

IN THE COURT OF COMMON PLEAS
CIVIL DIVISION
FRANKLIN COUNTY, OHIO

KENISE TAYLOR, Administrator
E/O Herbert Edwards,
One Cascade Plaza, Suite 2210
Akron, OH 44308

Plaintiff,

-vs-

WALLICK SENIOR HOUSING, LLC
C/O Stat. Agent:
Registered Agent Solutions, Inc.
4568 Mayfield Road, Suite 204
Cleveland, OH 44121

and

ASHFORD ON BROAD
4801 E. Broad St.
Columbus, OH 43213

and

WALLICK COMMUNITIES
160 West Main St., Suite 200
New Albany, OH 43054

and

WALLICK PROPERTIES MIDWEST, LLC)
C/O Stat. Agent:
Registered Agent Solutions, Inc.
4568 Mayfield Road, Suite 204
Cleveland, OH 44121

and

WALLICK PROPERTIES LLC,
C/O Stat. Agent:
Registered Agent Solutions, Inc.
4568 Mayfield Road, Suite 204
Cleveland, OH 44121

CASE NO.

JUDGE

COMPLAINT

**MEDICAL MALPRACTICE
WRONGFUL DEATH
PUNITIVE DAMAGES**

**WITH AFFIDAVIT OF MERIT
PURSUANT TO OHIO CIVIL RULE
10(D)(2)**

and)
)
 MARY CARTER, LPN)
 275 Weyant Ave.)
 Columbus, OH 43213)
)
 and)
)
 JOHN DOES 1-4)
 Names and Addresses Unknown)
)
 and)
)
 JOHN DOE 5)
 Name and Address Unknown)
)
 and)
)
 JOHN DOES 6-15)
 Names and Addresses Unknown)
)
 and)
)
 JOHN DOES 16-25)
 Names and Addresses Unknown)
)
 Defendants.)

Now comes the Plaintiff, Kenise Taylor, Administrator, Estate of Herbert Edwards, and for his Complaint against the Defendants Wallick Senior Housing, LLC, Ashford on Broad, Wallick Communities, Wallick Properties Midwest, LLC, Wallick Properties, LLC, Mary Carter, LPN, John Does 1-4, John Doe 5, John Does 6-15 and John Does 16-25, hereby states that:

FACTUAL ALLEGATIONS

(1) Plaintiff, Kenise Taylor, Administrator, Estate of Herbert Edwards is the duly qualified, appointed and acting Administrator of the Estate of Herbert Edwards, deceased ("Decedent"), being Franklin County Probate Court, case number 637561.

Plaintiff brings this action for negligence, negligence per se, violation of statutory rights, wrongful death and punitive damages as the personal representative of and for the benefit of said Estate and for the Decedent's heirs and other next of kin of the Decedent. An *Affidavit of Merit* executed by Dr. Casey Perkowski is attached hereto and has been filed contemporaneously with the Complaint.

(2) Defendant Wallick Senior Housing, LLC is and at all times relevant hereto was a corporation whose principal place of business is located in Franklin County, Ohio and was an owner and/or an operator of a nursing home and/or residential care facility located at 4801 E. Broad Street, Columbus, Ohio 43213 (hereinafter "RCF"), which provided long term nursing care to its residents, including Decedent, and held itself out to the public, and to Decedent, as competent and qualified to provide safe medical treatment, healthcare services, nursing care and ancillary services. The aforesaid named Defendant and the RCF located at 4801 E. Broad Street, Columbus, Ohio 43213 is a "Nursing Home" or "Residential Care Facility" as defined in O.R.C. §3721 and is licensed as such by the Ohio Department of Health.

(3) Defendant Ashford on Broad is and at all times relevant hereto was a corporation whose principal place of business is located in Franklin County, Ohio and was an owner and/or an operator of a nursing home and/or residential care facility located at 4801 E. Broad Street, Columbus, Ohio 43213 (hereinafter "RCF"), which provided long term nursing care to its residents, including Decedent, and held itself out to the public, and to Decedent, as competent and qualified to provide safe medical treatment, healthcare services, nursing care and ancillary services. The aforesaid named Defendant and the RCF located at 4801 E. Broad Street, Columbus, Ohio 43213

is a "Nursing Home" or "Residential Care Facility" as defined in O.R.C. §3721 and is licensed as such by the Ohio Department of Health.

(4) Defendant Wallick Communities is and at all times relevant hereto was a corporation whose principal place of business is located in Franklin County, Ohio and was an owner and/or an operator of a nursing home and/or residential care facility located at 4801 E. Broad Street, Columbus, Ohio 43213 (hereinafter "RCF"), which provided long term nursing care to its residents, including Decedent, and held itself out to the public, and to Decedent, as competent and qualified to provide safe medical treatment, healthcare services, nursing care and ancillary services. The aforesaid named Defendant and the RCF located at 4801 E. Broad Street, Columbus, Ohio 43213 is a "Nursing Home" or "Residential Care Facility" as defined in O.R.C. §3721 and is licensed as such by the Ohio Department of Health.

(5) Defendant Wallick Properties Midwest, LLC is and at all times relevant hereto was a corporation whose principal place of business is located in Franklin County, Ohio and was an owner and/or an operator of a nursing home and/or residential care facility located at 4801 E. Broad Street, Columbus, Ohio 43213 (hereinafter "RCF"), which provided long term nursing care to its residents, including Decedent, and held itself out to the public, and to Decedent, as competent and qualified to provide safe medical treatment, healthcare services, nursing care and ancillary services. The aforesaid named Defendant and the RCF located at 4801 E. Broad Street, Columbus, Ohio 43213 is a "Nursing Home" or "Residential Care Facility" as defined in O.R.C. §3721 and is licensed as such by the Ohio Department of Health.

(6) Defendant Wallick Properties, LLC is and at all times relevant hereto was a corporation whose principal place of business is located in Franklin County, Ohio and was an owner and/or an operator of a nursing home and/or residential care facility located at 4801 E. Broad Street, Columbus, Ohio 43213 (hereinafter "RCF"), which provided long term nursing care to its residents, including Decedent, and held itself out to the public, and to Decedent, as competent and qualified to provide safe medical treatment, healthcare services, nursing care and ancillary services. The aforesaid named Defendant and the RCF located at 4801 E. Broad Street, Columbus, Ohio 43213 is a "Nursing Home" or "Residential Care Facility" as defined in O.R.C. §3721 and is licensed as such by the Ohio Department of Health.

(7) Defendant Mary Carter, LPN, was at all times relevant hereto a medical professional whose principal place of business and employment was located in Franklin County, Ohio and was an employee, agents and/or contractor of the RCF located at 4801 E. Broad Street, Columbus, Ohio 43213, which provided long term nursing care to their residents, including Decedent, and held themselves out to the public, and to Decedent, as competent and qualified to provide safe medical treatment, healthcare services, nursing care and ancillary services. The aforesaid named Defendant is/was a Licensed Practical Nurse and was licensed as such by the Ohio Department of Health.

(8) Defendants, John Does 1, 2, 3 and 4, are fictitious parties whose true identities could not be discovered with reasonable diligence at the time of the filing of this Complaint and were the owners and/or operators of the RCF at the time of the actions, omissions and conduct which resulted in the injuries, damages, losses and death which is the subject of this Complaint.

(9) Defendant, John Doe 5, is a fictitious party whose true identity could not be discovered with reasonable diligence at the time of the filing of the Complaint and was the Administrator of the RCF at the time of the actions, omissions and conduct which resulted in the injuries, damages, losses and death which is the subject of this Complaint.

(10) Defendants, John Does 6 - 15, are fictitious parties whose true identities could not be ascertained with reasonable diligence at the time of the filing of this Complaint. At all times relevant hereto, Defendants, John Does 6 - 15, were employees, agents, agents by estoppel, and/or representatives of Defendants, Wallick Senior Housing, LLC, Ashford on Broad, Wallick Communities, John Does 1, 2, 3 and/or 4 and provided medical, nursing, health care and/or ancillary services to Decedent.

(11) Defendants, John Does 16 - 25, are fictitious parties whose true identities, contact information and/or involvement in the allegations contained herein could not be ascertained with reasonable diligence at the time of the filing of this Complaint. Defendants, John Does 16 - 25, were at all times material herein Physicians, Certified Nurse Practitioners, Physician's Assistants, Registered Nurses, Licensed Practical Nurses, State Tested Nursing Assistants, Dieticians, Physical Therapists, Occupational Therapists, Speech Language Pathologists, Nutritionists, individuals, institutions, businesses, organizations and/or corporations who committed, contributed to and/or participated in the actions, omissions and/or conduct which resulted in the injuries, damages and losses which is the subject of this Complaint. Defendants, John Does 16 - 25, held themselves out to the public, including Decedent, as competent and qualified

to provide adequate and safe health care services, medical treatment, nursing care, ancillary services and supervision of the same.

(12) At all times material herein, Decedent was a resident of and a patient at the RCF located at 4801 E. Broad Street, Columbus, Ohio 43213 and was the recipient of medical care and treatment, health care services, nursing services, and/or ancillary services provided by Defendants.

(13) During the period of his admission, through January 3, 2025, agents and/or employees of Defendants improperly cared for the Decedent, failed to treat, follow, or appropriately intervene, monitor or report a decline in health, by, inter alia: failing to ensure Decedent was free from wandering and/or eloping and falling; failing to complete safety checks as required every two to three hours; failing to ensure Decedent's fall and subsequent death were included on the facility incident and accident log; failing to ensure an accurate investigation and accurate/timely communication of the circumstances of Decedent's death were relayed to Decedent's family, physician and the Franklin County Medical Examiner; failing to ensure the local police were notified of the incident at the time of occurrence for further investigation; failing to follow an individualized plan of care appropriate to meet the needs of the Decedent; failing to provide necessary care; failing to attain or maintain the Decedent's highest practicable level of physical well-being. Defendants' negligent actions and inactions directly and proximately caused Decedent's injuries and resulted in death.

(14) Decedent died on January 3, 2025 at Defendants' facility, as a direct and proximate result of the aforesaid injuries/conditions caused by the negligent actions and

inactions of Defendants. An Ohio Department of Health Citation performed after Decedent's death verifies the above-mentioned deviations from the standards of care.

COUNT I

Now comes the Plaintiff, Kenise Taylor, Administrator, Estate of Herbert Edwards, and for Count I of her Complaint against the Defendants hereby states:

(15) Realleges and reavers the allegations contained in the paragraphs delineated above.

(16) As a direct and proximate result of the negligence and/or negligence per se of the Defendants, Decedent sustained severe personal injuries which directly and proximately caused his death on January 3, 2025. The acts and/or omissions of the Defendants which were negligent and/or negligent per se include, but are not limited to:

- (a) the failure to provide adequate and appropriate medical, nursing, health care and other ancillary services with the requisite and ordinary degree of care, skill and diligence; and
- (b) the failure to keep Decedent free from physical, mental and emotional abuse; and
- (c) the failure to properly hire, train and supervise the persons/entities which provided medical, nursing, health care and other ancillary services to Decedent; and
- (d) the failure to ensure that the persons/entities which provided medical, nursing, health care and other ancillary services to Decedent were competent to perform their job responsibilities.

(e) the failure to meet statutory requirements imposed upon them by ORC 3721 and OAC 3701-16, *et seq.*

(17) As a direct and proximate result of the negligent and/or negligent per se acts and omissions of the Defendants, the Decedent suffered severe physical pain and discomfort; severe emotional pain, distress, anxiety and anguish; an inability to perform usual activities; and an increased risk of harm.

(18) As a direct and proximate result of the negligent and/or negligent per se acts and omissions of the Defendants, the Decedent incurred medical and hospital bills.

Wherefore, on Count I of her Complaint, Plaintiff, Kenise Taylor, Administrator, Estate of Herbert Edwards, requests a judgment against the Defendants, individually and/or jointly and severally, in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00), which a jury will determine will fully, fairly and reasonably compensate Plaintiff for the aforesaid injuries, losses and damages; plus interests, costs and such other and further relief as to which Plaintiff is entitled at law or in equity.

COUNT II

Now comes the Plaintiff, Kenise Taylor, Administrator, Estate of Herbert Edwards, and for Count II of her Complaint against all the Defendants states:

(19) Realleges and reavers all the foregoing allegations as if specifically rewritten herein.

(20) As a resident in and a patient at a "RCF", as defined in O.R.C. §3721.10, Decedent had statutory and legal rights under O.R.C. §3721.13 (AKA The Patient Bill of Rights) and otherwise to, inter-alia: (a) adequate and appropriate medical treatment and nursing care and to other ancillary services that comprise necessary and

appropriate care consistent with the program for which Decedent contracted; and (b) be free from physical, mental and emotional abuse.

(21) As a direct and proximate result of the acts, omissions and conduct of the Defendants, including as described above, Decedent's rights were violated and Decedent proximately thereby suffered injury, death, damages and losses.

Wherefore, on Count II of her Complaint, Kenise Taylor, Administrator, Estate of Herbert Edwards, requests a judgment against the Defendants, individually and/or jointly and severally, in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00); plus costs, interest and such other and further relief as to which Plaintiff may be entitled at law or in equity.

COUNT III

Now comes the Plaintiff, Plaintiff, Kenise Taylor, Administrator, Estate of Herbert Edwards, and for Count III of her Complaint against the Defendants for Wrongful Death pursuant to O.R.C. 2125.01, *et seq.* states:

(22) Realleges and reavers all of the foregoing allegations as if specifically rewritten herein.

(23) As a direct and proximate result of the Defendants' negligent and/or negligent per se acts, omissions and conduct, and the violation of Decedent's rights as set forth above, Decedent was wrongfully caused to die, which directly resulted in damages, losses and injury to his next of kin and to his Estate, including but not limited to the suffering by the heirs, beneficiaries and next of kin of mental anguish; loss of prospective inheritance; loss of services; loss of society, companionship, consortium,

care, assistance, attention, protection, advice, guidance, counsel, instruction, training and education; loss of support and other hedonic damages.

(24) As a direct and proximate result of the Defendants' acts, omissions, conduct and violation of Decedent's rights as set forth above, Plaintiff also incurred funeral and burial expenses.

Wherefore, on Count III of her Complaint, Plaintiff, Kenise Taylor, Administrator, Estate of Herbert Edwards, Deceased, requests a judgment against the Defendants, individually and/or jointly and severally, in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00), which a jury will determine will fully, fairly and reasonably compensate Plaintiff for the aforesaid injuries, losses and damages; plus interests, costs and such other and further relief as to which Plaintiff is entitled at law or in equity.

COUNT IV

Now comes the Plaintiff, Kenise Taylor, Administrator, Estate of Herbert Edwards, and for Count IV of her Complaint against the Defendants states:

(25) Realleges and reavers all the foregoing allegations as if specifically rewritten herein.

(26) Pursuant to O.R.C. 2315.21, *et seq.*, the injuries, losses, and damages as described above were also a direct and proximate result of conscious disregard for the rights and safety of Decedent that had a great possibility of causing substantial harm and/or death; of Defendants' recklessly causing serious physical harm to Decedent by physical contact with his person; and/or by the Defendants' recklessly failing to provide

Decedent with treatment, care, goods and/or services necessary to maintain his health and safety when such failure resulted in serious physical harm to Decedent.

(27) Defendants failed to ensure Decedent was free from wandering and/or eloping and falling, resulting in him being found frozen to death outside their facility.

(28) Defendants failed to complete safety checks as required every two to three hours

(29) Defendants failed to ensure Decedent's fall and subsequent death were included on the facility incident and accident log.

(30) Defendants failed to ensure an accurate investigation and accurate/timely communication of the circumstances of Decedent's death were relayed to Decedent's family, physician and the Franklin County Medical Examiner

(31) Defendants failed to ensure the local police were notified of the incident at the time of occurrence for further investigation.

(32) Defendants' aforesaid acts, omissions, conduct and violation of Decedent's rights as set forth above, demonstrated malice and/or a conscious disregard for the rights and safety of Decedent and other residents of the Home under circumstances where injury, damages and/or death were likely to occur, entitling Plaintiff to an award of punitive damages.

Wherefore, on Count IV of her Complaint, Kenise Taylor, Administrator, Estate of Herbert Edwards, requests a judgment against all of the Defendants, individually and/or jointly and severally, in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00) as and for punitive damages; plus costs, interest and such other and further relief as to which Plaintiff may be entitled at law or in equity.

Respectfully submitted,

SLATER & ZURZ LLP



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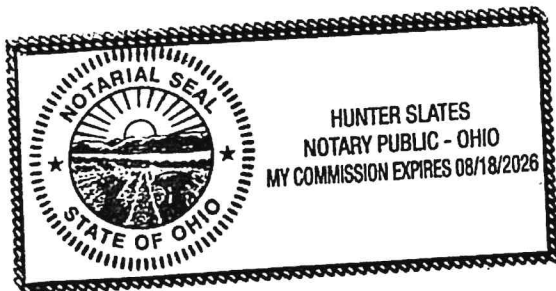
FURTHER AFFIANT SAYETH NAUGHT.

CPK
CASEY PERKOWSKI, M.D.

STATE OF OHIO)
)
COUNTY OF TUSCARAWAS) ss.

Before me, a notary public, in the aforesaid county and state, personally appeared the above-named Casey Perkowski who acknowledged that he did sign the same and that the same was his free act and deed.

Witness my hand and official seal at Dover, Ohio on this 11 day of June, 2025.



Hunter Slates
NOTARY PUBLIC