IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

ESTATE OF ROBERT VOYTEK, deceased, by and through Charles Voytek, Administrator c/o Eadie IIill Trial Lawyers 3100 E 45 St., Suite 400 Cleveland, OH 44127 and ESTATE OF CAROL VOYTEK, deceased, by and through Michele Trgo, Executrix c/o Eadie Hill Trial Lawyers 3100 E 45 St., Suite 400 Cleveland, OH 44127 Plaintiffs, vs. PROGRESSIVE QUALITY CARE, INC. c/o DHP Landerbrook, Inc. 5910 Landerbrook Dr. Cleveland, OH 44124 and PROGRESSIVE MACEDONIA, LLC dba Avenue at Macedonia c/o DHP Landerbrook, Inc. 5910 Landerbrook Dr. Cleveland, OH 44124 and PROGRESSIVE MACEDONIA REAL ESTATE, INC. c/o DHP Landerbrook, Inc. 5910 Landerbrook Dr. Cleveland, OH 44124 and HAITHAM AZEM, MD UH Bedford Medical Center 88 Center Road	CASE NO. JUDGE Refiled from: CV 20 937107 **COMPLAINT WITH JURY DEMAND ATTACHED** **AFFIDAVIT OF MERIT ATTACHED**

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Suite 130
Bedford, OH 44146

Defendants.

This is a refiled action from *Estate of Robert Voytek, et al v. Progressive Quality Care, Inc. et al*, Cuyahoga County Common Pleas, Case No CV 20 937107 pending before Holli J. Gallagher.

Plaintiffs, the Estate of Robert Voytek and the Estate of Carol Voytek, by and through their respective fiduciaries and on behalf of their next of kin, for their Complaint against the above-captioned Defendants, state and aver upon information and belief:

INTRODUCTION

1. This is a negligence action involving Defendants lack of care towards its resident and patient, Robert Voytek, leading to the development, worsening, and infection of skin breakdowns ("bedsores" or "pressure ulcers") on Robert's body (including Stage IV wounds to his coccyx and heals), osteomyelitis, infections, dehydration, malnutrition, and contractures.

2. Plaintiffs request a trial by jury.

3. Plaintiffs seek punitive damages in an amount necessary to punish the above-named Defendants and deter Defendants from engaging in similar conduct in the future.

4. Plaintiffs request attorneys' fees and the costs of this litigation.

DEFENDANTS

5. Defendants, Progressive Quality Care, Inc., Progressive Macedonia, LLC dba Avenue at Macedonia, and Progressive Macedonia Real Estate, Inc. ("Progressive Defendants"), are Ohio for-profit corporations, holding themselves out to the public as

providers of nursing and medical care, including but not limited to, rehabilitation and skilled nursing care, through their agents, operatives and/or employees responsible for providing care and services to residents of Avenue at Macedonia, a 98-bed nursing home located at 9730 Valley View Road, Macedonia, OH 44056 (the "Facility") with a 2-star ranking in staffing, which is considered below average.

6. Defendant, Haitham Azem, MD, is a physician licensed to practice medicine in Ohio who serves as a Facility doctor of Avenue of Macedonia. Dr. Azem provided medical care to Robert Voytek while he was a resident of the Facility and continued to provide medical care and treatment to Mr. Voytek following his discharge from the Facility until his death on November 1, 2020.

VICARIOUS LIABILITY

7. The Progressive Defendants employ the care providers who were responsible for ensuring Robert Voytek's care and safety.

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

9. The Progressive Defendants contracted with Dr. Azem to provide care to its residents, including Robert Voytek.

10. Robert Voytek and his family looked to the Defendants for care based upon their representations.

11. The Progressive 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 medical directors, 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

12. This Court has Jurisdiction over the Defendants because, among other things, all Defendants do, and all times relevant did, reside or have their domicile in the State of Ohio, purposefully avail themselves of the laws of the state of Ohio, and/or commit tortious acts within the state of Ohio.

13. Venue is proper in this County under Civil Rule 3(B) because, among other reasons: (a) one or more of the Defendants— Progressive Quality Care, Inc.—reside, domicile, carry on their principal place of business, or practice medicine/nursing, in this county.

COMMON FACTS

14. The Progressive Defendants hold themselves out to the public as providers of residential care, long-term nursing home, specialty hospitals, assisted living, and memory care services.

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

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

17. The Progressive Defendants exercise actual control over each facility's management and operations to maximize profits, including control over facility-level:

a. Policies and procedures, including regarding resident care;

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

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

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

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

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

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

h. Medical record systems and management;

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

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

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

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

19. The Progressive Defendants failed to ensure, through their operational, budgetary, consultation and managerial decisions and actions, that the Facility was sufficiently staffed to meet the individual needs of its residents, including Robert Voytek.

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

21. The Progressive Defendants' systemic understaffing of the facility resulted in a "two-star" ranking for Staffing on the Medicare.gov Nursing Home Compare website ("below average").

22. This lack of sufficient staff directly resulted in Robert Voytek not receiving basic and necessary services to prevent, among other things, neglect leading to injury, and temporary and/or permanent disability, ultimately resulting in a decreased quality of life for Robert Voytek and ongoing medical care and treatment that is expected to continue into the foreseeable future.

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

a. Amherst Meadows
1610 First Street N.E.
Massillon, OH 44646

b. Avenue at Aurora
425 South Chillicothe Road
Aurora, OH 44202

c. Avenue at Broadview Heights
1201 Akins Road
Broadview Heights, OH 44147

d. Glendora Health Care Center
1552 North Honeytown Road
Wooster, OH 44691

e. Green Meadows Health and Wellness Center
7770 Columbus Road N.E.
Louisville, OH 44641

f. Avenue at Medina

699 East Smith Rd
Medina, OH 44256

g. Avenue at North Ridgeville
6200 Lear Nagle Road
North Ridgeville, OH 44039

h. Parma Care
5553 Broadview Road
Parma, OH 44134

i. Pearlview Rehab and Wellness Center
4426 Homestead Drive
Brunswick, OH 44212

j. Schoenbrunn Healthcare
2594 East High Avenue
New Philadelphia, OH 44663

k. Avenue at Warrensville
4120 Interchange Corporate Center Road
Warrensville Heights, OH 44128

l. Avenue at Wooster
1700 E. Smithville Western Road
Wooster, OH 44691

Reporting Data – Nursing Home

24. The Progressive Defendants are required to report significant amounts of data to the federal agency that oversees operations of nursing homes receiving federal or state funding, the Centers for Medicare and Medicaid Services, or "Medicare."

25. The data the Progressive Defendants submit to Medicare regarding its facility includes data on its residents (numbers, care needs, and bed days), its finances, and its nurse and nursing aide staffing levels as compared to resident care needs.

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

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

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

28. Every nursing home receiving Medicare or Medicaid funding—the clear majority of nursing homes, including the Facility and others operated and/or controlled by the Progressive Defendants—is required to provide detailed information regarding the health status, care and treatment, and services provided to each resident in the facility using a questionnaire called the Minimum Data Set, or MDS. This evaluation is done for all nursing home residents regardless of whether their care is being paid for by Medicare.

29. Nursing homes like Facility 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.

30. 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 Resource Utilization Group score, or RUG score.

31. Each resident's Resource Utilization Group score is contained in Section Z of their Minimum Data Set evaluations, meaning the total care needs of the residents in any facility at a specific time is available by totaling the residents' Resource Utilization Group scores from their Minimum Data Set evaluations.

32. Medicare has commissioned and made available to every nursing home studies and data showing the number of minutes of nursing and nursing aide care a

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person at a specific RUG level should be expected to require, which Medicare calls "expected staffing."

33. When these Resource Utilization Group 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.

Systemic Understaffing and Robert Voytek's Care

34. Defendants failed to ensure, through their operational, budgetary, consultation and managerial decisions and actions, that Facility was sufficiently staffed to meet the individual needs of Robert Voytek during the periods that he was a resident at the Facility.

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

36. This lack of sufficient staff directly resulted in Robert Voytek not receiving basic and necessary services, assessments, and interventions, among other things, being turned or repositioned frequently to offload pressure resulting in severe, permanent Stage IV bedsores to his coccyx and heels causing pain, disability, and the need for ongoing medical treatment, including multiple surgical procedures.

Defendants Fail to Provide Adequate Care to Robert Voytek Causing Permanent Injuries

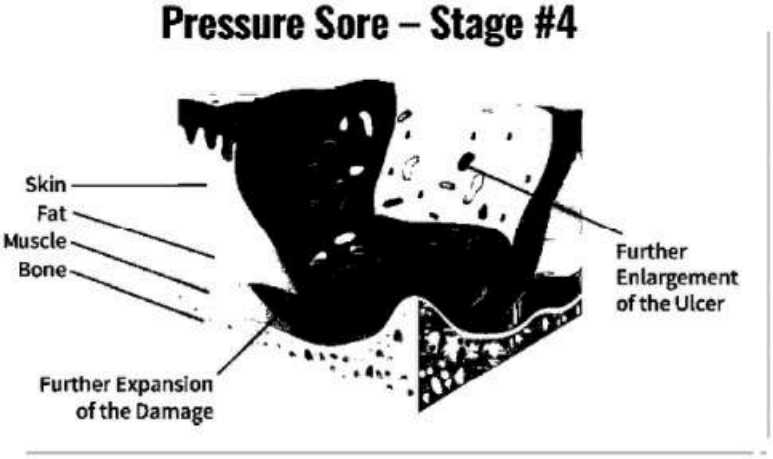
37. Robert Voytek was an 83-year-old man who was a resident of the Facility from March 11, 2020, through June 23, 2020.

38. Mr. Voytek had dementia, an illness that affects memory, judgment, and cognition generally, and was intermittently incontinent making him dependent on

Defendants for medical care and treatment, including for assistance with his activities of daily living, turning and positioning to prevent skin breakdowns like bedsores (or "pressure ulcers"), eating and drinking to meet his nutrition and hydration needs, and being kept clean and dry to prevent skin breakdowns, infections, and other maladies.

39. Robert Voytek had no skin breakdowns when he entered the Facility.

40. While a resident of the Facility, Defendants allowed Robert Voytek to develop numerous infected bedsores (classified as Stage IV), urinary tract infections ("UTIs"), dehydration, malnutrition, and an infection in the bone, called osteomyelitis, when the bones in his heels and coccyx became exposed because of the depth of the wounds.



41. Defendants should have prevented Mr. Voytek's bedsores by frequently repositioning and turning him in bed, floating his heels, and providing basic incontinence care to ensure that he was clean, dry, and turned.

42. The Defendants transferred Robert Voytek to University Hospitals on June 23, 2020 where he was diagnosed with multiple, severe bedsores, osteomyelitis, and other injuries and his coccyx wound was covered in feces.

43. In an effort to heal Robert's injuries caused by Defendants, Mr. Voytek underwent multiple surgical procedures to his coccyx and heals, called surgical

debridement, had longstanding IV antibiotics delivered through a catheter, called a PICC line, to treat his osteomyelitis, had a rectal tube to prevent feces from entering the wounds, and was bedbound causing painful, permanent contractures.

44. The Progressive Defendants' systemic understaffing, inadequate training, and poor management of the Facility led to poor care of its resident, Robert Voytek, causing him to suffer from, among other things:

a. Skin wounds (pressure ulcers or bedsores) from lack of positioning and turning, failure to provide timely and adequate assessments, failure to provide timely and adequate perineal care, failure to maintain clean and dry skin, failure to treat, and failure to timely obtain wound care;

b. Infections of those wounds from inadequate cleanliness and wound care;

c. Malnutrition and dehydration from lack of assistance with eating and drinking;

d. Failing to respond to Robert Voytek and other residents in a timely way; and

e. Failing to keep accurate, complete, and organized clinical records for Robert Voytek.

45. As a result of his injuries, Robert Voytek suffered frequent physical and/or emotional pain, temporary and/or permanent disabilities, and death.

46. The injuries and disabilities suffered by Robert Voytek were avoidable and preventable with the exercise of ordinary care by Defendants.

FIRST CAUSE OF ACTION
(NEGLIGENCE / RECKLESSNESS)

41. Plaintiffs incorporate all other paragraphs of this Complaint as if fully rewritten herein.

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

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

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

45. 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 Robert Voytek;

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

f. Choosing to violate state and federal regulations governing care and staffing levels in nursing home facilities by which residents like Robert Voytek are a member of the class of persons intended to be protected from injuries like those he suffered;

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

h. Choosing not to provide appropriate care to Robert Voytek while he was a resident of Avenue at Macedonia; and

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

46. These actions constituted a conscious disregard for Robert Voytek'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.

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

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

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

50. The Defendants and their medical and nursing staff provided care to Robert Voytek that fell below the standard of care expected of medical care and from physicians and nursing home organizations, under the same or similar circumstances.

51. The departures from the standard of care is evidenced by violations of sections of Federal Regulations, 42 C.F.R. § 483 *et seq.*, and Ohio Administrative Code sections, OAC 3701-17 *et seq.*, and the Ohio Resident's Rights Law, R.C. section 3721.13.

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

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

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

54. Plaintiffs incorporate all other paragraphs of this Complaint as if fully rewritten herein.

55. The Progressive Defendants, directly or through their employees or agents, violated Robert Voytek's rights as a resident of the Avenue at Macedonia facility, as enumerated in R.C. 3721.13, including, but not limited to, the right to adequate and appropriate medical treatment and nursing care.

56. These violations constitute negligence and give rise to a statutory cause of action.

57. As a direct and proximate result of the Progressive Defendants' violations of R.C. 3721.13, Robert Voytek endured conscious pain and suffering and disability, incurred medical expenses, and was otherwise harmed.

58. WHEREFORE, Plaintiffs demand judgment against the Progressive Defendants, jointly, in an amount more than 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.

THIRD CAUSE OF ACTION
(LOSS OF CONSORTIUM)

59. Plaintiffs incorporate all other paragraphs of this Complaint as if fully rewritten herein.

60. Carol Voytek was married to Robert Voytek for 62 years.

61. Carol Voytek remained married to Robert Voytek while he experienced debilitating injuries and pain until his death on November 1, 2020.

62. As a direct result of Defendants' misconduct, Carol Voytek was deprived the loss of consortium of her husband, Robert Voytek, from the onset of his injuries through his death.

63. WHEREFORE, Plaintiffs demand 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 the court finds is appropriate and/or equitable.

FOURTH CAUSE OF ACTION
(WRONGFUL DEATH)

64. Plaintiffs incorporate all other paragraphs of this Complaint as if fully rewritten herein.

65. Plaintiffs bring this Cause of Action pursuant to Ohio's Wrongful Death Statute, Ohio Revised Code section 2125 et seq., for the benefit of Robert Voytek's heirs and next of kin who have suffered loss and damage due to Robert Voytek's wrongful and untimely death.

66. As a direct and proximate result of the unreasonable conduct described above, Robert Voytek sustained physical injuries that caused his untimely and wrongful death.

67. Robert Voytek's next-of-kin suffered damages as set forth in the Ohio Wrongful Death statute, including mental anguish and grief, medical and funeral expenses, and loss of decedent's support, services, society, and companionship.

68. WHEREFORE, Plaintiffs demand judgment against the Defendants, jointly, in an amount more than Twenty-Five Thousand & 00/100 Dollars ($25,000.00) to compensate the decedent's next of kin and heirs at law, together with costs of suit, attorneys' fees and expenses, exemplary damages, and any other relief the Court finds is appropriate and/or equitable.

FIFTH CAUSE OF ACTION
(CIVIL CONSPIRACY)

69. Plaintiffs incorporate all other paragraphs of this Complaint as if fully rewritten herein.

70. Defendants 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 RUG levels to obtain excessive and unjustified payments from Medicare and Medicaid while not providing the care paid for with these taxpayer dollars;

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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.

71. This understanding constitutes a malicious combination to injure residents of Avenue at Macedonia, including Robert Voytek.

72. In pursuance of this common plan or design to commit tortious acts, the Defendants actively took part in it, or furthered it by cooperation or request, or lent aid or encouragement to the wrongdoers, or ratified and adopted the wrongdoers' acts done for their benefit.

73. The conspiracy caused, and continues to cause, injury to Robert Voytek.

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

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

A TRIAL BY JURY IS HEREBY DEMANDED.

/s/ *Michael A. IIill*
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www.eadiehill.com

Counsel for Plaintiffs

STATE OF OHIO)
) **AFFIDAVIT OF MERIT**
CUYAHOGA COUNTY)
)
)

Affiant MARK SHOAG, M.D., having been first duly sworn, states:

1. I am an adult, with 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 fields of Geriatric and Internal Medicine, licensed in the state of Ohio, board certified in Internal Medicine, and a medical director of a long-term acute care hospital, spending more than 50% of my professional time providing direct patient care.

3. Through my specialized knowledge, skill, training, experience, and education, I am familiar with the standard of care applicable to the medical and nursing care and treatment that was provided to Robert Voytek between March 11, 2020 and June 23, 2020, while a resident of Avenue at Macedonia, including by Haitham Azem, M.D.

4. I have reviewed all medical records reasonably available to the Robert Voytek concerning the allegations of negligence causing his death.

5. To a reasonable degree of medical probability, it is my opinion that the medical and nursing care and treatment provided to Robert Voytek at Avenue at Macedonia, including by Haitham Azem, M.D. and non-medical caregivers, including nurses and aides, deviated from the established standard of care and the breach caused injuries to Mr. Voytek, including pressure sores and osteomyelitis requiring medical treatment and death.

FURTHER AFFIANT SAYETH NAUGHT.

Mark Shoag MD
MARK SHOAG, M.D.,

SWORN TO BEFORE ME and subscribed in my presence this 1st day of September 2023.

NOTARY PUBLIC
Beth Dorch

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Has no expiration date
My Commission
Pursuant to RC § 147.03

Common Pleas Court of Cuyahoga County, Ohio

DESIGNATION FORM TO BE USED TO INDICATE THE CLASSIFICATION OF THE CAUSE

ESTATE OF ROBERT VOYTEK, deceased, by and through Charles Voytek, Administrator, et a

Plaintiff

Vs.

PROGRESSIVE QUALITY CARE, INC., et al

Defendant

Case Number: _____

Date: 09/01/2023

Has this case been previously filed and dismissed? Yes ☒ No ☐

Case #: CV 20 937107 Judge: Holli J. Gallagher

Is this case related to any new cases now pending or previously filed? Yes ☐ No ☒

Case #: _____ Judge: _____

CIVIL CLASSIFICATIONS: ***Place an (X) In ONE Classification Only.***

Professional Torts:
- ☒ 1311 Medical Malpractice
- ☐ 1315 Dental Malpractice
- ☐ 1316 Optometric Malpractice
- ☐ 1317 Chiropractic Malpractice
- ☐ 1312 Legal Malpractice
- ☐ 1313 Other Malpractice

Product Liability:
- ☐ 1330 Product Liability

Other Torts:
- ☐ 1310 Motor Vehicle Accident
- ☐ 1314 Consumer Action
- ☐ 1350 Misc. Tort

Workers Compensation:
- ☐ 1550 Workers Compensation
- ☐ 1531 Workers Comp. Asbestos

Foreclosures:
- ☐ Utilize Separate Foreclosure Designation Form

Commercial Docket:
- ☐ 1386 Commercial Docket
- ☐ 1387 Commercial Docket with Foreclosure

Administrative Appeals:
- ☐ 1540 Employment Services
- ☐ 1551 Other

Other Civil:
- ☐ 1500 Replevin/Attachment
- ☐ 1382 Business Contract
- ☐ 1384 Real Estate Contract
- ☐ 1388 Consumer Debt
- ☐ 1390 Cognovit
- ☐ 1391 Other Contracts
- ☐ 1490 Foreign Judgment
- ☐ 1491 Stalking Civil Protection Order
- ☐ 1501 Misc. Other
- ☐ 1502 Petition to Contest Adam Walsh Act
- ☐ 1503 Certificate of Qualification for Employment

Amount of Controversy:
- ☐ None Stated
- ☐ Less than $25,000
- ☒ Prayer Amount 25000

Parties have previously attempted one of the following prior to filing:
- ☐ Arbitration
- ☐ Early Neutral Evaluation
- ☒ Mediation
- ☐ None

I certify that to the best of my knowledge the within case is not related to any now pending or previously filed, expect as noted above.

Eadie Hill Trial Lawyers	Michael A. Hill
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Cleveland, OH 44127	michael.hill@eadiehill.com
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Phone	*Signature*



NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Common Pleas

New Case Electronically Filed: COMPLAINT
September 1, 2023 13:34

By: MICHAEL A. HILL 0088130

Confirmation Nbr. 2953267

ESTATE OF ROBERT VOYTEK, DECEASED,, ET AL CV 23 984882

vs.

Judge: HOLLIE L. GALLAGHER

PROGRESSIVE QUALITY CARE, INC., ET AL

Pages Filed: 20