie Griffin (Licensed Practical Nurse) Revision on: 12/04/2023 Revision by: Callie Griffin (Licensed Practical Nurse) - CATHETER: last changed: (SPECIFY Date). Change catheter (FREQ). (SPECIFY Size) (SPECIFY Type) Date Initiated: 12/04/2023 Created on: 12/04/2023 Created by: Callie Griffin (Licensed Practical Nurse) • Monitor and document intake and output as per facility policy. Date Initiated: 11/30/2023 Created on: 11/30/2023 Created by: loakley • Monitor for s/sx of discomfort on urination and frequency. Date Initiated: 11/30/2023 Created on: 11/30/2023 Created by: loakley • Monitor/document for pain/discomfort due to catheter. Date Initiated: 11/30/2023 Created on: 11/30/2023 Created by: loakley • Monitor/record/report to MD for s/sx UTI: pain, burning, blood tinged urine, cloudiness, no output, deepening of urine color, increased pulse,increased temp, Urinary frequency, foul smelling urine, fever, chills, altered mental status, change in behavior, change in eating patterns. Date Initiated: 11/30/2023 Created on: 11/30/2023 Created by: loakley

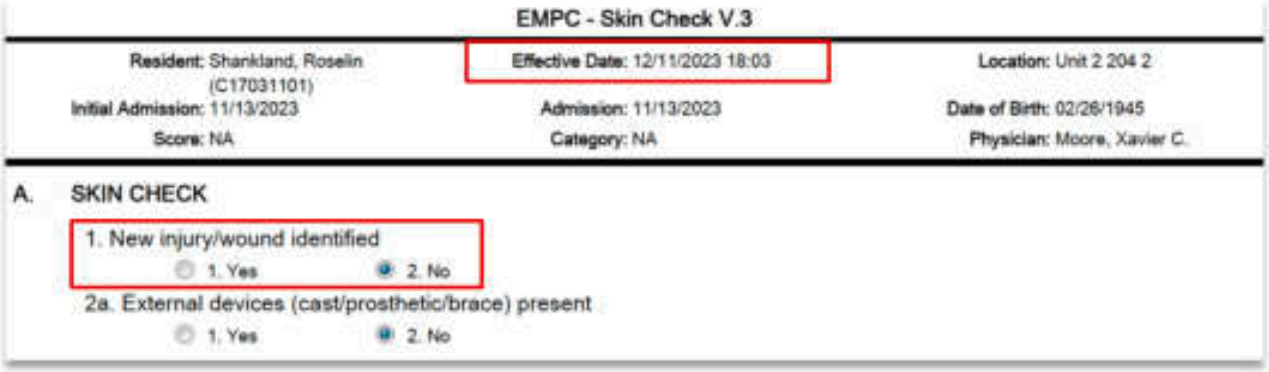
On November 30, 2023, Canton Center for Nursing Canton Center for Nursing acknowledged Ms. Shankland's indwelling catheter in her care plan, including multiple interventions to ensure her catheter remained sanitary.

55. In addition to acknowledging Roselin's urinary tract infection in her care plan, Canton Center for Nursing documented Roselin's potential to develop pressure ulcers, including multiple interventions to ensure this diagnosis was resolved.

Focus	Goal	Interventions/Tasks
• The resident has potential for pressure ulcer development r/t Immobility, incontinence, requires assistance with ADLs/self-care Date Initiated: 11/30/2023 Created on: 11/30/2023 Created by: loakley Revision on: 11/30/2023 Revision by: loakley - The resident has (SPECIFY) pressure ulcer (SPECIFY LOCATION) or potential for pressure ulcer development r/t Immobility Date Initiated: 11/30/2023 Created on: 11/30/2023 Created by: loakley	• The resident will have intact skin, free of redness, blisters or discoloration by/through review date. Date Initiated: 11/30/2023 Created on: 11/30/2023 Created by: loakley Revision on: 12/07/2023 Revision by: loakley - The resident will have intact skin, free of redness, blisters or discoloration by/through review date. Date Initiated: 11/30/2023 Created on: 11/30/2023 Created by: loakley	• Follow facility policies/protocols for the prevention/treatment of skin breakdown. Date Initiated: 11/30/2023 Created on: 11/30/2023 Created by: loakley • Monitor nutritional status. Serve diet as ordered, monitor intake and record. Date Initiated: 11/30/2023 Created on: 11/30/2023 Created by: loakley • Monitor/document/report PRN any changes in skin status: appearance, color, wound healing, s/sx of infection, wound size (length X width X depth), stage. Date Initiated: 11/30/2023 Created on: 11/30/2023 Created by: loakley

On November 30, 2023, Canton Center for Nursing Canton Center for Nursing acknowledged Ms. Shankland's potential to develop a pressure ulcer in her care plan, including multiple interventions to ensure her skin remained free of any pressure ulcers.

56. On December 11, 2023, Canton Center for Nursing conducted a skin assessment and documented that Ms. Shankland did not have any new injuries or wounds.



EMPC - Skin Check V.3

Resident: Shankland, Roselin (C17031101) | Effective Date: 12/11/2023 18:03 | Location: Unit 2 204 2
Initial Admission: 11/13/2023 | Admission: 11/13/2023 | Date of Birth: 02/26/1945
Score: NA | Category: NA | Physician: Moore, Xavier C.

A. SKIN CHECK

1. New injury/wound identified
○ 1. Yes ◉ 2. No

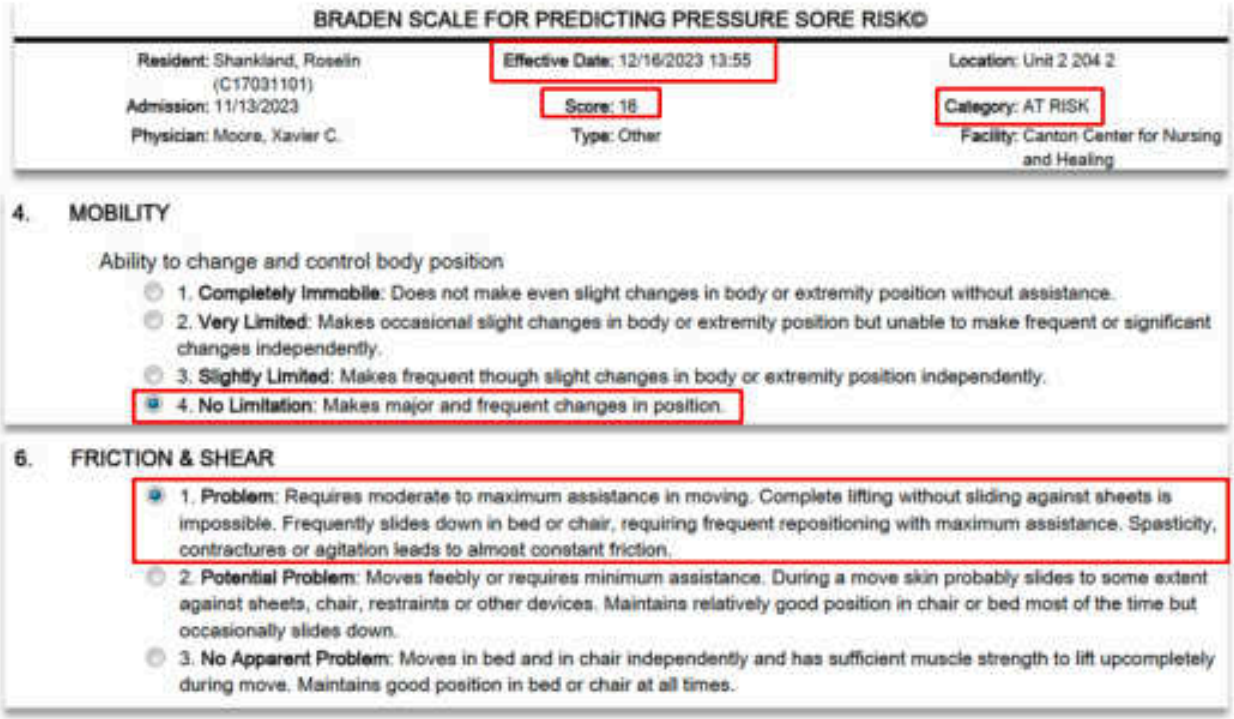
2a. External devices (cast/prosthetic/brace) present
○ 1. Yes ◉ 2. No

On December 11, 2023, Canton Center for Nursing documented that Ms. Shankland did not have any new injuries or wounds.

57. On December 16, 2023, Canton Center for Nursing conducted a Braden Scale assessment in order to predict Ms. Shankland's risk for developing a pressure sore.

58. According to the scale provided in Canton Center for Nursing's records, a resident that scores 15-18 is "at risk" of developing a pressure sore; a resident that scores 13-14 has a "moderate risk" of developing a pressure sore; a resident that scores 10-12 is at "high risk" of developing a pressure sore; and a resident that scores 9 or below is at a "very high risk" of developing a pressure sore. Canton Center for Nursing assessment Ms. Shankland as a "16," only putting her "at risk" of developing a pressure sore.

59. Canton Center for Nursing documented that Ms. Shankland had "no limitation" in her ability to change and control her body position, but then immediately contradicts this assessment when documenting Ms. Shankland requires "moderate to maximum assistance in moving."



BRADEN SCALE FOR PREDICTING PRESSURE SORE RISK©

Resident: Shankland, Roselin (C17031101)
Admission: 11/13/2023
Physician: Moore, Xavier C.

Effective Date: 12/16/2023 13:55
Score: 16
Type: Other

Location: Unit 2 204 2
Category: AT RISK
Facility: Canton Center for Nursing and Healing

4. MOBILITY

Ability to change and control body position

- 1. **Completely Immobile**: Does not make even slight changes in body or extremity position without assistance.
- 2. **Very Limited**: Makes occasional slight changes in body or extremity position but unable to make frequent or significant changes independently.
- 3. **Slightly Limited**: Makes frequent though slight changes in body or extremity position independently.
- (selected) 4. **No Limitation**: Makes major and frequent changes in position.

6. FRICTION & SHEAR

- (selected) 1. **Problem**: Requires moderate to maximum assistance in moving. Complete lifting without sliding against sheets is impossible. Frequently slides down in bed or chair, requiring frequent repositioning with maximum assistance. Spasticity, contractures or agitation leads to almost constant friction.
- 2. **Potential Problem**: Moves feebly or requires minimum assistance. During a move skin probably slides to some extent against sheets, chair, restraints or other devices. Maintains relatively good position in chair or bed most of the time but occasionally slides down.
- 3. **No Apparent Problem**: Moves in bed and in chair independently and has sufficient muscle strength to lift upcompletely during move. Maintains good position in bed or chair at all times.

Canton Center for Nursing's Braden Scale Assessment of Roselin Shankland makes it unclear whether or not she was capable of repositioning herself.

60. On December 26, 2023, Canton Center for Nursing staff found Roselin Shankland showing a change in condition, specifically, abnormal vital signs, shortness of breath, and lethargy. Ms. Shankland only responded to painful stimuli.

61. Canton Center for Nursing's doctor ordered Ms. Shankland to be sent to the emergency room via EMS; 911 was called at 8:32 a.m.

62. Upon arrival to Northside Hospital Emergency Department, Roselin Shankland was unresponsive and in severe condition. She was found to have sepsis with shock from a urinary tract infection, severe dehydration, severe hypernatremia, and multiple pressure ulcers all over her body.

History of Present Illness

78 y/o WF brought in by EMS unresponsive, was intubated in ED by ED physician. Found to have sepsis with shock from suspected UTI. Was placed on ventilator, fluids were given and transferred to ICU.

Patient was found to be severely dehydrated with severe hypernatremia, had UA that showed suspicion for UTI as well as was C Diff positive on PCR.

No prior history available except hypothyroidism, AKI.

Patient was sedated, on ventilator, CVL was placed at bedside.

Northside Hospital's Emergency Department documented that Ms. Shankland arrived unresponsive, dehydrated, and appeared to have sepsis with shock from a urinary tract infection.

Progress Notes

Document Type:	Nursing Narrative Note
Service Date/Time:	12/26/2023 16:00 EST
Result Status:	Auth (Verified)
Document Subject:	Patient Made DNR/DNI -COMFORT CARE
Sign Information:	Dziczkowski,RN,Beth (12/26/2023 18:01 EST)

Pt arrived to the unit at 12:00 on levophed and versed and chronic foley placed from Canton Nursing Home. Pt was received in poor condition on maximum ventilator support of 100% FIO2 and 10 of PEEP. Pts stats were 80's - low 90's. Pt received 4L of LR and sinus tach in the 150's-160's. Rt CVC was placed for fluid bolus. Pts daughter called and was updated of poor condition of her mother. Pt arrived with multiple pressure injuries over entire body. Pt had a decubitus on sacrum and stage two and three on legs from foley catheter. Pt teested positive for c-diff and had breakdown throughout perineal area. Pt also had bruising and skin tears on back, anterior arms, anterior legs, distal and proximal. Pts daughter made comfort care through our palliative team and was extubated to comfort as orders placed by dr. Pt TOD 15:09. Daughter was notified and recommended she be sent to Darby funeral home. Life link was called and they declined donation. Pt taken to morgue and awaiting pickup.

Electronically Signed on 12/26/23 06:01 PM

Northside Hospital's Emergency Department described Ms. Shankland as a patient in poor condition, with low vitals, multiple pressure injuries, and a positive result for c-diff.

63. Roselin was deteriorating by the minute. The palliative care team was consulted to discuss goals of care with the family, and ultimately, the family decided to transition Roselin to comfort care.

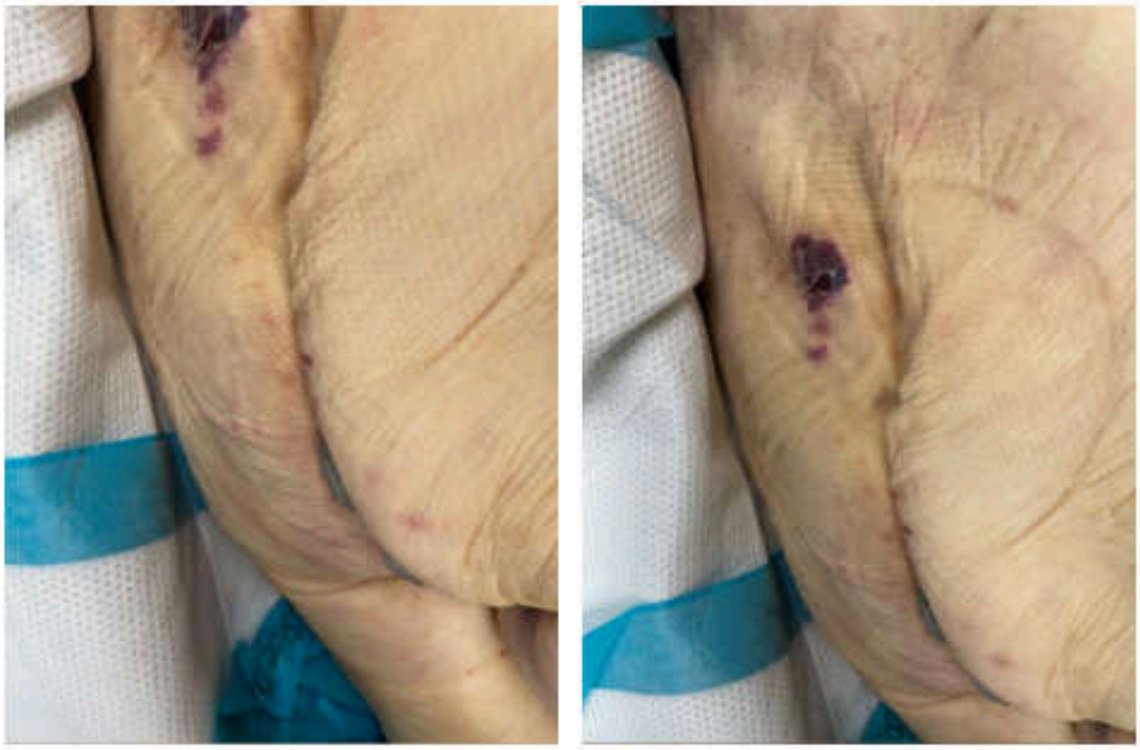
64. Ms. Shankland was evaluated by the palliative doctor, and was described as being very "cachectic." Her tongue was peeling and the roof of her mouth was black. The doctor concluded her evaluation with the chilling observation of, "She appears to be dying."

She is very cachectic, her mouth is dry, tongue dry, yellow and peeling. The roof of her mouth is black. She has multiple wounds and pressure ulcers scattered all over her body. She appears to be dying.

Northside Hospital's palliative doctor evaluated Roselin Shankland and found her tongue to be peeling, the roof of her mouth to be black, and her body covered in wounds. The doctor concluded, "She appears to be dying."

65. Roselin Shankland was extubated and died only hours after she got to the hospital at 3:09 p.m. on December 26, 2023.

66. After her death, Dr. Shirish Amrutia evaluated Ms. Shankland's body and documented several pressure sores.



Roselin Shankland had several pressure ulcers on her coccyx.



Roselin Shankland had a severely developed pressure ulcer on the heel of her foot.

67. Roselin Shankland's death certificate determined that her immediate cause of death was "multi-organ failure" due to "septic shock" due to a "urinary tract infection" – an infection that Canton Center for Nursing failed to treat.

32. Part I. Enter the chain of events-diseases, injuries, or complications that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE.

IMMEDIATE CAUSE (Final disease or condition resulting in death)	A. MULTI ORGAN FAILURE
	Due to, or as a consequence of
	B. SEPTIC SHOCK
	Due to, or as a consequence of
	C. URINARY TRACT INFECTION
	Due to, or as a consequence of
	D.

Roselin Shankland's immediate cause of death was "multi-organ failure" due to "septic shock" due to a "urinary tract infection."

COUNT I
PROFESSIONAL NEGLIGENCE

68. Plaintiff incorporates herein all paragraphs above as though set forth fully verbatim.

69. By its acceptance of Roselin Shankland as a resident at its nursing home facility, Defendants owed her a duty to furnish her with that degree of care, skill, and diligence required of

the nursing home profession in general under similar conditions and like surrounding circumstances.

70. The nurses, nurses' aides, administrators, and other employees at Canton Center for Nursing were subject to the various provisions of the Code of Federal Regulations as set forth below:

a. 42 CFR § 483.10 and 15(a) provide that the resident has a right to live a dignified existence;

b. 42 CFR § 483.13(c) requires the facility to implement protocols to protect the resident from neglect;

c. 42 CFR § 483.13(c)(2) requires that all instances of patient neglect be reported to the facility administrator and other officials in accordance with state law;

d. 42 CFR §483.13(c)(3) requires that the facility maintain evidence of its investigation into patient neglect and must prevent future neglect of patients;

e. 42 CFR § 483.13(c)(4) requires that results of neglect investigation be reported to the administrator and appropriate state authorities;

f. 42 CFR § 483.15 requires the facility to care for its residents in a manner that maintains and enhances the resident's quality of life;

g. 42 CFR § 483.15(e)(1) requires that each resident be provided services in the facility to accommodate their individual needs;

h. 42 CFR § 483.20(b) and (g) require the facility to maintain a comprehensive and accurate assessment of the resident's medical needs, including the resident's general health and physical functioning;

i. 42 CFR § 483.20(k)(1) requires that the facility prepare an accurate comprehensive care plan that addresses the patient's medical and nursing needs;

j. 42 CFR § 483.20(k)(3) requires that services provided or arranged by the facility meet professional standards of quality and be provided by qualified persons;

k. 42 CFR § 483.25 requires the facility to provide services to attain and maintain the highest practicable physical, mental and psychosocial well-being in accordance with the resident's assessments and Care Plan;

l. 42 CFR § 483.25(a)(3) requires the facility to provide a resident who is unable to carry out the activities of daily living necessary services to maintain good nutrition, hygiene, grooming and oral hygiene;

m. 42 CFR §483.25(c)(2) requires the facility to provide necessary treatment and services to promote healing, prevent infection and prevent new sores from developing;

n. 42 CFR § 483.25(d)(2) requires that facility to provide appropriate care and treatment for incontinent patients to prevent urinary tract infections;

o. 42 CFR § 483.25(j) requires the facility to maintain acceptable parameters of hydration in the resident;

p. 42 CFR § 483.25(h)(1) requires the facility to ensure that the resident environment remains as free of accident hazards as is possible;

q. 42 CFR § 483.25(h)(2) requires the facility to ensure that each resident receives adequate supervision and assistance devices to prevent accidents;

r. 42 CFR § 483.25(m) requires the facility to ensure that residents are free from any significant medication errors;

s. 42 CFR § 483.30 requires the facility to maintain an adequate nursing staff;

t. 42 CFR § 483.35 requires the facility to provide each resident a diet that meets daily nutritional needs;

u. 42 CFR § 483.75 requires that the facility be administered in such a way as to use its resources effectively and efficiently to maintain the highest practicable physical, mental and psychosocial well-being of each resident;

v. 42 CFR § 483.75 requires properly trained, qualified and competent staff;

w. 42 CFR § 483.75(b) requires the facility to operate and provide services in compliance with law and acceptable professional standards and principles that apply to professionals providing said services; and

x. 42 CFR § 483.75(k)(1) requires the facility to maintain clinical records in accordance with accepted professional standards and practices which are complete and accurate.

(emphasis added).

71. Defendants were negligent and failed to exercise that degree of care required of the long-term care and skilled nursing home profession in general under similar conditions and like

circumstances. To the extent that this Count may be considered a medical malpractice action as defined in O.C.G.A. § 9-11-8 or O.C.G.A. § 9-3-70, see the Affidavit of Dr. Kapil Gulati attached hereto as Exhibit "A" pursuant to O.C.G.A. § 9-11-9.1(a), to the extent that this statute may apply, if at all, to this action, and which Affidavit is hereby incorporated herein by reference. The Affidavit specifies at least one negligent act or omission on the part of Defendants and/or its staff, and the factual basis for such negligent act or omission that caused injury to Roselin Shankland. The Affidavit is not inclusive of each act, error, or omission that has been committed by Defendants, and Plaintiff reserves the right to contend and prove additional acts, errors, and omissions on the part of Defendants that reflects a departure from the requisite standard of care required by law.

72. Notwithstanding the duty owed to Roselin Shankland by Defendants as described above, Defendants were negligent and failed to exercise that degree of care, skill and diligence required of the medical and nursing home profession in general under similar conditions and like circumstances. The negligence of Defendants included, but was not limited to, the following:

a. Failing to properly prepare and implement an appropriate care plan;

b. Failing to provide appropriate incontinence care;

c. Failing to prevent, discover and respond to urinary tract infections;

d. Failing to provide wound care assessments and documented descriptions of the wound, and failing to provide treatment;

e. Failing to provide appropriate hygiene;

f. Failing to provide proper hydration;

g. Failing to provide a clean and safe environment in the facility;

h. Failing to properly assess Roselin Shankland's factors related to skin integrity;

i. Failing to respond to obvious deterioration of Roselin Shankland's skin;

j. Failing to adequately respond to Roselin Shankland's decreased mobility and altered mental status;

k. Failing to keep Roselin Shankland dry and clean;

l. Failing to adequately and consistently turn and reposition Roselin Shankland, and failing to document that it was consistently done as required by the standard of care;

m. Failing to off load pressure from Roselin Shankland's bony prominences with pressure relieving devices;

n. Failing to properly assess, document and treat Roselin Shankland's multiple pressure sores;

o. Failing to recognize the presence of and appropriately address Roselin Shankland's pressure sores;

p. Failing to properly document Roselin Shankland's clinical records:

q. Failing to monitor and provide an assessment of Roselin Shankland's urinary input and output; and

r. Failing to implement measures to promote adequate nutrition and fluids.

73. Defendants also have vicarious liability for the negligent acts and omissions of all persons or entities under Defendants' control, either direct or indirect, including its respective employees, agents, and consultants.

74. As a direct and proximate result of the negligence of Defendants as described herein, Roselin Shankland suffered injuries, physical and mental pain and suffering, disability, physical impairment and inconvenience, and ultimately death. Further, she incurred medical expenses related to her injuries.

75. Plaintiff Rose Lorraine Durbin is entitled to recover for the wrongful death of her mother as a result of said negligence.

76. Moreover, Plaintiff Rose Lorraine Durbin, as Administrator of the Estate of Roselin Shankland, is entitled to recover damages for pain and suffering, as well as medical, funeral, and burial expenses.

COUNT II
NEGLIGENCE BASED UPON VIOLATION OF REQUIREMENTS OF GEORGIA BILL OF RIGHTS FOR RESIDENTS OF LONG-TERM CARE FACILITIES AT O.C.G.A. § 31-8-100 et seq.

77. Plaintiff incorporates herein all paragraphs above as though set forth fully verbatim.

78. The State of Georgia has promulgated the *Georgia Bill of Rights for Residents of Long-term Care Facilities* at O.C.G.A. § 31-8-100 et seq., which sets out requirements for those providing care, treatment and services to residents of long-term care facilities in this state. In particular, O.C.G.A. § 31-8-108(a) requires that residents of long-term care facilities receive care, treatment and services that are adequate and appropriate and which must be provided with reasonable care and skill and in compliance with applicable laws and regulations (including those listed in the preceding Count of this Complaint), and with respect for the resident's personal dignity, among other requirements.

79. Pursuant to its authority granted by statute, the Georgia Department of Human Resources has promulgated a number of regulations for the provision of care, treatment and services to residents of long-term care facilities. In particular, these regulations require that each resident be provided with care, treatment and services which are adequate and appropriate for the condition of the resident as determined by the resident's developing care plan. The regulations also require that services be provided with reasonable care and skill and in compliance with all applicable laws and regulations (including state laws and federal regulations identified above).

80. Defendants, through their employees and agents, failed to comply with these requirements and provisions of O.C.G.A. § 31-8-108. Said violations on the part of the Defendants proximately caused injuries to Roselin Shankland, including excruciating mental and physical pain and suffering and medical expenses.

81. Pursuant to O.C.G.A. § 31-8-136, Plaintiff is entitled to bring an action as a result of the Defendants' violations of the *Georgia Bill of Rights of Residents of Long-term Care Facilities*.

82. As a proximate result of the violations of the *Georgia Bill of Rights of Residents of Long-term Care Facilities* on the part of the Defendants, Roselin Shankland suffered pain and suffering, incurred medical expenses, and ultimately death.

83. The Defendants' violations of the *Georgia Bill of Rights of Residents of Long-term Care Facilities* and the regulations of the Georgia Department of Human Resources set out above constitute negligence.

84. Defendants' failure to comply with the *Georgia Bill of Rights of Residents of Long-term Care Facilities* and the regulations of the Georgia Department of Human Resources, set out above, lead directly to the serious injury, illness, dehydration, pressure sores, terrible pain, suffering, anguish and grief, and subsequent death of Roselin Shankland.

85. As a result of the Defendants' acts and omissions constituting negligence, and the resultant damages and harm, the Plaintiff is entitled to an award of damages in their individual and representative capacities as set out below.

86. Accordingly, Plaintiff Rose Lorraine Durbin, as Administrator of the Estate of Roselin Shankland, is entitled to recover damages for the pain and suffering, medical expenses, and funeral and burial expenses incurred as a result of Defendants' violations, as set forth above.

87. Moreover, Plaintiff Rose Lorraine Durbin, Individually, is entitled to recover for the wrongful death of her mother as a result of the Defendants' violations.

COUNT III
SIMPLE NEGLIGENCE

88. Plaintiff incorporates herein all paragraphs above as though set forth fully verbatim.

89. Roselin Shankland entered into a contract for the provision of long-term residence, care, treatment and services with the Defendants in this action, and pursuant to their agreement, the Defendants had a duty to exercise ordinary care in the provision of that care, treatment and services to Ms. Shankland. The Defendants failed to exercise reasonable care in a number of instances with respect to the care, treatment and services provided to Roselin Shankland, and she sustained serious injury, illness, dehydration, pressure sores, infection, great pain and suffering, and ultimately death, as a result of the occurrences demonstrated below.

90. Upon information and belief, Defendants failed to establish and implement policies and procedures designed to provide appropriate care, treatment and services to Canton Center for Nursing residents, including Roselin Shankland.

91. Upon information and belief, Defendants failed to properly prepare Canton Center for Nursing's budget so as to use its resources effectively and efficiently to maintain appropriate care treatment and services to residents, including Roselin Shankland.

92. Upon information and belief, Defendants failed to implement policies, practices and protocols to protect residents, including Roselin Shankland, from neglect.

93. Defendants failed to operate and provide services to Roselin Shankland in compliance with acceptable professional standards and principles that apply to professionals providing said services.

94. Upon information and belief, Defendants failed to maintain an adequate nursing and nonprofessional staff to provide for Roselin Shankland's needs.

95. Defendants failed to provide properly trained, qualified and competent staff to care for Roselin Shankland.

96. Upon information and belief, Defendants failed to properly train and supervise the Canton Center for Nursing staff that was responsible for the provision of care, treatment and services to Roselin Shankland.

97. Defendants failed to follow physician's orders with respect to the care and treatment that Roselin Shankland needed.

98. Defendants failed to properly monitor and chart Roselin Shankland's condition and the course of care provided to address her medical conditions.

99. The acts and omissions of Defendants which constitute simple negligence include, but are not necessarily limited to:

a. Failing to provide appropriate incontinence care;

b. Failing to provide appropriate hygiene;

c. Failing to provide proper hydration;

d. Failing to provide a clean and safe environment in the facility;

e. Failing to keep Roselin Shankland dry and clean;

f. Failing to adequately and consistently turn and reposition Roselin Shankland, and failing to document that it was consistently done as required by the standard of care; and

g. Failing to off load pressure from Ms. Shankland's bony prominences with pressure relieving devices.

100. As a direct and proximate result of each of the failures detailed above, Roselin Shankland incurred pain and suffering, medical expenses, funeral and burial expenses, and death.

101. Many of the Defendants' acts and omissions described herein are ministerial in nature and constitute simple negligence for which the Defendants are liable to the Plaintiff.

102. As a result of the foregoing acts and omissions, and the resultant injuries, illness, pain and suffering, and subsequent death of Roselin Shankland, the Plaintiff is entitled to recover from the Defendants for the wrongful death and for pain and suffering, medical, funeral, and burial expenses.

COUNT IV
IMPUTED LIABILITY

103. Plaintiff incorporates herein all paragraphs above as though set forth fully verbatim.

104. All of Roselin Shankland's injuries and damages, and ultimately her death, were the direct result of the acts and omissions of the agents, servants and employees of the Defendant business entities conducted within the course and scope of each individual's employment with the Defendant business entity health care providers.

105. The Defendant business entities are therefore vicariously liable for the individual employee and agent's acts and omissions, and for each individual officer, director, employee, agent and servant's negligent acts and omissions, and the resultant injuries, damages and subsequent death of Roselin Shankland by application of the doctrine of respondent superior. The Plaintiff is therefore entitled to recover damages from the Defendants as set out herein.

COUNT V
FAILURE TO PROVIDE SUFFICIENT AND PROPER STAFFING AND NURSING

106. Plaintiff incorporates herein all paragraphs above as though set forth fully verbatim.

107. The Defendants had a duty to exercise ordinary and reasonable care in providing sufficient and competent staffing at Canton Center for Nursing.

108. Canton Center for Nursing was chronically understaffed, which put residents at the facility at risk and in danger.

109. The Defendants breached their duty to exercise ordinary and reasonable care in providing sufficient and competent staffing at Canton Center for Nursing.

110. The Defendants failed to provide sufficient and competent staffing at Canton Center for Nursing and caused the facility to be chronically understaffed.

111. The Defendants' acts and omissions caused permanent and debilitating injuries to Roselin Shankland, and ultimately her death.

112. As a result of the Defendants' understaffing at Canton Center for Nursing, Defendants are liable to Plaintiff Rose Lorraine Durbin, as Administrator of the Estate of Roselin Shankland, for Roselin Shankland's excruciating physical and mental pain and suffering, medical and burial expenses, and wrongful death.

113. The Defendants are liable to Plaintiff Rose Lorraine Durbin, Individually, for the wrongful death of Roselin Shankland.

COUNT VI
PUNITIVE DAMAGES

114. Plaintiff incorporates herein all paragraphs above as though set forth fully verbatim.

115. As described and set forth herein, Defendants' actions, inactions, and omissions demonstrate willful misconduct, malice, wantonness, oppression, and an entire want of care giving rise to the presumption of Defendants' conscious indifference to the consequences of their actions.

116. Plaintiff sustained injuries, pain and suffering, financial loss and damages as a result of Defendants' wrongful conduct.

117. As a result of the foregoing, Plaintiff is entitled to an award of punitive damages from the Defendants in an amount sufficient to punish Defendants and deter the Defendants from similar conduct in the future.

WHEREFORE Plaintiff prays for the following:

a. That service of summons and process be had upon each Defendant;

b. That this case be tried before fair and impartial jurors;

c. That judgment be entered in favor of Plaintiff Rose Lorraine Durbin, Individually, against the Defendants in amounts to be determined by the jury, with all costs to be taxed against the Defendants for the wrongful death of Roselin Shankland;

d. That judgment be entered in favor of Plaintiff Rose Lorraine Durbin, as Administrator of the Estate of Roselin Shankland, in amounts to be determined by the jury for Roselin Shankland's pain and suffering, medical expenses, funeral and burial expenses;

e. That judgment be entered in favor of Plaintiff Rose Lorraine Durbin, as Administrator of the Estate of Roselin Shankland, in an amount sufficient to punish Defendants and deter the Defendants from similar conduct in the future; and

f. That the Court grant Plaintiff's all other and further relief that it deems appropriate.

A TRIAL BY JURY IS HEREBY DEMANDED

Respectfully Submitted,

/s/ Bruce Berger

BRUCE BERGER, ATTORNEY - GA BAR (054250)
BERGER LAW FIRM
One Atlantic Center
1201 W Peachtree St NW #2343
Atlanta, Georgia 30309
(404) 795-5124 (o) | (678) 999-3109 (f)
bruce@blfatl.com
www.bergerlawfirm-atlanta.com
Counsel for Plaintiff

EXHIBIT

A

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 at least 95% of my professional time to the active clinical practice of medicine. I received my medical degree from Maulana Azad Medical College in Delhi, India. I completed two residencies, one in anesthesiology at Maulana Azad Medical College, and my second in internal medicine at St. Vincent Charity Medical Center. I have practiced for 22 years as an internal medicine physician, and I regularly treat geriatric patients in the inpatient setting. I have had occasion to treat geriatric patients who are at risk for urinary tract infections and sepsis from urinary tract infections, and geriatric patients who are at risk for development of pressure wounds, and have treated many such patients in my career. I am familiar with the standard of care owed to geriatric patients in the long-term care setting, including nursing homes, and specifically have knowledge of the standard of care related to the detection and treatment of urinary tract infection and sepsis, as well as the standard of care related to the prevention of pressure wounds, such as the treatment complained of in the care of Ms. Roselin Shankland.

3. Through my specialized knowledge, skill, training, experience, and education, I am familiar with the standard of care applicable to the care and treatment complained of in the care of Roselin Shankland. Specifically, I have extensive experience in the treatment of patients whose medical history places them at risk for developing urinary tract infections, as well as pressure wounds. I have treated residents and patients, and managed the care of residents and patients, who have been diagnosed with the injuries complained of in this case. I am knowledgeable of the standards of care of long-term care facilities and skilled nursing facilities such as Canton Center for Nursing and Healing Center, having worked with nursing staff in the coordination of care for geriatric residents and patients receiving inpatient nursing care. A true and accurate copy of my curriculum vita is attached hereto as Exhibit 1.

4. In this case, I have reviewed the following:

a. Medical records of Roselin Shankland from Canton Center for Nursing and Healing Center

b. Medical records of Roselin Shankland from Northside Hospital

c. Death certificate of Roselin Shankland

Chronology of Care:

5. On October 28, 2023, Roselin Shankland was found fallen in her home by her daughter, Rose Lorraine Durbin. Ms. Shankland was transferred to Northside Hospital by EMS and diagnosed with a neck fracture, specifically an odontoid fracture; urinary retention; acute kidney injury; and a urinary tract infection.

6. Ms. Shankland was discharged from Northside Hospital and transferred to Canton Center for Nursing and Healing Center on November 13, 2023 for short term care to rehabilitate after her fall.

7. Upon her admission to Canton Center for Nursing and Healing Center, it was determined that the goal was for Roselin to return to the community, and move in with her daughter in Tampa, Florida.

8. Canton Center for Nursing and Healing Center conducted an initial admission evaluation Ms. Shankland, and acknowledged that she is always incontinent and has an indwelling catheter inserted. Canton Center for Nursing and Healing Center also acknowledged that Roselin required a one-person physical assist to use the toilet.

9. On this same day, November 13, 2023, Canton Center for Nursing and Healing Center conducted a Lift Transfer Reposition Evaluation Canton Center for Nursing and Healing Center documented that Roselin Shankland was unable to transfer independently, and that she was unable to provide at least 50% assist during transfers, or transfers without assist using a slide board. This evaluation also revealed that Canton Center for Nursing and Healing Center did not complete any care planning for Roselin's repositioning/transferring, despite just acknowledging her inability to move on her own.

10. On November 17, 2023, Ms. Shankland's MDS Resident Assessment and Care Screening revealed that she was at risk of developing pressure ulcers/injuries.

11. On November 27, 2023, Canton Center for Nursing and Healing Center collected a urine sample from Roselin Shankland in order to conduct a urinary tract infection panel.

12. The UTI panel report, dated November 29, 2023, revealed that Ms. Shankland's urine contained Escherichia coli (E. coli), a bacterium that is found in feces and can be transferred to the urinary tract if a person is in unsanitary conditions and appropriate infection control practices aren't followed.

13. Canton Center for Nursing and Healing Center also acknowledged Ms. Shankland's urinary tract infection and catheter once again on November 30, 2023 in her care plan, including multiple interventions to ensure this diagnosis was resolved.

14. In addition to acknowledging Roselin's urinary tract infection in her care plan, Canton Center for Nursing and Healing Center documented Roselin's potential to develop pressure ulcers, including multiple interventions to ensure this diagnosis was resolved.

15. On December 11, 2023, Canton Center for Nursing and Healing Center conducted a skin assessment and documented that Ms. Shankland did not have any new injuries or wounds.

16. On December 16, 2023, Canton Center for Nursing and Healing Center conducted a Braden Scale assessment in order to predict Ms. Shankland's risk for developing a pressure sore.

17. According to the Braden scal, a resident that scores 15-18 is "at risk" of developing a pressure sore; a resident that scores 13-14 has a "moderate risk" of developing a pressure sore; a resident that scores 10-12 is at "high risk" of developing a pressure sore; and a resident that scores 9 or below is at a "very high risk" of developing a pressure sore. Canton Center for Nursing and Healing Center's assessment Ms. Shankland as a "16," only putting her "at risk" of developing a pressure sore.

18. Canton Center for Nursing and Healing Center documented that Ms. Shankland had "no limitation" in her ability to change and control her body position, but then immediately contradicts this assessment when documenting Ms. Shankland requires "moderate to maximum assistance in moving."

19. On December 26, 2023, Canton Center for Nursing and Healing Center staff found Roselin Shankland showing a change in condition, specifically, abnormal vital signs, shortness of breath, and lethargy. Ms. Shankland only responded to painful stimuli.

20. Canton Center for Nursing and Healing Center's medical director ordered Ms. Shankland to be sent to the emergency room via EMS; 911 was called at 8:32 a.m.

21. Upon arrival to Northside Hospital Emergency Department, Roselin Shankland was unresponsive and in severe condition. She was found to have sepsis with shock from a urinary tract infection, severe dehydration, severe hypernatremia, and multiple pressure ulcers all over her body. Roselin was deteriorating by the minute. The palliative care team was consulted to discuss goals of care with the family, and ultimately, the family decided to transition Roselin to comfort care.

22. Ms. Shankland was evaluated by the palliative doctor, and was described as being very cachectic. Her tongue was peeling and the roof of her mouth was black. The doctor concluded her evaluation with the chilling observation of, "She appears to be dying."

23. Roselin Shankland was extubated and died only hours after she got to the hospital at 3:09 p.m. on December 26, 2023.

24. Roselin Shankland's critical care physician, Dr. Shirish Amrutia, concluded Ms. Shankland's cause of death was multiorgan failure due to septic shock due to urinary tract infection, and documented this on her death certificate. After her death, Dr. Amrutia evaluated Ms. Shankland's body and documented several pressure sores.

Breaches in Standard of Care:

25. The standard of care for Canton Center for Nursing and Healing Center ("Canton Center for Nursing") required that they provide care and treatment at a level that a reasonable and prudent similar facility and staff would provide under the same circumstances. Canton Center for Nursing, its manages, operators, and nursing staff breached the standard of care in the following manner:

26. The staff of Canton Center for Nursing failed to provide appropriate hygiene care to Roselin Shankland to prevent her from developing a urinary tract infection due to excessive and prolonged exposure to her own feces after episodes of incontinence. The prolonged exposure to her own feces directly resulted in development of Ms. Shankland's E. coli urinary tract infection.

27. The staff of Canton Center for Nursing failed to provide adequate hydration to Roselin Shankland, which increased her risk of developing urinary tract infection and increased the severity of her urinary tract infection. This also contributed to poor perfusion of her skin increasing Ms. Shankland's risk of developing pressure wounds.

28. The staff of Canton Center for Nursing failed to conduct an appropriate Braden assessment for pressure wound risk, and failed to put in place appropriate preventive measures to avoid skin breakdown due to prolonged exposure to pressure over Ms. Shankland's bony prominences including a q2 hour turning and repositioning schedule. This directly resulted in Ms. Shankland developing multiple avoidable pressure wounds over her body.

29. The staff of Canton Center for Nursing failed to timely detect symptoms of a urinary tract infection including foul smelling urine, purulent urinary drainage and discolored urine, increased fatigue and lethargy, and increased confusion and altered mental status. Several of these symptoms were observed multiple days before Ms. Shankland was found unresponsive and taken to the emergency department at Northside Hospital in septic shock and multiorgan failure. The staff of Canton Center for Nursing failed to escalate these concerning signs of urinary tract infection to Ms. Shankland's doctors in time to diagnose and effectively treat her urinary tract infection with antibiotics and rehydration before the infection developed into sepsis, septic shock, and multiorgan failure.

30. Management and owners of Canton Center for Nursing were required to ensure the nursing staff were adequately trained to provide appropriate care to residents like Roselin Shankland, and that appropriate policies and procedures were in place for nursing staff to follow. This training and the policies and procedures needed to include appropriate performance of a Braden assessment, appropriate and timely hygiene care following incontinence, providing adequate hydration to residents to meet their hydration needs, and the detection of signs and symptoms of urinary tract infection and escalation of these signs and symptoms up the chain of command to residents' doctors. The management and owners of Canton Center for Nursing failed to do so, and this failure directly resulted in the failure of the nursing staff to timely detect and escalate the signs and symptoms of urinary tract infection, provide appropriate hygiene care to prevent

development of infection, provide adequate hydration to reduce the risk of urinary tract infection and pressure wounds, and provide appropriate pressure wound prevention care. These failures by the management and owners of Canton Center for Nursing directly resulted in Ms. Shankland suffering urinary tract infection, sepsis, septic shock, multiorgan failure, pressure wounds, and untimely death.

31. It is my opinion there is merit in filing suit against Canton Center for Nursing, its managers, and operators for the injuries and death of Roselin Shankland. Managers and operators of facilities such as Canton Center for Nursing are required to ensure that care interventions are in place, that the care interventions are being followed, and that the facility has policies and procedures as well as sufficient qualified staff to provide necessary care. To a reasonable degree of medical probability, this was not done by management and operations staff, thus causing the injuries and untimely death of Roselin Shankland complained of.

32. I reserve the right to amend my opinions on review of additional records or as discovery progresses in this case.

FURTHER AFFIANT SAYETH NAUGHT.

Kapil Gulati

KAPIL GULATI, MD

SWORN TO BEFORE ME and subscribed in my presence this 17th day of December, 2025.

NOTARY PUBLIC

Beth Dubois

My commission has an expiration date pursuant to RC § 147.03

EXHIBIT

1

CURRICULUM VITAE

IDENTIFICATION

Name	Gulati, Kapil
Date of Birth	December 28, 1975
Place of Birth	New Delhi, India
Citizenship	**United States**
Languages	English, Hindi, Punjabi
Office Phone:	(216)2830750
Home Phone:	(440)6002404
Cell Phone:	(440)2780617

STANDARDIZED U.S. TEST SCORES AND CERTIFICATION:

Mar' 01	USMLE Step 1	Score: 219 (89)
Sept' 01	USMLE Step 2	Score 216 (86)
Dec' 03	USMLE Step 3	Score 185 (76)
July' 03	CSA	Passed
June' 03	TOEFL	Score: 277/300

BOARD CERTIFICATIONS:

Sept' 03	ECFMG
Sept' 07	American Board of Internal Medicine
Dec' 17	American Board of Internal Medicine

CURRENT POSITION(s):

Nov'21-Present	Co-Founder, Premier Urgent Care, Euclid, Ohio
Jan'20-Present	Member, Medical Executive Committee Euclid Hospital, OH
Jan '18-Dec'19	Chief of Staff Euclid Hospital,OH
Jan'15-Dec '17	Chief of Medicine Dept. of Medicine Euclid Hospital, OH
Jan'15-Dec'18	Chief of Staff Elect Euclid Hospital, OH
Mar'11-Present	Physician Internal Medicine Northern Ohio Internal Medicine Associates, Inc. Warrensville Heights, OH
Jan 11-Present	Staff Physician South Pointe Hospital, OH
Mar 11-Present	Staff Physician Marymount Hospital, OH
Mar' 11- Present	Staff Physician Select LTAC Hospital, OH
Mar'11- Dec'21	Staff Physician Montefiore Rehab, OH
Mar11-Present	Staff Physician Brentwood Rehab, OH

BACKGROUND

Medical Education: Bachelor Of Medicine and Bachelor of Surgery
Maulana Azad Medical College
University Of Delhi
August 1995- January 2001

Residency: Anesthesiology
Lok Nayak Hospital
University Of Delhi
July 2002-June 2004

Internship and Residency: Internal Medicine
St. Vincent Charity Hospital
Case Western Reserve University
July 2004- June 2007

PREVIOUS EMPLOYMENT

April 2016-Dec 2020 Medical Director
Caresource

July 2007-Feb 2011 Physician
Atrium Medical Group
Mayfield Village, OH

CLINICAL EXPERIENCE:

June'07- Feb'11 Physician,
Internal medicine
Atrium Medical Group Inc.
Mayfield Village, OH

Nov'07- Nov'08 Medical Director,
Hillside Plaza Nursing Home
Euclid, OH

July'05 –June'07 Clinical Resident, Internal Medicine
St. Vincent Charity Hospital & St. Luke Medical Center
Case Western Reserve University
Cleveland, OH

June'04 –June'05 Internship, Internal Medicine
St. Vincent Charity Hospital & St. Luke Medical Center
Case Western Reserve University
Cleveland, OH

July'02 –May'04 Resident, Anesthesiology
Department of Anesthesiology and Critical Care,
Maulana Azad Medical College
University of Delhi
Delhi

Feb'01 –June'02 Medical House Officer
Chawla Hospital
New Delhi

Jan'00 –Jan'01 Internship, Clinical Departments
Maulana Azad Medical College
University of Delhi
New Delhi

COMMITTEE MEMBERSHIP

June'14- Present Member,
Peer Review Committee
South Pointe Hospital
Warrensville Heights, OH

Jan'14- Jan'16 Member at large,
Medical Executive Committee
South Pointe Hospital
Warrensville Heights, OH

June'12- Sept'14 Chair,
Medical Records Committee
Dept. of Medicine
Euclid Hospital
Euclid, OH

Sept'09- Mar'11 Chair,
Stroke Committee
Dept. of Medicine
Euclid Hospital
Euclid, OH

June'08 -Mar'11 Member,
Physician and Nursing Council Committee
Dept. of Medicine
Euclid Hospital
Euclid, OH

May'08 – Feb'11 Member,
Infectious Disease Control Committee
Dept. of Medicine
Euclid Hospital
Euclid, OH

July'04–June 07 Member,
Performance Improvement Committee
Dept. of Medicine
St. Vincent Charity Hospital & St. Luke Medical Center
Case Western Reserve University
Cleveland, OH

July'04–June 07 Member
Mission, Values and Ethics committee
Dept. of Medicine
St. Vincent Charity Hospital & St. Luke Medical Center
Case Western Reserve University
Cleveland, OH

RESEARCH

Aug' 06 "In established Diabetes Mellitus patients' control of HbA1c, will it translate into lower CRP levels?"
St Vincent Charity Hospital & St Luke Medical Center
Case Western Reserve University
Cleveland, OH

Sept' 05 "Blood conservation in intensive care setting."
St Vincent Charity Hospital & St Luke Medical Center
Case Western Reserve University
Cleveland, OH

Oct' 05 "Rate of pelvic exam and Pap smear among residents in outpatient clinic at SVC Hospital."
Quality improvement project
Case Western Reserve University
Cleveland, OH

June' 02 – Mar' 03 "Effects of hypervolemic hemodilution under general anesthesia on blood loss and conservation of blood intraoperatively"
M.A.M College/Lok Nayak Hospital
New Delhi, India

May' 03- Aug' 03 "Airway Management using Intubating Laryngeal Mask Airway"
M.A.M College/Lok Nayak Hospital
New Delhi, India

Jan'01- June'01 " Ciclesonide vs. Budesonide in Patients with Mild to Moderate Asthma."
M.A.M College/Lok Nayak Hospital
New Delhi, India

Mar'00- June'00 Assisted Dr. B. G. Matapurkar in laboratory procedures and experimental surgeries in his patented work (USPTO 6,227,202) "Neo organogenesis using stem cells from developed tissue."
Indian Council of Medical Research
New Delhi, India

July'00- Sept'00 "Comparing health seeking behavior of chest symptomatics in Barwala village to inner-city population."
Rural Field Practice Center (RFPC), Barwala village,
New Delhi, India

June'97- Sept'97 "Survey to gauge level of awareness about HIV/AIDS among medical and paramedical staff."
Maulana Azad Medical College,
New Delhi, India

EXTRAMURAL INVITED PRESENTATIONS:

May'01 World Health Day Celebration: Oral Presentation
Gulati K, Taneja D. "Health seeking behavior of chest symptomatics in Barwala village compared to New Delhi's inner-city population."
New Delhi, India

COMMUNITY WORK:

Dec'95- Dec'00 Supervisor,
National Pulse Polio Eradication Program
New Delhi, India

July'97 Poster presentation in association with Azad Medicos Student Union for Awareness of -HIV/AIDS
Department of Preventive and Social Medicine,
University of Delhi, India

Feb'98 "*Bhagidari*" (Hindi for "community participation") program to clean the Yamuna River
Municipal Corporation of Delhi, India.

STATISTICAL AND BIO-MEDICAL SOFTWARE:

Aug'97 Bioinformatics course
Jaypee Institute of Information Technology
New Delhi, India

Aug'95 Basic computing course
National Institute of Information Technology (NIIT),
New Delhi, India

ACHIEVEMENTS AND AWARDS:

July'99 President
Azad Medicos Association (Student's Union)
University of Delhi, India

July'99 Cultural Secretary
Azad Medicos Association (Student's Union)
University of Delhi, India

July'97 Founder of Dramatics Society
Maulana Azad Medical College
University of Delhi, India

REFERENCES

Available upon request