IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

ESTATE OF BRIAN TAYLOR, DECEASED Through Estate Representative Donna Sandy c/o Michael Hill Trial Law 815 Superior Avenue, Suite 623 Cleveland, Ohio 44114 Plaintiff, vs. EMPOWERING PEOPLE AKA EMPOWERING PEOPLE, INC. 105 North Thomas Tallmadge, Ohio 44278 Also Serve c/o Registered Agent: Michael K. Provenza 25000 Country Club Boulevard #255 North Olmsted, Ohio 44011 and EMPOWERING PEOPLE - SUMMIT AKA EMPOWERING PEOPLE, INC. c/o Registered Agent: Michael K. Provenza 25000 Country Club Boulevard #255 North Olmsted, Ohio 44011 and EMPOWERING PEOPLE MANAGEMENT, INC. c/o Registered Agent: L & M Statutory Agent, LLC 30670 Bainbridge Road, Suite 201 Solon, Ohio 44139 and EMPOWERING PEOPLE WORKSHOP, INC. DBA CLW DBA CREATIVE LEARNING WORKSHOP	CASE NO. JUDGE **COMPLAINT** **WITH JURY DEMAND** **REQUEST FOR EXTENSION TO FILE AFFIDAVIT OF MERIT FILED HEREWITH**

c/o Registered Agent:
Matthew J. Parker
2460 Elm Road, Suite 500
Warren, Ohio 44483

and

DENNY O. SPEAKS
18341 Bentwood Drive
Doylestown, OH 44230

and

SUMMIT COUNTY REALTY, LLC
c/o Registered Agent:
Ohio Agent Solutions, Inc.
25000 Country Club Boulevard, Suite #255
North Olmsted, Ohio 44070

and

FOUNDATIONS HEALTH, LLC
c/o Registered Agent:
Ohio Agent Solutions, Inc.
25000 Country Club Boulevard, Suite #255
North Olmsted OH 44070

and

FOUNDATIONS HEALTH SOLUTIONS, LLC
c/o Registered Agent:
Ohio Agent Solutions, Inc.
25000 Country Club Boulevard, Suite #255
North Olmsted OH 44070

and

ALTERCARE OF CUYAHOGA FALLS AKA
ALTERCARE OF CUYAHOGA FALLS
CENTER FOR REHABILITATION &
NURSING CARE, INC.
2728 Bailey Road
Cuyahoga Falls, Ohio 44221

Also Serve c/o Registered Agent:

Sais Corp.

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25109 Detroit Road, Suite 310
Westlake, Ohio 44145

and

ALTERCARE AKA ALTERCARE, INC.
c/o Registered Agent:
Taft Service Solutions Corp.
200 Public Square, Suite 3500
Cleveland, Ohio 44114

and

ALTERCARE OF OHIO, INC.
c/o Registered Agent:
Sais Corp.
25109 Detroit Road, Suite 310
Westlake, Ohio 44145

and

TSG NURSING CENTERS, INC.
c/o Registered Agent:
Sais Corp.
25109 Detroit Road, Suite 310
Westlake, Ohio 44145

and

THE SCHROER GROUP, INC.
c/o Registered Agent:
Sais Corp.
25109 Detroit Road, Suite 310
Westlake, Ohio 44145

and

SCHROER PROPERTIES OF CUYAHOGA FALLS, INC.
c/o Registered Agent:
Sais Corp.
25109 Detroit Road, Suite 310
Westlake, OH 44145,

Defendants.

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Plaintiff, the Estate of Brian Taylor, Deceased, through Estate Representative Donna Sandy, for this Complaint against the above-named Defendants, states and avers upon information and belief:

INTRODUCTION

1. This action involves multiple claims (medical negligence, recklessness, wrongful death, Resident's Rights Law violations, battery, civil conspiracy, and fraud) involving Empowering People aka Empowering People, Inc., Empowering People - Summit aka Empowering People, Inc., Foundations Health, LLC, Foundations Health Solutions, LLC, Empowering People Management, Inc., Empowering People Workshop, Inc. dba CLW dba Creative Learning Workshop, and Summit County Realty, LLC (collectively: "Empowering People"), and Denny O. Speaks, as well as Altercare of Cuyahoga Falls aka Altercare of Cuyahoga Falls Center for Rehabilitation & Nursing Care, Inc., Altercare aka Altercare, Inc., Altercare of Ohio, Inc., TSG Nursing Centers, Inc., The Schroer Group, Inc., and Schroer Properties of Cuyahoga Falls, Inc. (collectively: "Altercare"), all collectively referred to as "Defendants," and their inadequate care of Brian Taylor and the corporate control of these facilities leading to such inadequate care that led to Brian Taylor's untimely and wrongful death on May 25, 2025.

2. Brian Taylor was an adult that suffered from a chromosomal abnormality and multiple behavioral-based diagnoses that could result in episodes of aggression. Brian was non-verbal; however, despite his disabilities, he was ambulatory and active.

3. Brian lived with his family until graduating from high school, after which he became a resident of North Thomas Home, a group home located in Tallmadge, Ohio, where he resided for approximately seventeen years.

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4. By all accounts, Brian thrived at North Thomas Home for many years. His family observed him to be active, engaged, and appropriately cared for during that time.

5. In or around 2023, Defendant Empowering People acquired and/or assumed operation and control of North Thomas Home.

6. Brian's family observed that after Empowering People assumed responsibility for his care, Brian became markedly less active, spent prolonged periods sitting idle, and appeared increasingly withdrawn.

7. Brian's family also saw that Empowering People began using wrist restraints on Brian, tying down his arms when Brian was seated in his wheelchair.

8. At the time Empowering People acquired Brian's facility, Empowering People began engaging in measures to decrease the costs of operations at the facility and increase revenues in order to derive increased profit from the facility. These measures included, but were not limited to, reducing the number, quality, qualifications, and training of the staff caring for residents like Brian.

9. Following these measures, Empowering People knew that they lacked sufficient numbers of adequately trained and qualified staff to provide Brian Taylor with the assistance and care he needed in his day-to-day life.

10. Empowering People also knew at the time the above representations were made that because of the above lack of sufficient numbers of adequately trained and qualified staff, they could not provide Brian Taylor a safe living environment, the best possible quality of life, an environment free from abuse and neglect, and care with full respect for his dignity.

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11. Empowering People knew due to their decision to increase occupancy rates, decrease the number of staff, and decrease training of staff members, that the staff providing care to the residents in the facility would succumb to caregiver burnout, apathy and decreased empathy for residents, physical and mental exhaustion, increased stress, and decreased tolerance and patience for residents whose care needs were highly demanding.

12. Empowering People knew, or should have known, that as a result of the above goal to increase profit by increasing occupancy rates while cutting expenses such as staffing and training, staff became verbally and physically abusive to residents, resulting in physical injuries and mental and emotional anguish, for the residents in Empowering People's facilities.

13. Empowering People chose to do nothing to address or correct the insufficient numbers of staff and inadequate training of staff in their facilities, leading to verbal and physical abuse of residents, and chose not to discipline and/or terminate staff who had abused residents.

14. Empowering People's decision not to discipline and/or terminate staff who were verbally and physically abusive to residents was an endorsement of the abuse by the staff and nurses of their facilities including Empowering People, which created a culture of tolerance for abuse of the residents in their facilities including the facility where Brian Taylor resided.

15. This endorsement of and culture of tolerance for abuse of the residents led to the staff of Empowering People's facilities believing that physical and verbal abuse, as well as physical restraints, were an acceptable means to quickly accomplish their tasks

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and/or "teach a lesson" to cognitively impaired residents who were frightened, agitated, defensive, and/or resistant in order to gain compliance from and/or control over the residents and more quickly accomplish their tasks.

16. On November 17, 2023, while under the care and supervision of Empowering People, employee Denny O. Speaks physically assaulted Brian while transporting him on a bus to and/or from his workshop program, where Brian participated in weekday activities and work assignments.

17. Specifically, Denny Speaks slapped Brian in the face, causing visible bruising and swelling to Brian's eye and surrounding facial area.

18. As a result of the assault, Denny Speaks was criminally prosecuted in Summit County, Ohio, Case No. CR-2024-04-1357. Speaks was indicted with one count of Assault, a felony of the fourth degree, in violation of Ohio Revised Code 2903.13 (A) and 2903.13(C)(1), and later pled guilty to misdemeanor Assault, in violation of Ohio Revised Code 2903.13(B). Speaks was sentenced to probation for one year by Judge Tammy O'Brien.

19. While under the care of Empowering People, staff routinely confined Brian to his bed for prolonged periods positioned on his side, or restrained him in his wheelchair for excessive lengths of time without appropriate repositioning, ambulation, or monitoring.

20. Confining Brian to his bed and restraining him in his wheelchair for excessive lengths of time exposed the thinner areas of his skin overlying bony prominences of his body such as his hip bones and pelvis to become exposed to excessive pressure, compressing his skin against the hard surfaces of his bed and wheelchair and depriving it of the fresh, oxygenated blood flow the skin needs to survive.

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21. When skin is exposed to excessive pressure and compressed for extended periods of time, depriving the skin of fresh, oxygenated blood flow, results in the skin and underlying tissues "suffocating" and dying off. This creates open wounds on a person's body as the dead skin and tissues become necrotic, fester, and rot away, exposing the bones and muscles underneath.

22. These open, festering, and necrotic wounds are called pressure ulcers, decubitus ulcers, or "bedsores."

23. As a result of Empowering People confining Brian to his bed and restraining him in his wheelchair for excessive lengths of time, Brian's skin was exposed to excessive pressure, deprived of fresh, oxygenated blood flow, died off and rotted away, developing into a severe pressure ulcer.

24. On or about November 6, 2024, Brian's stage III pressure ulcer was diagnosed at Akron General Medical Center.



Brian was diagnosed with a stage III pressure ulcer on November 6, 2024 at Akron General Medical Center.

25. Following the diagnosis of the pressure ulcer, Empowering People did not provide Brian with adequate treatment and continuity of care, or implement necessary preventative and wound-management interventions to keep his pressure ulcer from deteriorating and worsening. As a result, Brian's pressure ulcer continued to expand while under the care of Empowering People.

26. On or about December 3, 2024, Brian was transferred to Altercare of Cuyahoga Falls aka Altercare of Cuyahoga Falls Center for Rehabilitation & Nursing Care, Inc. for what was represented to the family as a need for "a higher level of care" than could allegedly be provided at Empowering People aka Empowering People, Inc.

27. Despite the purported higher level of care, Brian's family observed that Altercare likewise failed to provide adequate nursing care, hygiene, repositioning, wound care, and ambulation assistance.

28. During this time period, Brian received treatment at Western Reserve Hospital and was frequently transported by emergency medical services from Altercare of Cuyahoga Falls aka Altercare of Cuyahoga Falls Center for Rehabilitation & Nursing Care. On multiple occasions, Brian arrived at the hospital soiled with dried feces on his body.

29. Altercare's staff failed to assist Brian with necessary ambulation and mobility, resulting in further deterioration of his overall physical condition and capabilities.

30. Altercare's failure to provide Brian with the care he needed included failing to take action to prevent his pressure ulcer from worsening. Altercare left Brian lying in

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bed in one position for prolonged periods of time, often in linens and briefs soiled with his own feces, which contaminated and aggravated his existing open wound.

31. As a result of Altercare's failures, Brian's open wound continued to deteriorate until it developed into an infected Stage IV pressure ulcer – a wound which had tunneled so deep that all the tissue covering his muscles and bones died off and exposed his bones and muscles to the open air and fecal contamination.

32. Over the following months while residing at Altercare, Brian's overall medical and physical condition declined significantly, to the point where he was unrecognizable to his family.

33. On May 25, 2025, Brian died.

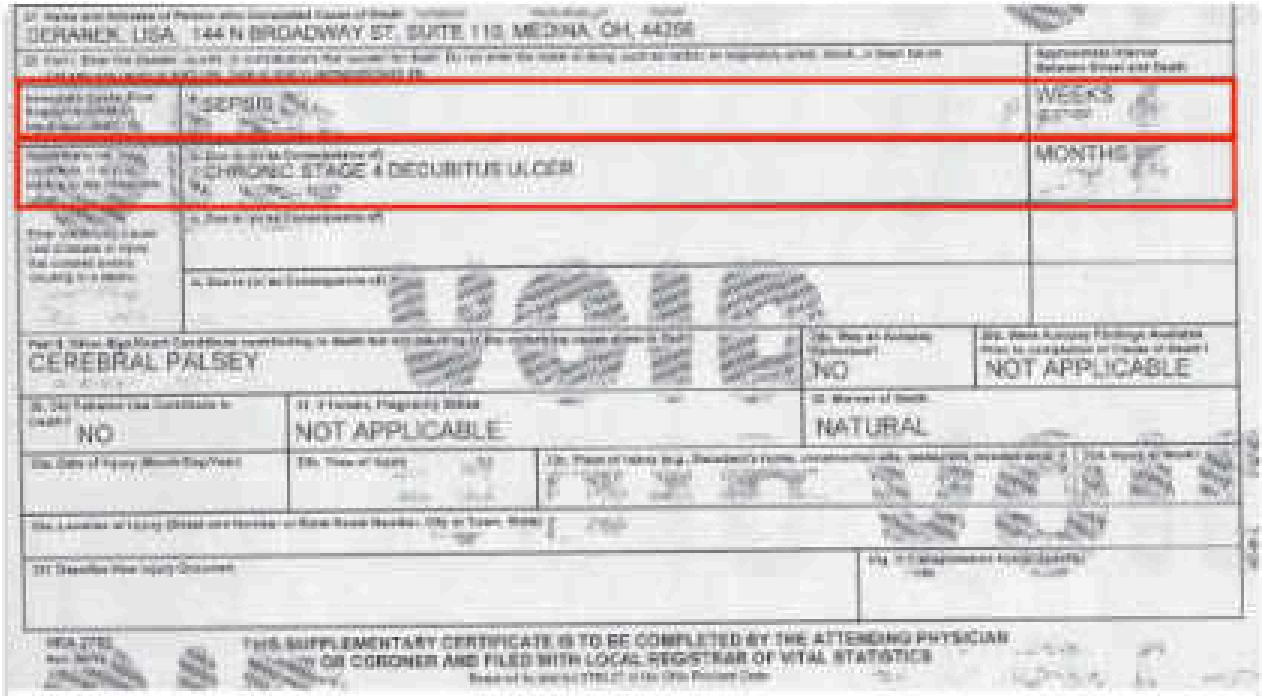
34. Brian's original death certificate attributed his death to "a combination of chronic medical diagnoses including epilepsy, atherosclerotic disease, and hypothyroidism."

35. Brian's family challenged the accuracy of the original death certificate based upon the development of the severe pressure wound exposing his muscle and bone while under Defendants' care, and his rapid decline afterward.

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36. Thereafter, a Supplemental Death Certificate was issued identifying Brian's cause of death as "sepsis due to chronic stage 4 decubitus ulcer."


SCRANEK, LISA, 144 N BROADWAY ST, SUITE 110, MEDINA, OH, 44256

*SEPSIS

WEEKS

CHRONIC STAGE 4 DECUBITUS ULCER

MONTHS

CEREBRAL PALSEY

NO

NOT APPLICABLE

NO

NOT APPLICABLE

NATURAL

THIS SUPPLEMENTARY CERTIFICATE IS TO BE COMPLETED BY THE ATTENDING PHYSICIAN OR CORONER AND FILED WITH LOCAL REGISTRAR OF VITAL STATISTICS

Brian Taylor's Supplemental Death Certificate identified his cause of death as "sepsis due to chronic stage 4 decubitus ulcer."

37. Plaintiff requests a trial by jury.

38. 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: EMPOWERING PEOPLE

39. Empowering People aka Empowering People, Inc. is an Ohio corporation that holds itself out to the public as a provider of residential and intermediate care through its agents, operatives and / or employees and does business as Empowering People aka Empowering People, Inc.

40. Empowering People - Summit aka Empowering People, Inc., is an Ohio corporation that holds itself out to the public as a provider of residential and intermediate care through its agents, operatives and / or employees and does business as Empowering People aka Empowering People, Inc.

41. Empowering People Management, Inc. is an Ohio corporation that holds itself out to the public as a provider of residential and intermediate care through its agents, operatives and / or employees and does business as Empowering People aka Empowering People, Inc.

42. Empowering People Workshop, Inc. dba CLW dba Creative Learning Workshop is an Ohio corporation that holds itself out to the public as a provider of residential and intermediate care through its agents, operatives and / or employees and does business as Empowering People aka Empowering People, Inc.

43. Foundations Health, LLC is an Ohio corporation that holds itself out to the public as a provider of residential and intermediate care through its agents, operatives and / or employees and does business as Empowering People aka Empowering People, Inc.

44. Foundations Health Solutions, LLC is an Ohio corporation that holds itself out to the public as a provider of residential and intermediate care through its agents,

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operatives and / or employees and does business as Empowering People aka Empowering People, Inc.

45. Summit County Realty, LLC is an Ohio corporation that holds itself out to the public as a provider of residential and intermediate care through its agents, operatives and / or employees and does business as Empowering People aka Empowering People, Inc.

46. Defendant Denny O. Speaks is a resident of Summit County, Ohio, who at all times relevant was employed by Empowering People as an aide, and at all times relevant was operating within the scope of his employment as an aide, engaging in conduct that was explicitly and/or implicitly endorsed by Empowering People, and/or engaged in conduct which he believed to be for the benefit of his employers based upon the conduct of Empowering People.

47. The Defendants in the foregoing paragraphs employ, manage, and direct the care and service providers who were responsible for Brian Taylor's care, treatment, and safety at Empowering People aka Empowering People, Inc. while he was a resident there, and / or are responsible for creating unsafe conditions at Empowering People aka Empowering People, Inc. through their control of Empowering People aka Empowering People, Inc.'s management that directly led to Brian Taylor's injuries and untimely and wrongful death on May 25, 2025.

48. The Defendants in the foregoing paragraphs direct and control operations at Empowering People aka Empowering People, Inc. and are therefore directly liable for mismanagement of Empowering People aka Empowering People, Inc. without regard to piercing the corporate veil.

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49. Foundations Health, LLC and Foundations Health Solutions, LLC control 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.

50. The Defendants in the foregoing paragraphs collectively own, manage, control, and/or are responsible for the care delivered to residents of Empowering People aka Empowering People, Inc. directly or through their domination and control of any putative entity license holder.

DEFENDANTS: ALTERCARE

51. Altercare of Cuyahoga Falls aka Altercare of Cuyahoga Falls Center for Rehabilitation & Nursing Care, Inc. is an Ohio corporation that holds itself out to the public as a provider of medical and nursing care, including but not limited to, rehabilitation and skilled nursing care, through its agents, operatives and / or employees and does business as Altercare of Cuyahoga Falls aka Altercare of Cuyahoga Falls Center for Rehabilitation & Nursing Care, Inc.

52. Altercare aka Altercare, Inc. is an Ohio corporation that holds itself out to the public as a provider of medical and nursing care, including but not limited to, rehabilitation and skilled nursing care, through its agents, operatives and / or employees and does business as Altercare of Cuyahoga Falls aka Altercare of Cuyahoga Falls Center for Rehabilitation & Nursing Care, Inc.

53. Altercare of Ohio, Inc. is an Ohio corporation that holds itself out to the public as a provider of medical and nursing care, including but not limited to,

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rehabilitation and skilled nursing care, through its agents, operatives and / or employees and does business as Altercare of Cuyahoga Falls aka Altercare of Cuyahoga Falls Center for Rehabilitation & Nursing Care, Inc.

54. TSG Nursing Centers, Inc. is an Ohio corporation that holds itself out to the public as a provider of medical and nursing care, including but not limited to, rehabilitation and skilled nursing care, through its agents, operatives and / or employees and does business as Altercare of Cuyahoga Falls aka Altercare of Cuyahoga Falls Center for Rehabilitation & Nursing Care, Inc.

55. The Schroer Group, Inc. is an Ohio corporation that holds itself out to the public as a provider of medical and nursing care, including but not limited to, rehabilitation and skilled nursing care, through its agents, operatives and / or employees and does business as Altercare of Cuyahoga Falls aka Altercare of Cuyahoga Falls Center for Rehabilitation & Nursing Care, Inc.

56. Schroer Properties of Cuyahoga Falls, Inc. is an Ohio corporation that holds itself out to the public as a provider of medical and nursing care, including but not limited to, rehabilitation and skilled nursing care, through its agents, operatives and / or employees and does business as Altercare of Cuyahoga Falls aka Altercare of Cuyahoga Falls Center for Rehabilitation & Nursing Care, Inc.

57. The Defendants in the foregoing paragraphs employ, manage, and direct the care and service providers who were responsible for Brian Taylor's care, treatment, and safety at Altercare of Cuyahoga Falls aka Altercare of Cuyahoga Falls Center for Rehabilitation & Nursing Care, Inc. while he was a resident there, and / or are responsible for creating unsafe conditions at Altercare through their control of Altercare's

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management that directly led to Brian Taylor's injuries and untimely and wrongful death on May 25, 2025.

58. The Defendants in the foregoing paragraphs direct and control operations at Altercare of Cuyahoga Falls aka Altercare of Cuyahoga Falls Center for Rehabilitation & Nursing Care, Inc. and are therefore directly liable for mismanagement of Altercare of Cuyahoga Falls aka Altercare of Cuyahoga Falls Center for Rehabilitation & Nursing Care, Inc. without regard to piercing the corporate veil.

59. Altercare aka Altercare, Inc. 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.

60. The Defendants in the foregoing paragraphs collectively own, manage, control, and/or are responsible for the care delivered to residents of Altercare of Cuyahoga Falls aka Altercare of Cuyahoga Falls Center for Rehabilitation & Nursing Care, Inc. directly or through their domination and control of any putative entity license holder.

VICARIOUS LIABILITY

61. The Defendants employ the care providers who were responsible for ensuring Brian Taylor's care and safety.

62. The Defendants manage, control, and/or employ the staff at Empowering People aka Empowering People, Inc. and Altercare of Cuyahoga Falls aka Altercare of Cuyahoga Falls Center for Rehabilitation & Nursing Care, Inc.

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63. Brian Taylor's family, including his mother Donna Sandy, looked to the Defendants to provide Brian Taylor for care based upon their representations.

64. 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

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

66. 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

67. Empowering People holds itself out to the public as a provider of residential and intermediate care, including but not limited to, disability services and around the clock nursing services.

68. Altercare holds itself out to the public as a provider of medical and nursing care, including but not limited to, rehabilitation and skilled nursing care.

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

70. For intermediate care facilities and nursing homes generally, the largest individual revenue source is residents (filling beds), and the largest individual expense is the cost of employing staff to provide care to those residents. This creates a financial incentive to take on more residents with greater care needs than staff can properly care for, a violation of federal nursing home regulations regarding staffing levels.

71. The Defendants manage, control, and / or employ the staff at Empowering People and Altercare.

72. The Defendants exercise actual control over Empowering People aka Empowering People, Inc. and Altercare of Cuyahoga Falls aka Altercare of Cuyahoga Falls Center for Rehabilitation & Nursing Care, Inc.'s management and operations to maximize profits, including control over facility-level:

a. policies and procedures, including regarding resident care;

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

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

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

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

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

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

h. medical record systems and management;

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

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

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

73. As the result of this control, the Defendants make decisions that affect the day-to-day care of residents of Empowering People aka Empowering People, Inc. and Altercare of Cuyahoga Falls aka Altercare of Cuyahoga Falls Center for Rehabilitation & Nursing Care, Inc., such as the resources available for providing staff and care to residents like Brian Taylor, meaning they are responsible for the foreseeable harm that results from careless decisions while voluntarily exercising that control.

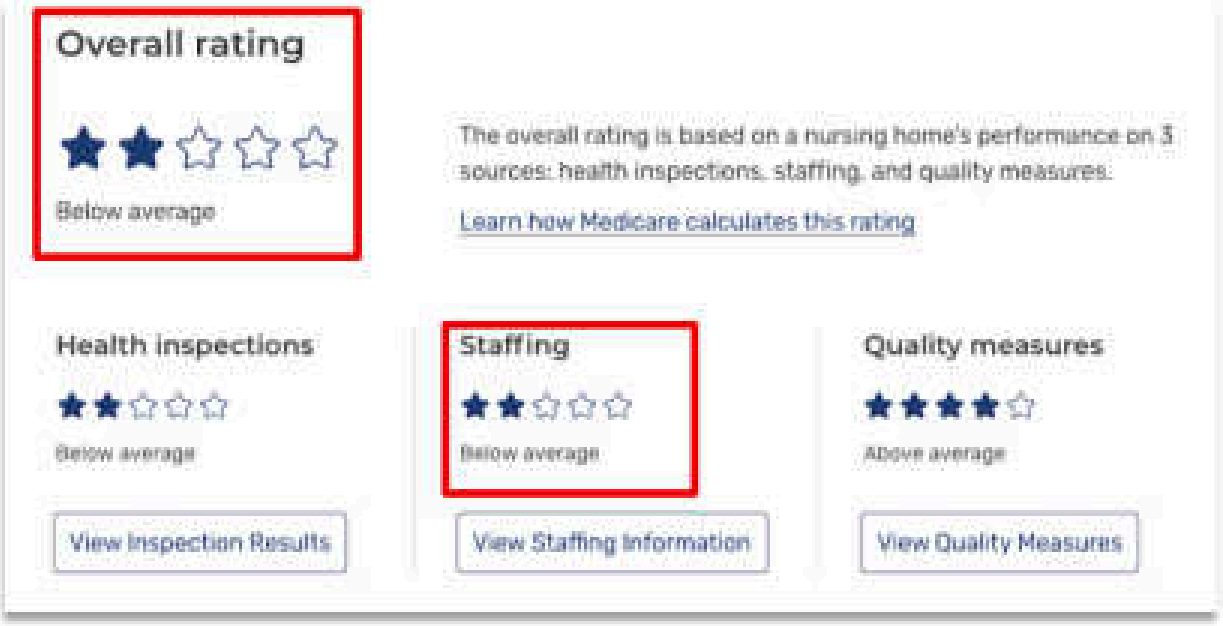
74. Defendants failed to ensure, through their operational, budgetary, consultation and managerial decisions and actions, that Empowering People aka Empowering People, Inc. and Altercare of Cuyahoga Falls aka Altercare of Cuyahoga Falls Center for Rehabilitation & Nursing Care, Inc. were sufficiently staffed to meet the individual needs of its residents, including Brian Taylor.

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

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76. Altercare's systemic understaffing of Altercare of Cuyahoga Falls aka Altercare of Cuyahoga Falls Center for Rehabilitation & Nursing Care, Inc. resulted in a "2-star" ("below average") ranking for Staffing on the Medicare.gov Nursing Home Compare website and "2-star" ("below average") overall ranking.



Altercare's systemic understaffing resulted in a "2-star" ("below average") ranking for Staffing on the Medicare.gov Nursing Home Compare website and "2-star" ("below average") overall ranking.

77. This lack of sufficient staff at both Empowering People aka Empowering People, Inc. and Altercare of Cuyahoga Falls aka Altercare of Cuyahoga Falls Center for Rehabilitation & Nursing Care, Inc. directly resulted in Brian Taylor not receiving basic and necessary services to prevent, among other things, neglect leading to his injuries and death.

78. Empowering People also exercises operational and managerial control, and apply this profits-over-safety model, at the following facilities in the State of Ohio:

a. Manor Home
PO Box 110 (246 N. Broadway), Geneva, OH 44041

b. Vienna Meadows

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125 E. National Road, South Vienna, OH 45369

c. Consumer Choice Inc.
840 N. Market Street, Lisbon, OH 44432

d. Sunrise Homes
38655 Saltwell Road, Lisbon, OH 44432

e. Alliance Group Homes
Building #1 2720 Beechwood Avenue NE, Alliance, OH 44601
Building #2 2718 Beechwood Avenue NE, Alliance, OH 44601
Building #3 2716 Beechwood Avenue NE, Alliance, OH 44601
Building #4 2714 Beechwood Avenue NE, Alliance, OH 44601

f. Carnegie
3927 Carnegie Avenue NW, Massillon, OH 44646

g. Deborah
1121 Deborah Street NW, Canton, OH 44720

h. Strausser Home
10405 Strausser Street NW, Canal Fulton, OH 44614

i. Sturbridge Home
14421 Sturbridge Road NE, Alliance, OH 44601

j. Dunbar - EPI Summit
780 Dunbar Road, Tallmadge, OH 44278

k. Ellsworth - EPI Summit
4223 Ellsworth Road, Stow, OH 44224

l. Frank - EPI Summit
427 Frank Avenue, Barberton, OH 44203

m. Lakeview - EPI Summit
1455 Lakeview Boulevard, Stow, OH 44224

n. North Thomas - EPI Summit
105 North Thomas, Tallmadge, OH 44278

o. Pontius - EPI Summit
3415 Pontius Road, Uniontown, OH 44685

p. Ritchie - EPI Summit
1758 Ritchie Road, Stow, OH 44224

q. Springfield - EPI Summit
3568 E. Waterloo Road, Springfield, OH 44312

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r. Winchester - EPI Summit
495 Winchester Road, Fairlawn, OH 44333

s. Empowering People Inc.
1268 N River Road NE, Warren, OH 44483

79. Altercare also exercises operational and managerial control, and apply this profits-over-safety model, at the following facilities in the State of Ohio:

a. Altercare Alliance
11750 Klinger Avenue, Alliance, OH 44601

b. Altercare Bucyrus
1929 Whetstone Street, Bucyrus, OH 44820

c. Altercare Cambridge
66731 Old Twenty One Road, Cambridge, OH 43725

d. Altercare Canal Winchester,
6725 Thrush Drive, Canal Winchester, OH 43110

e. Altercare Coshocton
1991 Otsego Avenue, Coshocton, OH 43812

f. Altercare Country Lawn
10608 Navarre Road SW, Navarre, OH 44662

g. Altercare Hartville
1420 Smith Kramer Road, Hartville, OH 44632

h. Altercare Lanfair
1590 Chartwell Street, Lancaster, OH 43130

i. Altercare Louisville
7187 St Francis Street NE, Louisville, OH 44641

j. Altercare Majora Lane
105 Majora Lane, Millersburg, OH 44654

k. Altercare Mayfield Village
290 N Commons Boulevard, Mayfield Village, OH 44143

l. Altercare Navarre
517 Park Street, Navarre, OH 44662

m. Altercare Newark North
151 Price Road, Newark, OH 43055

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n. Altercare Newark South
17 Forry Street, Newark, OH 43055

o. Altercare Nobles Pond
7006 Fulton Drive NW, Canton, OH 44718

p. Altercare Post-Acute
1463 Tallmadge Road, Kent, OH 44240

q. Altercare Somerset
411 S Columbus Street, Somerset, OH 43783

r. Altercare Summit Acres
44565 Sunset Road, Caldwell, OH 43724

s. Altercare Thornville
14100 Zion Road, Thornville, OH 43076

t. Altercare Wadsworth
147 Garfield Street, Wadsworth, OH 44281

u. Altercare Zanesville
4200 Harrington Drive, Zanesville, OH 43701

Reporting Data – Nursing Home

80. Altercare is 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."

81. The data Altercare submits 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.

82. This data is certified correct by Altercare and / or submitted under penalty of perjury and / or civil or criminal penalties.

83. Medicare uses some of this data submitted by Altercare to produce its nursing home 5-star rating system, also known as "Nursing Home Compare."

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Nursing Home Resident Care Needs and Staffing Levels (MDS and PDPM Scores)

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

85. Nursing homes like Altercare of Cuyahoga Falls aka Altercare of Cuyahoga Falls Center for Rehabilitation & Nursing Care, Inc. are required to evaluate every resident using the Minimum Data Set questionnaire shortly after the time of admission, every 90 days thereafter, when a resident has a significant improvement or decline in health (physical, mental, or psychosocial), and upon discharge.

86. 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.

87. 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.

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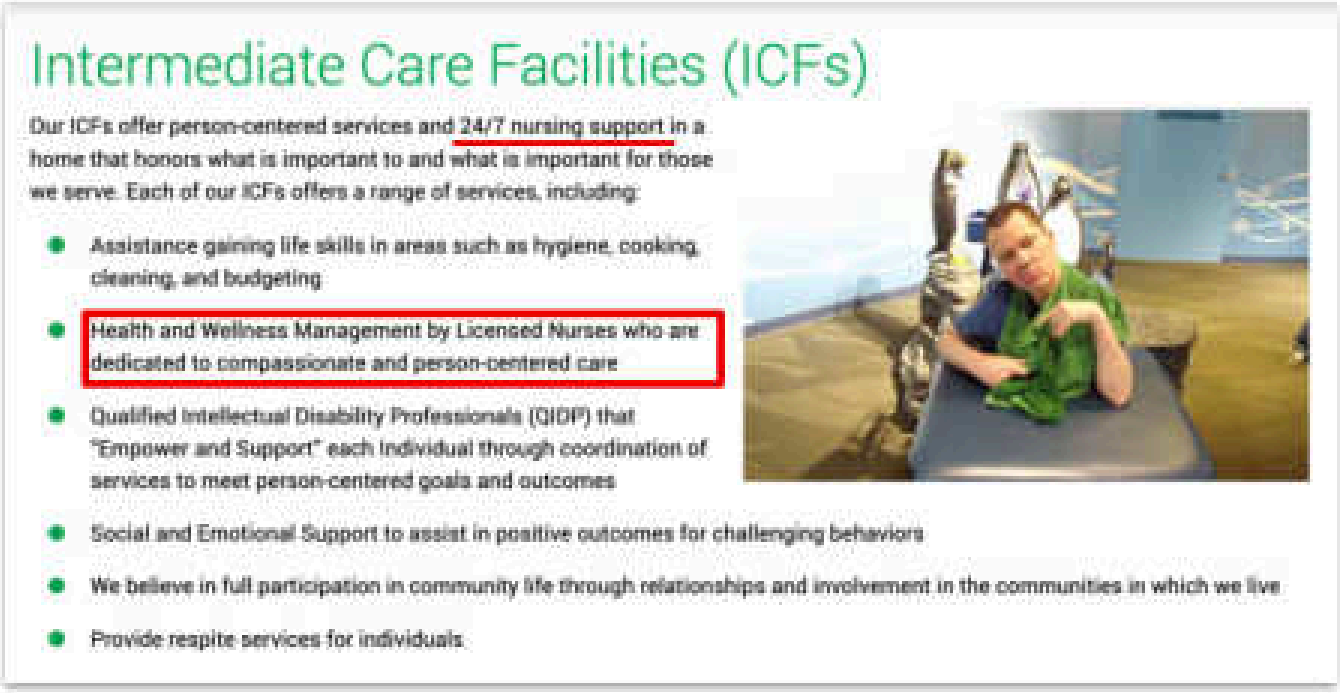
88. When these PDPM scores are combined for all residents in a nursing home facility, the nursing home knows exactly how many minutes of nursing and nursing aide care should be provided, on average, to meet the expected care needs of their residents.

Misleading Advertising

89. In an effort to persuade the families of patients to become customers, Defendants make promises to the families of such potential residents that they will provide a level of care that they know they are incapable of providing.

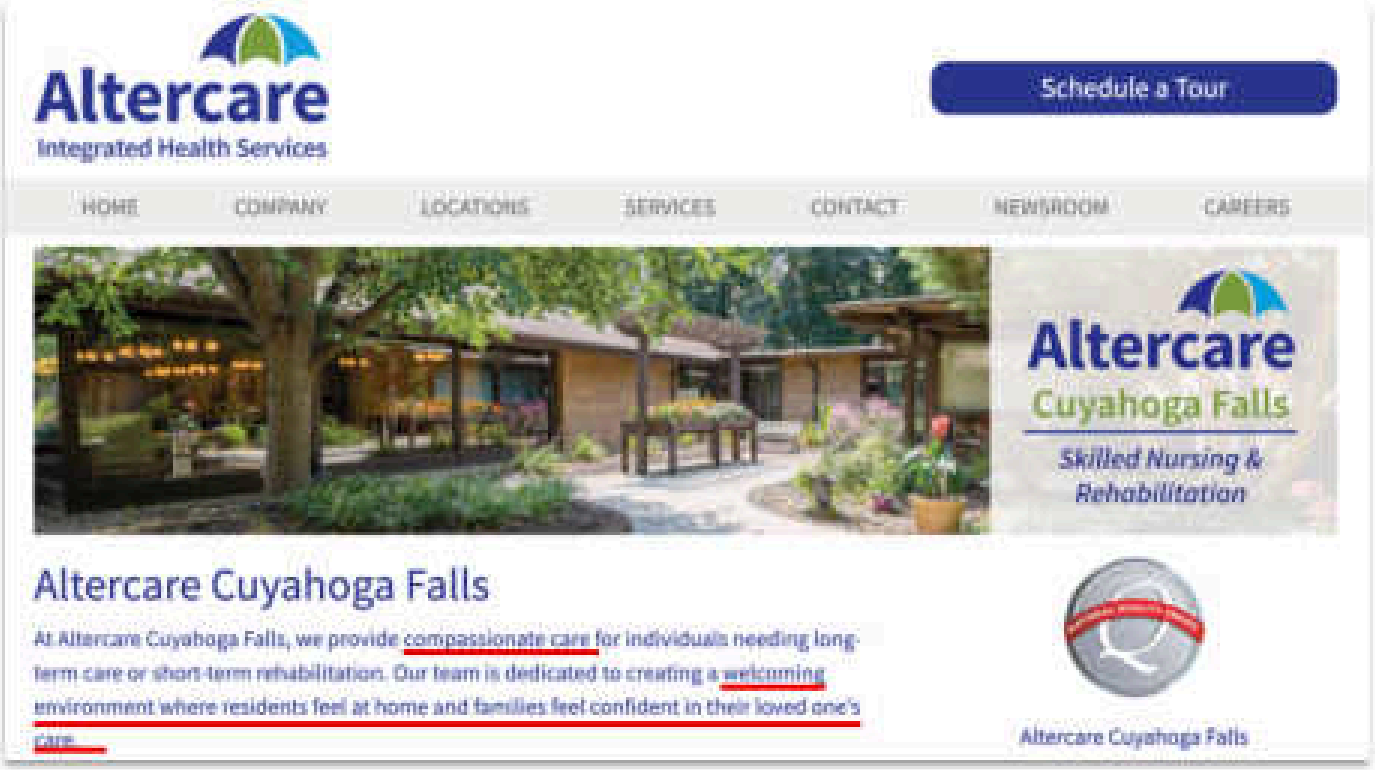


Empowering People advertises as an organization that provides compassionate care and a supportive living environment.



Empowering People also advertises its Intermediate Care Facilities, such as the one Brian Taylor was a resident of, as providers of "24/7 nursing support" and health managed by licensed nurses who provide compassionate and person-centered care.

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Altercare also advertises "compassionate care" and a welcoming environment where families can feel "confident" about the care their loved one is receiving.

90. The intent and outcome of this misleading practice is to cause residents, their families, and external care providers to believe the 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.

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

Systemic Understaffing and Brian Taylor's Care

92. Defendants failed to ensure, through their operational, budgetary, consultation and managerial decisions and actions, that their facilities were sufficiently

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staffed, and the staff was appropriately trained and informed, to meet the individual needs of Brian Taylor during the period he was a resident at their facilities.

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

94. This lack of sufficient staff directly resulted in Brian Taylor not receiving basic and necessary services, assessments, and interventions to prevent, among other things, neglect leading to their injuries at Empowering People aka Empowering People, Inc. and Altercare of Cuyahoga Falls aka Altercare of Cuyahoga Falls Center for Rehabilitation & Nursing Care, Inc. during the period he was a resident at these facilities.

Defendants' Negligence and Recklessness with Brian Taylor

95. Empowering People accepted Brian Taylor as a resident despite knowing he was non-verbal, vulnerable, and entirely dependent upon caregivers for supervision, mobility, hygiene, repositioning, and medical care.

96. After Empowering People assumed control of Brian's care in or around 2023, Brian experienced a significant physical decline, including prolonged confinement to his bed and wheelchair, lack of ambulation, use of restraints, and inadequate supervision and care.

97. Empowering People failed to provide adequate repositioning, hygiene, wound prevention, monitoring, and medical care, causing Brian to develop a severe stage IV decubitus ulcer.

98. On or about November 6, 2024, Brian's decubitus ulcer was diagnosed at Akron General Medical Center. Despite the diagnosis, Defendants failed to implement adequate wound care, infection prevention, repositioning, and treatment measures.

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99. Altercare accepted Brian Taylor as a resident knowing he was being transferred for a "higher level of care." Despite this representation, Altercare likewise failed to provide adequate nursing care, hygiene, repositioning, wound care, ambulation assistance, and monitoring.

100. While Brian was in the care of Altercare, he was repeatedly transported to hospitals in a neglected and soiled condition, including occasions where dried feces remained on his body.

101. Brian's condition continued to deteriorate due to the infected stage IV decubitus ulcer and resulting complications.

102. Brian Taylor died on May 25, 2025.

103. Brian's injuries, suffering, decline, pain, and death were directly and proximately caused by Defendants' negligent and reckless failures to provide adequate care, supervision, hygiene, wound management, repositioning, ambulation assistance, and protection, including Defendants' understaffing and failure to adequately staff the facility while Brian was under their custody and control.

FIRST CAUSE OF ACTION
(NEGLIGENCE / RECKLESSNESS)

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

105. Brian Taylor depended on Empowering People, and their respective staff, including Defendant Denny O. Speaks, residential care.

106. Empowering People had a duty to provide proper care and treatment to Brian Taylor and to avoid causing his injury.

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107. Empowering People, including their staff, failed to provide proper care and treatment to Brian Taylor, which they knew or should have known she required, and their negligence was the direct and proximate cause of the injuries that Brian Taylor suffered.

108. Empowering People's failure to provide proper care included, but is not limited to:

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

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

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

d) Choosing to provide too few, and / or underqualified staff members for resident needs at each facility to protect and provide adequate care to residents like Brian Taylor;

e) Choosing to not provide accurate, adequate, or timely information to Brian Taylor's family;

f) Choosing to violate orders relating to care of Brian Taylor;

g) Choosing to violate state and federal regulations governing care and staffing levels in facilities by which residents like Brian Taylor are a member of the class of persons intended to be protected from injuries like those she suffered;

h) Failing to ensure the rights and safety of its residents, including Brian Taylor, as required by Ohio and federal regulations;

i) Choosing not to provide appropriate care to Brian Taylor while he was a resident/attendee; and

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

109. Empowering People and Denny O. Speaks, directly or through their employees or agents, violated Brian Taylor's rights as a resident of Empowering People's

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facilities, as enumerated in Ohio Administrative Code section OAC 5122-30-22.1 et seq., including, but not limited to:

a. The right to exercise one's own rights without reprisal;

b. The right to be treated at all times with courtesy and respect, and with consideration for personal dignity, autonomy and privacy;

c. The right to receive services in the least restrictive, feasible environment;

d. The right to receive humane services in a clean, safe, comfortable, welcoming, stable and supportive environment;

e. The right to reasonable protection from physical, sexual and emotional abuse, and exploitation;

f. The right to be free from restraint or seclusion;

g. The right not to be locked in the facility at any time for any reason;

h. The right to consent to or refuse services in a class two facility, or if the resident has a legal custodian, the right to have the legal custodian make decisions about services for the resident; and

i. The right not to be deprived of any legal rights solely by reason of residence in the facility.

110. These actions constituted a conscious disregard for Brian Taylor's rights and safety with a great probability of causing substantial harm from this misconduct, by which—through heedless indifference to the consequences—Empowering People 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 care were rendered, constituting an unreasonable risk of injury, death, or loss to person or property, or intentional misconduct or willful or wanton misconduct. Empowering People were aware of the great probability of harm that could result from their willful, wanton, and/or reckless misconduct.

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111. Empowering People's disregard for the rights and safety of residents like Brian Taylor created circumstances under which it became substantially certain that serious injuries would result, entitling Plaintiff to awards for compensatory and punitive damages.

112. Empowering People are directly liable for their own willful, wanton, and/or reckless misconduct.

113. Empowering People are also vicariously liable for their employees' and agents' willful, wanton, and/or reckless misconduct, including the conduct of Denny O. Speaks.

114. Empowering People and their staff provided care to Brian Taylor that fell below the duty of reasonable care owed by residential care facilities to their residents, under the same or similar circumstances.

115. 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 OAC 5122-30-22.1 et seq., and the Ohio Resident's Rights Law, R.C. section 3721.13.

116. As a direct and proximate result of the negligent and/or willful, wanton and/or reckless actions of the Defendants described above, Brian Taylor sustained permanent injury and loss including, but not limited to, conscious pain and suffering, and permanent bodily disfigurement.

WHEREFORE, Plaintiffs demand judgment against Empowering People and Denny O. Speaks, jointly, in an amount more than Twenty-Five Thousand Dollars ($25,000.00), for conscious pain and suffering, permanent bodily disfigurement, loss of enjoyment, together with costs of suit, attorney's fees and expenses, punitive and

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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)

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

118. Brian Taylor depended on the Defendants, and their respective nursing and medical staff, for medical and nursing care, treatment, evaluation, and assistance.

119. The Defendants had a duty to provide proper care and treatment to Brian Taylor and to avoid causing injury to Brian Taylor.

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

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

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

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

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

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

e. choosing to not provide accurate, adequate, or timely information to Brian Taylor's family;

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

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g. choosing to violate orders relating to care of Brian Taylor;

h. choosing to violate state and federal regulations governing care and staffing levels in nursing home facilities by which residents like Brian Taylor are a member of the class of persons intended to be protected from injuries like those they suffered;

i. failing to ensure the rights and safety of its residents, including Brian Taylor, as required by Ohio and federal regulations;

j. choosing not to provide appropriate care to Brian Taylor while they were a resident of the Facility; and

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

122. These actions constituted a conscious disregard for Brian Taylor'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.

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

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

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

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

127. 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 OAC 5122-30-22.1 et seq., and the Ohio Resident's Rights Law, R.C. section 3721.13.

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

129. WHEREFORE, Plaintiff demands judgment against the Defendants, jointly, in an amount more than Twenty-Five Thousand Dollars ($25,000.00), for conscious pain and suffering, loss of enjoyment, together with costs of suit, attorney's fees and expenses, punitive and exemplary damages, and any other relief to which the Plaintiff may be entitled to and/or that the court finds is appropriate and/or equitable.

THIRD CAUSE OF ACTION
(WRONGFUL DEATH)

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

131. Brian Taylor depended on the Defendants, and their respective nursing and medical staff, for medical and nursing care, treatment, evaluation, and assistance.

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132. The Defendants had a duty to provide proper care and treatment to Brian Taylor and to avoid causing injury to Brian Taylor.

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

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

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

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

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

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

e. choosing to not provide accurate, adequate, or timely information to Brian Taylor's family;

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

g. choosing to violate orders relating to care of Brian Taylor;

h. choosing to violate state and federal regulations governing care and staffing levels in nursing home facilities by which residents like Brian Taylor are a member of the class of persons intended to be protected from injuries like those she suffered;

i. failing to ensure the rights and safety of its residents, including Brian Taylor, as required by Ohio and federal regulations;

j. choosing not to provide appropriate care to Brian Taylor while she was a resident of the Facility; and

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

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

a. the right to a safe and clean living environment;

b. the right to be free from physical, verbal, mental, and emotional abuse and to be treated at all times with courtesy, respect, and full recognition of dignity and individuality;

c. the right to adequate and appropriate medical treatment and nursing care and to other ancillary services that comprise necessary and appropriate care;

d. the right to have clothes and bed sheets changed as the need arises, to ensure the resident's comfort or sanitation;

e. the right to participate in decisions that affect the resident's life; and

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

136. Empowering People and Denny O. Speaks, directly or through their employees or agents, violated Brian Taylor's rights as a resident of the Defendants' facilities, as enumerated in Ohio Administrative Code section OAC 5122-30-22.1 et seq., including, but not limited to:

a. The right to exercise one's own rights without reprisal;

b. The right to be treated at all times with courtesy and respect, and with consideration for personal dignity, autonomy and privacy;

c. The right to receive services in the least restrictive, feasible environment;

d. The right to receive humane services in a clean, safe, comfortable, welcoming, stable and supportive environment;

e. The right to reasonable protection from physical, sexual and emotional abuse, and exploitation;

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f. The right to be free from restraint or seclusion;

g. The right not to be locked in the facility at any time for any reason;

h. The right to consent to or refuse services in a class two facility, or if the resident has a legal custodian, the right to have the legal custodian make decisions about services for the resident; and

i. The right not to be deprived of any legal rights solely by reason of residence in the facility.

137. These violations are evidence of negligence and conscious disregard of Brian Taylor's rights and safety, and give rise to a statutory cause of action.

138. Brian Taylor endured conscious pain, suffering, and disability, and other harms and losses as the direct and proximate result of Defendants' violations of R.C. 3721.13 and/or Ohio Administrative Code section OAC 5122-30-22.1 et seq.

139. These actions constituted a conscious disregard for Brian Taylor'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.

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

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

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

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

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

145. 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 OAC 5122-30-22.1 et seq., and the Ohio Resident's Rights Law, R.C. section 3721.13.

146. As a direct and proximate result of the negligence / recklessness described above, Brian Taylor sustained injuries that caused her untimely and wrongful death.

147. Brian Taylor'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.

148. 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.

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

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

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150. Altercare, directly or through their employees or agents, violated Brian Taylor's rights as a resident of Altercare's facilities, as enumerated in Ohio Revised Code section 3721.13, including, but not limited to:

a. the right to a safe and clean living environment;

b. the right to be free from physical, verbal, mental, and emotional abuse and to be treated at all times with courtesy, respect, and full recognition of dignity and individuality;

c. the right to adequate and appropriate medical treatment and nursing care and to other ancillary services that comprise necessary and appropriate care;

d. the right to have clothes and bed sheets changed as the need arises, to ensure the resident's comfort or sanitation;

e. the right to participate in decisions that affect the resident's life; and

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

151. These violations are evidence of negligence and conscious disregard of Brian Taylor's rights and safety, and give rise to a statutory cause of action.

152. As a direct and proximate result of Altercare's violations of R.C. 3721.13, Brian Taylor conscious pain, suffering, and disability, and other harms and losses, including death.

153. WHEREFORE, Plaintiff demands judgment against Altercare, jointly, in an amount in excess of $25,000.00, together with costs of suit, attorney's fees and expenses, punitive and exemplary damages, and any other relief to which the court finds is appropriate and / or equitable. FOURTH CAUSE OF ACTION

(CIVIL CONSPIRACY)

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

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155. The Defendants identified as Altercare had an express agreement, mutual understanding, or tacit agreement to, and/or their agents maliciously combined efforts to:

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

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

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

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

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

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

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

156. This understanding constitutes a malicious combination to injure residents of Altercare's facilities, including Brian Taylor.

157. In pursuance of this common plan or design to commit tortious acts, Altercare 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.

158. The conspiracy caused injury to Brian Taylor.

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159. The Defendants identified as Empowering People had an express agreement, mutual understanding, or tacit agreement to, and/or their agents maliciously combined efforts to:

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

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

j. 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;

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

l. conceal acts of neglect and/or abuse against residents by staff, agents, and/or employees of Empowering People in contravention of state regulation mandating reporting of neglect and/or abuse;

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

160. This understanding constitutes a malicious combination to injure residents of Empowering People's facilities, including Brian Taylor.

161. In pursuance of this common plan or design to commit tortious acts, Empowering People 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.

162. The conspiracy caused injury to Brian Taylor.

163. 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.

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FIFTH CAUSE OF ACTION
(FRAUD)

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

165. Defendants concealed facts concerning their staffing levels, pay, and the amount of care they were actually capable of providing at Empowering People aka Empowering People, Inc. and Altercare of Cuyahoga Falls aka Altercare of Cuyahoga Falls Center for Rehabilitation & Nursing Care, Inc.

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

167. 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 Brian Taylor's family and other potential customers into placing their loved ones in the care and custody of Defendants.

168. Brian Taylor's family and the family members of other potential customers reasonably relied on Defendants' representations and concealments regarding the degree of care they provide.

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

170. As a direct and proximate result of Defendants' actions, representations, and concealments, Brian Taylor suffered conscious pain and suffering and death.

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171. As a direct and proximate result of Defendants' action, representations, and concealments, Brian Taylor's next-of-kin have experienced harms and losses as a result of their death, including those damages set forth in Ohio's wrongful death statute, Ohio Revised Code section 2125.02 *et seq*.

172. 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.

SIXTH CAUSE OF ACTION

(BATTERY)

173. 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.

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

175. Defendant Denny O. Speaks willfully caused harmful and/or offensive physical contact with Plaintiff Brian Taylor, committing a battery against him by forcefully striking him in the face with his hand.

176. Defendant Denny O. Speaks knew with substantial certainty that their act or acts would bring about harmful or offensive contact.

177. At all times relevant, Defendant Denny O. Speaks was acting in the scope of his employment with Empowering People.

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178. At all times relevant, Defendant Denny O. Speaks believed that his conduct was endorsed, and in fact was endorsed, by Empowering People due to their tolerance for and concealment of intentionally harmful and/or offensive contact with residents, including physical and verbal abuse at their facilities.

179. At all times relevant, Defendant Denny O. Speaks believed that intentionally harmful and/or offensive contact with residents including engaging in physical and/or verbal abuse of Brian Taylor was a means to quickly accomplish his tasks to serve the business interests of his employers, Empowering People.

180. At all times relevant, Defendant Denny O. Speaks believed that intentionally harmful and/or offensive contact with residents including engaging in physical and/or verbal abuse to "teach a lesson" to Brian Taylor in order to gain compliance from and/or control over Brian Taylor and more quickly accomplish Defendant Denny O. Speaks' tasks would serve the business interests of his employers, Empowering People.

181. Empowering People are vicariously liable for the intentionally harmful conduct and/or battery committed by their employee, Defendant Denny O. Speaks, against Plaintiff Brian Taylor, by virtue of endorsing and/or tolerating and/or concealing abusive conduct including physical batteries of residents at the Facility by their agents and/or employees, including Defendant Denny O. Speaks.

182. Empowering People are vicariously liable for the intentionally harmful conduct and/or battery committed by their employee, Defendant Denny O. Speaks, against Plaintiff Brian Taylor, by virtue of engaging in conduct which led to the belief of their agents and/or employees, including Defendant Denny O. Speaks, that engaging in physical and/or verbal abuse of residents was a means to quickly accomplish the

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agents/employees' tasks to serve the business interests of Empowering People, and/or engaging in conduct which led to the belief of their agents and/or employees, including Defendant Denny O. Speaks, that engaging in physical and/or verbal abuse to "teach a lesson" to residents who were frightened, agitated, defensive, and/or resistant in order to gain compliance from and/or control over the residents to more quickly accomplish the agents/employees' tasks to serve the business interests of Empowering People.

183. The intentional harm, physical abuse, and/or battery committed against Plaintiff Brian Taylor by Defendant Denny O. Speaks was foreseeable to Empowering People as a consequence of the above-described endorsement and/or tolerance of intentionally harmful conduct and/or battery committed by their agents/employees including physical and verbal abuse of residents by Empowering People' agents and/or employees.

184. As a direct and proximate result of Denny O. Speaks and Empowering People's intentionally harmful and/or physically abusive conduct described above, Brian Taylor sustained permanent injury and harm, including but not limited to pain and suffering, mental and emotional anguish, and severe emotional distress.

WHEREFORE, Plaintiff demands judgment against Defendant Denny O. Speaks and Empowering People, jointly, in an amount more than Twenty-Five Thousand Dollars ($25,000.00), for permanent injury and harm, including but not limited to pain and suffering, mental and emotional anguish, severe emotional distress, and loss of enjoyment, together with costs of suit, attorneys' 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.

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SEVENTH CAUSE OF ACTION

(NEGLIGENT HIRING, SUPERVISION, AND RETENTION)

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

186. Empowering People was in an employer-employee relationship with Defendant Denny O. Speaks, and other staff who caused harm to Brian Taylor.

187. Empowering People' employees were incompetent to provide care and services to Brian Taylor.

188. Empowering People had actual or constructive knowledge of their employees' incompetence, including Defendant Denny O. Speaks.

189. Empowering People' employees' acts or omissions caused injury to Brian Taylor.

190. Empowering People' negligence in hiring, retaining, or supervising their employees is the proximate cause of Brian Taylor's injuries.

WHEREFORE, Plaintiff demands judgment against Empowering People, jointly, in an amount more than Twenty-Five Thousand Dollars ($25,000.00), for permanent injury and harm, including but not limited to pain and suffering, mental and emotional anguish, severe emotional distress, and loss of enjoyment, together with costs of suit, attorneys' 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.

Tavia Galonski, Summit County Clerk of Courts

A TRIAL BY JURY IS HEREBY DEMANDED

Respectfully Submitted,

/s/ C. Joseph McCoy

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