IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

ESTATE OF HENRIETTA VERONICA WILSON Through Estate Representative Michelle Whigham c/o Michael Hill Trial Law 815 Superior Ave., Suite 623 Cleveland, Ohio 44112 Plaintiff, vs. LAUREL HEALTHCARE COMPANY 8181 Worthington Road Westerville, OH 43082 Also Serve c/o Registered Agent: Steven R. Miller 8181 Worthington Road Westerville, OH 43082 and CIENA HEALTHCARE 4000 Town Center Suite 2000 Southfield, MI 48075 and MOHAMMED QAZI, President and CEO of Ciena Healthcare 4000 Town Center Suite 2000 Southfield, MI 48075 and THE LAURELS OF WALDEN PARK AKA THE LAURELS OF WALDEN PARK, LLC 5700 Karl Road	CASE NO. JUDGE **COMPLAINT** **WITH JURY DEMAND AND AFFIDAVIT OF MERIT ATTACHED** THIS IS A REFILED CASE (24 CV 001035) PREVIOUSLY ASSIGNED TO JUDGE KAREN PHIPPS

Columbus, Ohio 43229

Also Serve c/o Registered Agent:

Steven R. Miller
8181 Worthington Road
Westerville, OH 43082

and

KARL HC, LLC
c/o Registered Agent:
Ohio Agent Solutions, Inc.
25000 Country Club Blvd.
Suite 255
North Olmsted, OH 44070

and

LAUREL OHIO OPERATIONS GROUP, LLC
c/o Registered Agent:
Steven R. Miller
8181 Worthington Road
Westerville, OH 43082

and

LAUREL HEALTH CARE HOLDINGS, INC.
c/o Registered Agent:
Steve R. Miller
8181 Worthington Rd.
Westerville, OH 43082

and

LAUREL ACQUISITION HOLDING CORPORATION
c/o Registered Agent:
CT Corporation System
4400 Easton Commons Way
Suite 125
Columbus, OH 43219

and

5700 KARL ROAD LLC)
c/o Registered Agent:)
Trent D. Smith)
8181 Worthington Road)
Westerville, OH 43082)
)
_____)
)

Plaintiff, Estate of Henrietta Veronica Wilson, through Estate Representative Michelle Whigham (Franklin County Probate Court Estate Number 624603), for this refiled Complaint against the above-named Defendants (previous Case No. 24 CV 001035 previously assigned to Judge Karen Phipps), states and avers upon information and belief:

INTRODUCTION

1. This action involves multiple claims (negligence, recklessness, wrongful death, Resident's Rights Law violations, civil conspiracy, and fraud) involving The Laurels of Walden Park aka The Laurels of Walden Park, LLC's ("Facility's") inadequate care of Henrietta Wilson and the corporate control of the facility leading to such inadequate care that led to Henrietta Wilson's untimely and wrongful death on January 31, 2023.

2. This is a wrongful death case against The Laurels of Walden Park, a Laurel Health Care Company/Ciena Healthcare facility, for allowing Henrietta Wilson to develop an infection, become septic, and suffer from multiple organ failure (septic shock), causing her death on January 31, 2023.

3. Plaintiff requests a trial by jury.

4. An Affidavit of Merit is attached.

5. 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.

6. Plaintiff seeks punitive damages in an amount necessary to punish the above-named Defendants and deter the Defendants from engaging in similar conduct in the future, attorneys' fees, and the costs of this litigation.

DEFENDANTS

7. Laurel Health Care Company is a Delaware corporation with its principal place of business in Westerville, Ohio 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 "The Laurels"

throughout the Midwest, The Laurels of Walden Park aka The Laurels of Walden Park, LLC. Laural Healthcare Company is part of the Ciena Healthcare Brand.

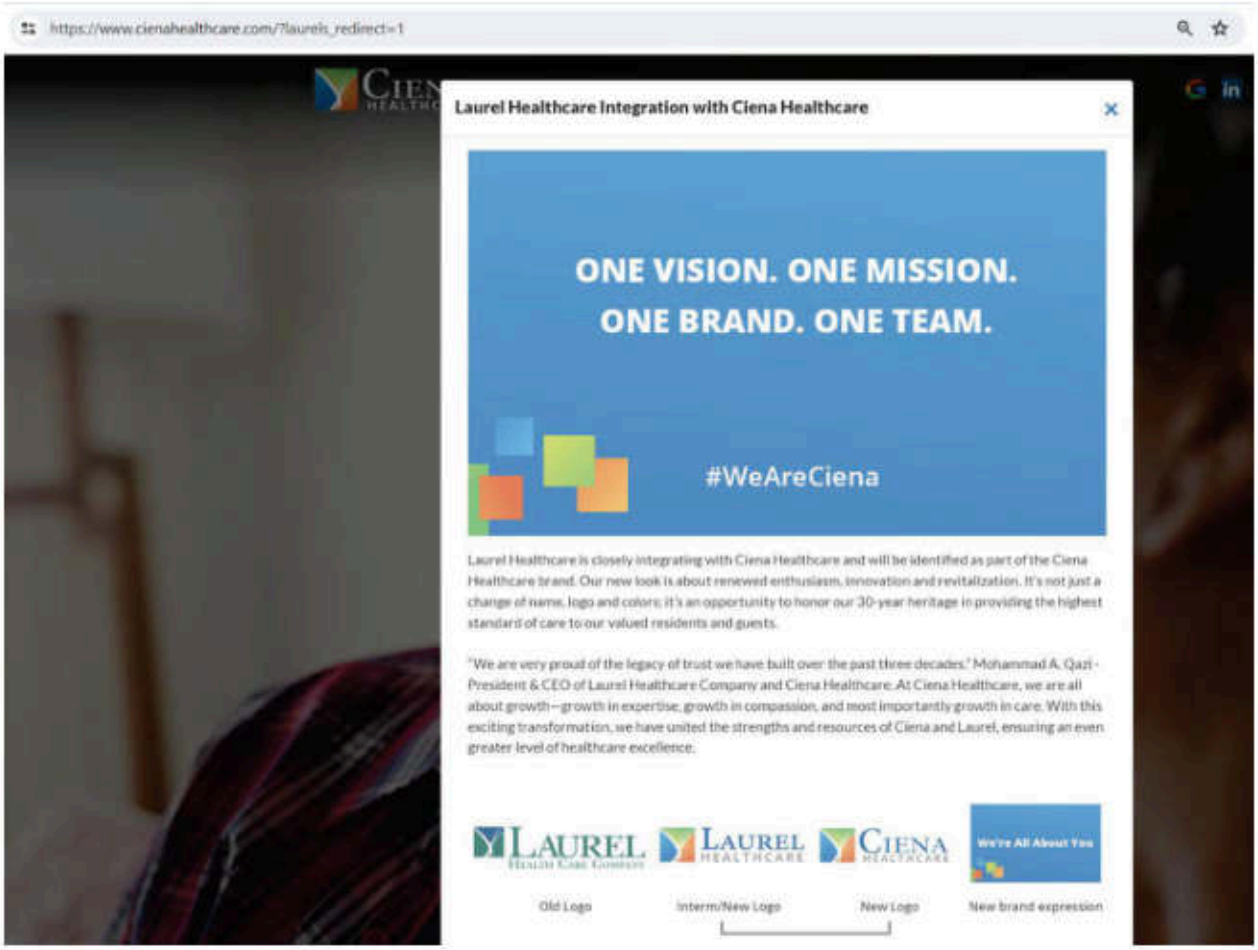


Figure 1: https://www.cienahealthcare.com/?laurels_redirect=1, accessed January 24, 2023.

8. Ciena Healthcare is a Delaware corporation with its principal place of business in Southfield, Michigan that controls all aspects of the Laurel Healthcare Company and holds itself out to the public as a provider of 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 under the name Laurel Healthcare Company. Laurel Healthcare Company is part of the Ciena Healthcare Brand. Ciena Healthcare manages The Laurels of Walden Park.



Figure 2: https://www.cienahealthcare.com/locations/, accessed January 24, 2024.

9. Mohammed Qazi is the Chief Operating Officer and President of Ciena Healthcare and Laurel Healthcare Company. Mr. Qazi is responsible for approving the marketing and advertising, corporate image, staffing, budgeting—including budgeting for staffing, training, and capital expenditures, policies and procedures, and other aspects of the various facilities that are part of the Ciena Healthcare/Laurel Healthcare brand and personally signs contracts on their behalf, including contracts at the local facility level,

such as The Laurels of Walden Park, which affect the day-to-day care provided to individual residents, including Henrietta Wilson.

10. The Laurels of Walden Park aka The Laurels of Walden Park, LLC is an Ohio corporation that holds itself out to the public as a provider of medical and nursing care, including but not limited to, rehabilitation and skilled nursing care, through its agents, operatives and / or employees and does business as The Laurels of Walden Park aka The Laurels of Walden Park, LLC. Laurel Healthcare Company is managed by Ciena Healthcare. (See Figure 2, above.)

11. Karl HC, LLC is an Ohio corporation that holds itself out to the public as a provider of medical and nursing care, including but not limited to, rehabilitation and skilled nursing care, through its agents, operatives and / or employees and does business as The Laurels of Walden Park aka The Laurels of Walden Park, LLC.

12. Laurel Ohio Operations Group, LLC is an Ohio corporation that holds itself out to the public as a provider of medical and nursing care, including but not limited to, rehabilitation and skilled nursing care, through its agents, operatives and / or employees and does business as The Laurels of Walden Park aka The Laurels of Walden Park, LLC.

13. Laurel Health Care Holdings, 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 The Laurels of Walden Park aka The Laurels of Walden Park, LLC.

14. Laurel Acquisition Holding Corporation 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 The Laurels of Walden Park aka The Laurels of Walden Park, LLC.

15. 5700 Karl Road LLC is an Ohio corporation that holds itself out to the public as a provider of medical and nursing care, including but not limited to, rehabilitation and skilled nursing care, through its agents, operatives and / or employees and does business as The Laurels of Walden Park aka The Laurels of Walden Park, LLC.

16. Defendants Laurel Healthcare Company, Cienna Healthcare, Mohammed Qazi, The Laurels of Walden Park, Karl HC, LLC, Laurel Ohio Operations Group, LLC, Laurel Healthcare Holdings, Inc., Laurel Acquisition Holding Corporation, and 5700 Karl Road, LLC are collectively referred to at times as "The Laurels Defendants."

17. The Laurels Defendants employ, manage, and direct the care and service providers who were responsible for Henrietta Wilson's care, treatment, and safety at The Laurels of Walden Park while she was a resident there, and / or are responsible for creating unsafe conditions at the Facility through their control of the Facility management that directly led to Henrietta Wilson's injuries and untimely and wrongful death on January 31, 2023.

18. The Laurels Defendants direct and control operations at the Facility and are therefore directly liable for mismanagement of the Facility without regard to piercing the corporate veil.

19. The Laurels Defendants' organization controls the other corporations in a way that is so complete that the corporations have no separate mind, will, or existence of their own, is exercised in such a manner as to commit fraud or an illegal act against the person seeking to disregard the corporate entity; and injury or unjust loss resulted to the

plaintiff from such control and wrong, meaning The Laurels Defendants should be held directly liable for such harms and losses.

20. The Laurels Defendants collectively own, manage, control, and/or are responsible for the care delivered to residents of The Laurels of Walden Park aka The Laurels of Walden Park, LLC directly or through their domination and control of any putative entity license holder.

VICARIOUS LIABILITY

21. The Laurels Defendants employ the care providers who were responsible for ensuring Henrietta Wilson's care and safety.

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

23. Henrietta Wilson and their family looked to the Defendants for care based upon their representations.

24. The Laurels 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

25. This Court has Jurisdiction over Defendants because, among other reasons, 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.

26. Venue is proper in Franklin 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

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

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

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

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

31. The Laurels Defendants exercise actual control over the 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 the facility, and even the name of the facility;

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

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

33. The Laurels Defendants failed to ensure, through their operational, budgetary, consultation and managerial decisions and actions, that the facilities were sufficiently staffed to meet the individual needs of its residents, including Henrietta Wilson.

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

35. The Laurels Defendants' systemic understaffing of the Facility resulted in a "1-star" ("much below average") ranking for Staffing on the Medicare.gov Nursing Home Compare website and 1-star overall ranking.

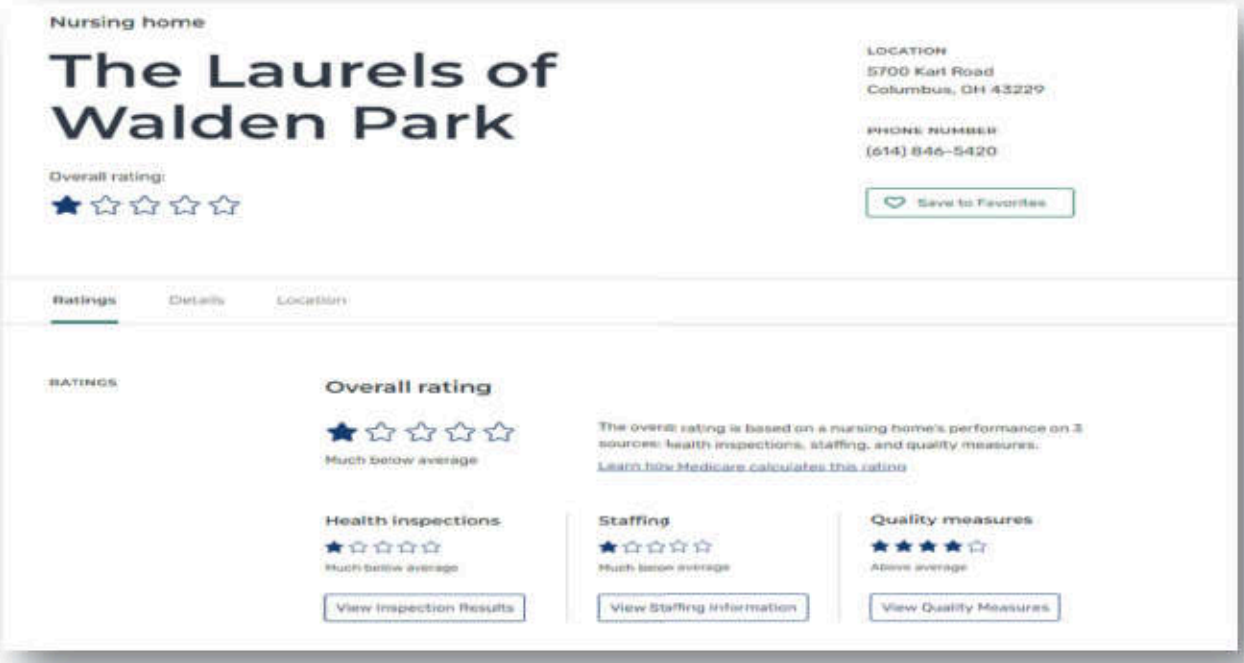


Figure 3: Center for Medicare and Medicaid found that The Laurels of Walden Park aka The Laurels of Walden Park, LLC earned a 1-star, or "much below average" rating for both Staffing and Health Inspections. This data was taken directly from medicare.gov on January 18, 2024.

The Medicare Compare ratings are statements and records of a public office based on factual findings carried out under while acting under their official duties.

36. This lack of sufficient staff directly resulted in Henrietta Wilson not receiving basic and necessary services to prevent, among other things, neglect leading to her injuries and death.

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

a. The Laurels of Milford
934 OH-28, Milford, Ohio 45150

b. The Laurels of Middletown

751 Kensington St, Middletown, OH 45044

c. The Laurels of Heath
717 S 30th St, Heath, OH 43056

d. The Laurels of Hamilton
2923 Hamilton Mason Rd, Hamilton, OH 45011

e. The Laurels of Gahanna
5151 N Hamilton Rd, Columbus, OH 43230

f. The Laurels of Chagrin Fall
150 Cleveland St, Chagrin Falls, OH 44022

g. The Laurels of Worthington
1030 High St, Worthington, OH 43085

h. The Laurels of West Carrolton
115 Elmwood Cir, West Carrollton, OH 45449

i. The Laurels of Steubenville
500 Stanton Blvd, Steubenville, OH 43952

j. The Laurels of Norworth
6830 N High Street Worthington, OH 43085

k. The Laurels of New London
204 W Main St, New London, OH 44851

l. The Laurels of Mt. Vernon
13 Avalon Rd, Mt Vernon, OH 43050

m. The Laurels of Massilon
2000 Sherman Cir NE, Massillon, OH 44646

n. The Laurels of Huber Heights
5440 Charlesgate Rd, Dayton, OH 45424

o. The Laurels of Hilsboro
175 Chillicothe Ave, Hillsboro, OH 45133

p. The Laurels of Defiance
1701 Jefferson Ave, Defiance, OH 43512

q. The Laurels of Blanchester
839 Cherry St, Blanchester, OH 45107

r. The Laurels of Athens
70 Columbus Cir, Athens, OH 45701

38. In addition to Ohio, Defendants carry out these same business practices at more than 50 facilities in Michigan, Virginia, and North Carolina.

Reporting Data – Nursing Home

39. The Laurels 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."

40. The data The Laurels 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.

41. This data is certified correct by The Laurels Defendants and / or submitted under penalty of perjury and / or civil or criminal penalties.

42. Medicare uses some of this data submitted by The Laurels 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)

43. Every nursing home receiving Medicare or Medicaid funding—the clear majority of nursing homes, including The Laurels of Walden Park and others operated and / or controlled by The Laurels 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.

44. Nursing homes like The Laurels of Walden Park 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.

45. 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.

46. 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.

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

48. 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.

Misleading Advertising

49. In an effort to persuade the families of patients to become customers, The Laurels 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.

50. The intent and outcome of this misleading practice is to cause residents, their families, and external care providers to believe the nursing facility is much better staffed to provide the promised care than what is actually the practice of The Laurels Defendants with regard to staffing the Facility.

51. 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 Henrietta Wilson's Care

52. The Laurels Defendants failed to ensure, through their operational, budgetary, consultation and managerial decisions and actions, that The Laurels of Walden Park was sufficiently staffed, and the staff appropriately trained and informed, to meet the individual needs of Henrietta Wilson during the period she was a resident at the facility.

53. The Laurels Defendants engaged in a systemic practice to understaff The Laurels of Walden Park aka The Laurels of Walden Park, LLC to maximize profits at the expense of its residents' care.

54. This lack of sufficient staff directly resulted in Henrietta Wilson not receiving basic and necessary services, assessments, and interventions to prevent, among other things, neglect leading to their injuries at The Laurels of Walden Park during the period they were a resident at the Facility.

Defendants' Negligence and Recklessness with Henrietta Wilson

55. Defendants accepted Henrietta Wilson as a nursing home resident for long-term care for rehabilitation after a fall at home.

56. Defendants agreed to accept Henrietta Wilson into their facility and provide care to her in exchange for monetary payment.

57. Henrietta was 69 years old when she was admitted into Laurels of Walden Park on June 21, 2022. Henrietta was admitted in the skilled nursing unit for medical management, rehabilitation, and assistance with ADLs. The plan was for Henrietta to return to her home once she completed the rehabilitation.

58. Over a period of days in late-January 2023, Henrietta showed signs of infection that either went unrecognized or were ignored by the Facility's staff.

59. On January 30, 2023, Henrietta was found unresponsive with agonal respirations because she was starved of oxygen and gasping for air. EMS arrived and used an i-Gel supraglottic airway management system to protect her airway and prevent death.

60. Upon admission at St. Anne Hospital, Henrietta was critically ill, in respiratory distress, and required emergent intubation for airway protection.

61. The facility did not report to Henrietta's daughter and power of attorney that Henrietta had been transferred to the hospital until the next day.

62. At St. Anne Hospital, Henrietta was diagnosed with metabolic acidosis, pneumonia, urinary tract infection, a systemic infection, sepsis (the body's dysregulated response to an infection), and multiple organ failure.

63. On January 31, 2023, when the family arrived at the hospital, hospital staff informed the family that Henrietta likely had less than 12 hours to live as the infection had already progressed and spread to her lungs and bloodstream.

64. Henrietta died on January 31, 2023, the day after she was transferred to St. Ann's. Her death certificate reports her cause of death as septic shock.

65. Henrietta Wilson endured mental and physical pain suffering and death as a direct and proximate result of Defendants' failure to provide adequate care due to understaffing the facility.

FIRST CAUSE OF ACTION
(MEDICAL NEGLIGENCE / RECKLESSNESS)

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

67. Henrietta Wilson depended on the Defendants, and their respective nursing and medical staff, for medical and nursing care, treatment, evaluation, and assistance.

68. The Defendants had a duty to provide proper care and treatment to Henrietta Wilson and to avoid causing injury to Henrietta Wilson.

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

70. 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 Henrietta Wilson; Choosing to not provide accurate, adequate, or timely information to Henrietta Wilson's family;

e. Choosing to provide inadequate supervision to prevent accidents and falls;

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

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

h. Choosing not to provide appropriate care to Henrietta Wilson while they were a resident of the Facility; and

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

71. These actions constituted a conscious disregard for Henrietta Wilson'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.

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

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

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

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

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

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

78. 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.

SECOND CAUSE OF ACTION
(WRONGFUL DEATH)

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

80. As a direct and proximate result of the negligence / recklessness described above, Henrietta Wilson sustained injuries that caused their untimely and wrongful death.

81. Henrietta Wilson'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.

82. 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.

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

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

84. Defendants, directly or through their employees or agents, violated Henrietta Wilson'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;

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

85. These violations are evidence of negligence and conscious disregard of Henrietta Wilson's rights and safety, and give rise to a statutory cause of action.

86. As a direct and proximate result of Defendants' violations of R.C. 3721.13, Henrietta Wilson conscious pain, suffering, and disability, and other harms and losses including death.

87. 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.

FOURTH CAUSE OF ACTION
(CIVIL CONSPIRACY)

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

89. The Laurels 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;

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.

90. This understanding constitutes a malicious combination to injure residents of the Facility, including Henrietta Wilson.

91. In pursuance of this common plan or design to commit tortious acts, The Laurels 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.

92. The conspiracy caused injury to Henrietta Wilson.

93. WHEREFORE, Plaintiff demands judgment against The Laurels 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.

FIFTH CAUSE OF ACTION
(FRAUD)

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

95. The Laurels Defendants concealed facts concerning their staffing levels, pay, and the amount of care they were actually capable of providing at The Laurels of Walden Park aka The Laurels of Walden Park, LLC.

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

97. 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 Henrietta Wilson's family and other potential customers into placing their loved ones in the care and custody of The Laurels Defendants.

98. Henrietta Wilson's family and the family members of other potential customers reasonably relied on The Laurels Defendants' representations and concealments regarding the degree of care they provide.

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

100. As a direct and proximate result of The Laurels Defendants' actions, representations, and concealments, Henrietta Wilson suffered conscious pain and suffering and death.

101. As a direct and proximate result of The Laurels Defendants' action, representations, and concealments, Henrietta Wilson'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*.

102. WHEREFORE, Plaintiff demands judgment against The Laurels 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.

Franklin County Ohio Clerk of Courts of the Common Pleas- 2026 Apr 28 10:36 AM-26CV003964

A TRIAL BY JURY IS HEREBY DEMANDED

Respectfully Submitted,

/s/ Michael A. Hill
MICHAEL A. HILL (0088130)
MOLLY B. MORRIS (0102510)
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Counsel for Plaintiff

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

Affiant MARK SHOAG, MD, having been first duly sworn, states:

1. I am an adult, have no known disability preventing my truthful testimony, and have personal knowledge of the matters contained within this affidavit.

2. I am a full-time practicing physician in the 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 Henrietta Wilson while a resident of The Laurels of Walden Park aka The Laurels of Walden Park, LLC.

4. I have reviewed all medical records reasonably available to Estate of Henrietta Veronica Wilson concerning the allegations contained in the complaint.

5. To a reasonable degree of medical probability, the Defendants The Laurels of Walden Park aka The Laurels of Walden Park, LLC, Karl HC, LLC, Laurel Ohio Operations Group, LLC, Laurel Health Care Company aka Ciena Health Care, Laurel Health Care Holdings, Inc., Laurel Acquisition Holding Corporation, 5700 Karl Road LLC, Mariama Kamara, Nelia Pluviose, Abdul Kamara, Tamea Hayward, Renee Farkas, Ceairra Khamphoumy, Naadu Nartey, breached the standard of care and the breach caused Henrietta Wilson's injuries and death.

FURTHER AFFIANT SAYETH NAUGHT.

MARK SHOAG, MD

SWORN TO BEFORE ME and subscribed in my presence this 29th day of January, 2024.

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