

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

ESTATE OF SYBRINA ALLEN,
by Mae Allen, Administrator
c/o Eadie Hill Trial Lawyers
3100 East 45th St., Suite 400
Cleveland, Ohio 44127

Plaintiff,

vs.

WICKLIFFE COUNTRY PLACE LIMITED
1919 Bishop Rd
Wickliffe, Ohio 44092

and

3G OPERATING COMPANY, LLC DBA
WICKLIFFE COUNTRY PLACE
1919 Bishop Rd,
Wickliffe, OH 44092

Also Serve At:

c/o Registered Agent
Eliav Sharvit, Esq.
12380 Plaza Drive
Parma, Ohio 44130

and

WCP, LP, LLC
c/o Registered Agent
Eliav Sharvit, Esq.
12380 Plaza Drive
Parma, Ohio 44130

and

DMD MANAGEMENT INC., DBA LEGACY
HEALTH SERVICES
c/o Registered Agent
Eliav Sharvit, Esq.
12380 Plaza Drive

) CASE NO.

) JUDGE

) **COMPLAINT**

) **With Jury Demand**

) **Affidavit of Merit Attached**

Parma, Ohio 44130)
)
and)
)
WICKLIFFE MANAGEMENT LIMITED)
PARTNERSHIP)
1919 Bishop Road)
Wickliffe, OH 44092)
)
Defendants.)

Plaintiff, the Estate of Sybrina Allen, Probate Court of Cuyahoga County case number 2019EST243209, through Mae Allen, its duly appointed Representative, and for Plaintiff’s Complaint against the above-captioned Defendants, states and avers upon information and belief:

INTRODUCTION

1. This is a negligence, recklessness, and wrongful death action involving Sybrina Allen’s care at Wickliffe Country Place located at 1919 Bishop Rd, Wickliffe, Ohio, 44092 (sometimes referred to as “Facility”), that led to her untimely and wrongful death on November 16, 2018.

2. Sybrina Allen was a 55-year-old woman who entered Wickliffe Country Place in October 2017 for rehabilitation to reverse a colostomy bag and to continue chemotherapy for a tumor related to colon cancer. Wickliffe staff ignored Sybrina Allen’s complaints of sensory changes in her legs and allowed the tumor in her lower back to compress her spinal cord causing paralysis of the lower body. Wickliffe Country Place further allowed Sybrina Allen to develop bedsores on her lower back. These conditions caused Sybrina Allen to experience physical, mental, and emotional pain and suffering, permanent physical injuries, and her death.

3. Plaintiff requests a trial by jury.
4. An Affidavit of Merit is attached as Exhibit 1.
5. Mae Allen is the duly appointed Representative of the Estate of Sybrina Allen.
6. Plaintiff brings this action on behalf of the Estate of Sybrina Allen, the next of kin of Sybrina Allen, including her mother (Mae Allen), sister (Erica Allen), and anyone else entitled to compensation for the harms and losses sustained as the result of the negligence, recklessness, and other wrongful conduct described herein or discovered during litigation.
7. 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.
8. Plaintiff requests attorneys' fees and the costs of this litigation.

DEFENDANTS

9. Defendant 3G OPERATING COMPANYYY, LLC is an Ohio for-profit business managing, operating, and doing business as the facility known as Wickliffe Country Place located at 1919 Bishop Rd. Wickliffe, OH 44092 and purporting to provide nursing, rehabilitation, and long-term and other healthcare services to Ohio residents.
10. Defendant WICKLIFFE COUNTRY PLACE LIMITED is an Ohio for-profit business managing, operating, and doing business as the facility known as Wickliffe Country Place located at 1919 Bishop Rd. Wickliffe, OH 44092 and purporting to provide nursing, rehabilitation, and long-term and other healthcare services to Ohio residents.
11. Defendant WCP, LP, LLC, is an Ohio for-profit business managing, operating, and doing business as the facility known as Wickliffe Country Place located at

1919 Bishop Rd. Wickliffe, OH 44092 and purporting to provide nursing, rehabilitation, and long-term and other healthcare services to Ohio residents.

12. Defendant DMD MANAGEMENT, INC., DBA LEGACY HEALTH SERVICES is an Ohio for-profit business managing, operating, and doing business as the facility known as Wickliffe Country Place located at 1919 Bishop Rd. Wickliffe, OH 44092 and purporting to provide nursing, rehabilitation, and long-term and other healthcare services to Ohio residents.

13. Defendant WICKLIFFE MANAGEMENT LIMITED PARTNERSHIP is an Ohio for-profit business managing, operating, and doing business as the facility known as Wickliffe Country Place located at 1919 Bishop Rd. Wickliffe, OH 44092 and purporting to provide nursing, rehabilitation, and long-term and other healthcare services to Ohio residents.

14. The Defendants exercise ownership and operational and managerial control over the following Ohio facilities, among others:

- i. Broadview Multi-Care Center
5520 Broadview Road
Parma, Ohio 44134
216-749-4010
- ii. Hillside Plaza
18220 Euclid Avenue
Cleveland, Ohio 44112
216-486-6300
- iii. Orchard Villa
2841 Munding Drive
Oregon, Ohio 43616
419-697-4100
- iv. Pleasantview Care Center
7377 Ridge Road
Parma, Ohio 44129

440-845-0200

- v. Cedarwood Plaza
12504 Cedar Road
Cleveland, OH
216-371-3600
- vi. Parkside Villa
7040 Hepburn Road
Middleburg Heights, Ohio 44130
440-260-7626
- vii. Franklin Plaza
3600 Franklin Boulevard
Cleveland, Ohio 44113
- viii. Mapleview Country Villa
775 South Street
Chardon, Ohio 44024
440-286-8176
- ix. Pleasant Lake Villa
7260 Ridge Road
Parma, Ohio 44129
440-842-2273
- i. Legacy Place Twinsburg
9928 Vail Drive
Twinsburg, Ohio 44087
330-405-6040
- ii. Wickliffe Country Place
1919 Bishop Road
Wickliffe, Ohio 44092
440-944-9400

15. Sybrina Allen and her family looked to the Defendants for care based upon their representations.

16. 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).

JURISDICTION AND VENUE

17. 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 availed themselves of the laws of the state of Ohio, and / or committed tortious acts within the state of Ohio.

18. Venue is proper in this County under Civil Rule 3 because, among other reasons: (a) Defendants reside, domicile, carry on their principal place of business, or practice medicine / nursing, in this County; and / or (b) part of the claim for relief arose in this County, in which county Sybrina Allen was injured and died.

COMMON FACTS

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

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

21. 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.

22. The Defendants manage, control, and / or employ the nursing staff at Wickliffe Country Place.

23. The 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.

24. As the result of this control, the Defendants make decisions that affect the day-to-day care of Wickliffe Country Place residents, such as the resources available for providing nursing staff and care to residents like Sybrina Allen, meaning they are responsible for the foreseeable harm that results from careless decisions while voluntarily exercising that control.

Reporting Data

25. Wickliffe Country Place 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.”

26. The data the 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.

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

28. Medicare uses some of this data submitted by 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)

29. Every nursing home receiving Medicare or Medicaid funding—the clear majority of nursing homes, including Wickliffe Country Place and others operated and / or controlled by 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.

30. Nursing homes like Wickliffe Country Place 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.

31. 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**.

32. 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.

33. 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."

34. 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

35. In an effort to persuade the families of patients with memory care disorders 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, including touting their expertise in patient safety issues concerning memory care, Alzheimer's, and dementia.

36. 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 than it is.

37. 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 Sybrina Allen's Care

38. Defendants failed to ensure, through their operational, budgetary, consultation and managerial decisions and actions, that Wickliffe Country Place was sufficiently staffed, and the staff appropriately trained and informed, to meet the individual needs of Sybrina Allen.

Defendants' Negligence and Recklessness with Sybrina Allen

39. Defendants received Sybrina Allen as a nursing home resident in or around October 2017 for short-term rehabilitation for issues secondary to a colostomy.

40. Defendants agreed to accept Sybrina Allen into their facility and provide care to her in exchange for monetary payment.

41. Sybrina Allen was 55 years old when these events happened.

42. Sybrina Allen entered the Facility as a short-term rehab patient in about October of 2017. She had two issues that required rehabilitation: (1) she had colon cancer which required a colostomy bag, and she required rehabilitation before the colostomy could be reversed; and (2) she had a small tumor on her lower back that required chemotherapy, but Sybrina needed rehabilitation to gain strength and weight after surgery before chemotherapy could be started.

43. When family arrived to visit Sybrina on a daily basis, staff was rarely present, and staff did not respond to call lights, alarms, or requests for assistance in a timely manner or sometimes at all.

44. Sybrina was repeatedly hospitalized for dehydration and related issues.

45. Sybrina began complaining of sensory changes in her legs. The Facility ignored her complaints for several weeks. Then, she lost the ability to move her legs. When Sybrina was sent to the hospital, she learned that the tumor in her lower back had grown and compressed nerves. The Facility's lack of response resulted in Sybrina's paralysis.

46. Staff was required to regularly turn and reposition Sybrina to prevent the development of bedsores and other skin breakdowns. The Facility's staff did not do this.

47. Sybrina Allen contracted scabies at the facility, which ate away large amounts of her flesh.

48. Sybrina developed a large Stage IV bedsore on her lower back that became infected and caused her death.

49. Sybrina Allen suffered mental and physical pain suffering as a direct and proximate result of Defendants' failure to provide adequate care.

50. Sybrina Allen died on November 16, 2018 as a direct and proximate result of Defendants' failure to provide timely and adequate care.

FIRST CAUSE OF ACTION
(SURVIVORSHIP / NEGLIGENCE / RECKLESSNESS)

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

52. Sybrina Allen depended on the Defendants, and their respective nursing and medical staff, for medical and nursing care, treatment, evaluation, and assistance.

53. The Defendants, including their medical and nursing staff, failed to provide proper care and treatment to Sybrina Allen, which they knew or should have known she required, resulting in her injury and death.

54. 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 infection and injuries, including deaths;
- b. Choosing to provide inadequate resident observation, supervision, and monitoring;
- c. Choosing to provide improper training to staff members regarding infection prevention and response;
- d. Choosing to provide too few, and / or underqualified nursing staff members for the resident needs at the facility to protect and provide adequate care to residents like Sybrina Allen;
- e. Choosing to not provide accurate, adequate, or timely information to Sybrina Allen's family;
- f. Choosing to violate state and federal regulations governing care and staffing levels in nursing home facilities by which residents like Sybrina Allen are a member of the class of persons intended to be protected from injuries like she suffered;
- g. Choosing not to timely report to a physician significant changes in Plaintiff's Decedent's condition;
- h. Choosing not to carry out the instructions of Plaintiff's Decedent's physician;
- i. Choosing not to timely transfer Plaintiff's Decedent to a facility that could provide adequate care;
- j. Choosing to not have or implement appropriate policies and procedures for wound assessment, prevention, management, and treatment;
- k. Choosing to not provide appropriate staff education and training on wound assessment, prevention, management, and treatment;
- l. Choosing not to have and / or implement appropriate policies and procedures regarding the prevention, assessment and treatment of residents at risk for conditions like those from which Plaintiff's Decedent suffered; and
- m. Such other acts or omissions described in this Complaint or discovered during litigation.

55. These actions constituted a conscious disregard for Plaintiff's Decedent's rights and safety with a great probability of causing substantial harm from this willful, wanton, and / or reckless misconduct.

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

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

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

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

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

61. The departures from the standard of care included violating 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.

62. As a direct and proximate result of the negligence described above, Sybrina Allen sustained permanent injury and loss including, but not limited to, conscious pain and suffering, disability, and her untimely and wrongful death.

63. 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 of life, together with costs of suit, attorneys' fees and expenses, punitive and exemplary damages, and any other relief to which the decedent may be entitled to and / or that the court finds is appropriate and / or equitable.

SECOND CAUSE OF ACTION
(WRONGFUL DEATH)

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

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

66. As a direct and proximate result of the negligence / recklessness described above, Sybrina Allen sustained physical injuries that caused their untimely and wrongful death.

67. Plaintiff and Sybrina Allen's additional 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, Plaintiff demands judgment against the Defendants, jointly, 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, exemplary damages, 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)

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

70. Defendants, directly or through their employees or agents, violated Sybrina Allen's rights as a resident of the Defendants' facilities, as enumerated in Ohio Revised Code section 3721.13, including, but not limited to, the right to adequate and appropriate medical treatment and nursing care.

71. These violations constitute negligence per se and give rise to a statutory cause of action.

72. As a direct and proximate result of Defendants' violations of R.C. 3721.13, Sybrina Allen endured conscious pain and suffering and disability, incurred medical expenses, suffered her untimely death, and was otherwise harmed.

73. 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
(FRAUD)

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

75. Defendants concealed facts concerning their staffing levels, pay, and the amount of care they were capable of providing at the facility.

76. Not only did Defendants conceal this information, they publicly and privately represented that they provide exceptional care to induce the family of Sybrina Allen and other potential customers to place their loved ones in their care and custody.

77. 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 Sybrina Allen's family and other potential customers into placing their loved ones in the care and custody of Defendants' facility.

78. Sybrina Allen, her family, and family members of other potential customers reasonably relied on Defendants' representations and concealments regarding the degree of care they provide.

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

80. As a direct and proximate result of Defendants' actions, representations, and concealments, Sybrina Allen suffered conscious pain and suffering and death.

81. As a direct and proximate result of Defendants' actions, representations, and concealments, Sybrina Allen's next-of-kin have experienced harms and losses as a result of her death, including those damages set forth in Ohio's wrongful death statute—R.C. 2125.02.

82. 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.

FIFTH CAUSE OF ACTION
CIVIL CONSPIRACY

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

84. Defendants and unknown additional potential co-conspirators 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 providing 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 5-star rating; and
- g. as otherwise may be described in the Complaint or learned through discovery.

85. This understanding constitutes a malicious combination to injure residents of the Defendants' facility, including Sybrina Allen.

86. 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.

87. The conspiracy caused injury to Sybrina Allen, including their death.

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

89. 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 Plaintiff for the damages and injuries suffered.

SIXTH CAUSE OF ACTION
(VIOLATION OF R.C. 3701.74(C))

90. Plaintiff brings this Cause of Action against all Defendants.

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

92. Mae Allen is the duly appointed Administrator of the Estate of Sybrina Allen.

93. As the estate representative, she is entitled by law to receive the medical records of Sybrina Allen upon request from the facility, in the format of her choice.

94. Mae Allen first requested medical records from the Facility in July 2019 and requested those records in accordance with the Health Information Technology for Economic and Clinical Health (HITECH) Act. 45 CFR 164.524(c)(2)(ii).

95. The Estate of Sybrina Allen legal representatives contacted the Facility for medical records following that initial request on numerous occasions, including speaking directly with Gregory Ferrell at Legacy Health Services who, after agreeing to produce the records, ultimately refused to provide the records.

96. Defendants have refused to comply with Plaintiff's requests for medical records in violation of R.C. 3701.74 and HITECH.

97. Defendants' delay in providing these medical records has been unreasonable, unnecessary, and unjustified.

98. WHEREFORE, Plaintiff demands judgment against Defendants jointly, 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, exemplary damages, previously requested medical records, and any other relief the court finds is appropriate and / or equitable.

A TRIAL BY JURY IS HEREBY DEMANDED

Respectfully Submitted,

/s/ Michael A. Hill

MICHAEL A. HILL (0088130)
WILLIAM B. EADIE (0085627)
EADIE HILL TRIAL LAWYERS
3100 East 45th St., Suite 400
Cleveland, Ohio 44127
(216) 777-8856 (o) | (216) 716-2502 (f)
michael.hill@eadiehill.com
william.eadie@eadiehill.com
www.eadiehill.com

Counsel for Plaintiff

STATE OF OHIO

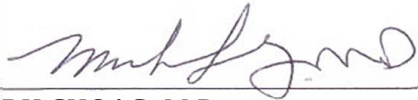
CUYAHOGA COUNTY

) **AFFIDAVIT OF MERIT**
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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 Sybrina Allen in 2017 and 2018 when she developed bed sores leading to death-while a skilled nursing and rehabilitation resident at Wickliffe Country Place, 1919 Bishop Road, Wickliffe, Ohio 44092.
4. I have reviewed all medical records reasonably available to the Estate of Sybrina Allen concerning the allegations of negligence causing her death.
5. To a reasonable degree of medical probability, it is my opinion that the medical and nursing care and treatment provided to Sybrina Allen by medical and nursing staff at Wickliffe Country Place deviated from the established standard of care and the breach caused injury to Sybrina Allen, including her bed sores and death.

FURTHER AFFIANT SAYETH NAUGHT.



MARK SHOAG, M.D.,

SWORN TO BEFORE ME and subscribed in my presence this 3 day of October 2019.



NOTARY PUBLIC.
Beth Brash
My Comm. No. 100449
Expires 08/21/2023

