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Attorneys for Plaintiff(s)

L.H.,

Plaintiff(s)

vs.

**COMPLETE CARE AT KRESSON
VIEW, LLC; PC-NJ1 OPCOS, LLC;
GENESIS HEALTHCARE, INC.;**
**WAYMOND MINITEE, JR.; ABC
BUSINESS ENTITIES (1-10); DEF
PARTNERSHIPS (1-10) JOHN DOE
PHYSICIANS (1-10); JOHN DOE NURSES
(1-10); & JOHN DOE TECHNICIANS,
CERTIFIED NURSING AIDES, AND
PARAMEDICAL EMPLOYEES (1-10);** (the
aforesaid names being fictitious and their true
names being unknown) jointly and severally,

Defendants

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
CAMDEN COUNTY

Docket No:

Civil Action

COMPLAINT

- Jury Demand, Certification & Designated Trial Counsel
- Demand for Production of R. 4:18-1(c) Certified Medical Chart and Nursing Records
- Demand for Production of Policies and Procedures
- Demand for Production of Administrative and Managerial Materials
- Demand for Answers to Form C Interrogatories
- Demand for Answers to Supplemental Interrogatories
- Demand for Production of Documents
- Demand for Entry upon Premises for Inspection
- Affidavit of Merit

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SUITES B1-B2
TURNERSVILLE,
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The Plaintiff complains and alleges, upon information and belief, for all relevant times, the following:

THE PARTIES

1. Plaintiff, L.H. (the “PATIENT-RESIDENT”) brings this civil action as an individual residing in Atco, Camden County, New Jersey.

2. As defined by N.J.S.A. § 26:2H-2; N.J.S.A. § 30:13-2; N.J.A.C. § 8:39-1.2; and 42 C.F.R. § 483.5, the defendants, **COMPLETE CARE AT KRESSON VIEW, LLC; PC-NJ1 OPCOS, LLC; GENESIS HEALTHCARE, INC.;** ABC BUSINESS ENTITIES (1-10); DEF PARTNERSHIPS (1-10) JOHN DOE PHYSICIANS (1-10); JOHN DOE NURSES (1-10); & JOHN DOE TECHNICIANS, CERTIFIED NURSING AIDES, AND PARAMEDICAL EMPLOYEES (1-10) (the “NURSING HOME DEFENDANTS”), owned and operated a healthcare and skilled-nursing facility commonly known as COMPLETE CARE AT KRESSON VIEW, LLC with offices and facilities located at 2601 EVESHAM ROAD, VOORHEES, CAMDEN COUNTY, NEW JERSEY.

3. Defendant, WAYMOND MINITEE, JR., was at all times relevant hereto, a nurse aide, Certification Number NA8669512, and employed by the defendants.

4. ABC BUSINESS ENTITIES (1-10) and DEF PARTNERSHIPS (1-10) represents one or more individuals or business entities that owned and operated the health-care facility and are, thus, directly or vicariously liable for conduct that caused the damages, harms, and losses described in this complaint.

5. JOHN DOE PHYSICIANS (1-10) represents one or more physicians who negligently provided health-care services, while within the scope of their employment for the

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900 RT. 168
SUITES B1-B2
TURNERSVILLE,
NJ 08012

defendants, and are, thus, directly or vicariously liable for conduct that causing the damages, harms, and losses described in this complaint.

6. JOHN DOE NURSES (1-10) represents one or more nurses who negligently provided health-care services, while within the scope of their employment for the defendants, and are, thus, directly or vicariously liable for conduct that caused the damages, harms, and losses described in this complaint.

7. JOHN DOE TECHNICIANS, CERTIFIED NURSING AIDES, AND PARAMEDICAL EMPLOYEES (1-10) represents one or more care providers who negligently provided health-care services, while within the scope of their employment for the defendants, and are, thus, directly or vicariously liable for conduct that caused the damages, harms, and losses described in this complaint.

Direct and Vicarious Liability

8. Defendants—and their corporate officers, designees, directors, agents, servants, and employees—had a nondelegable duty to provide, and were solely responsible for providing, reasonable health-care services to the PATIENT-RESIDENT in compliance with state and federal laws, as well as with accepted standards of care.

9. Accordingly, defendants are directly liable for the acts and omissions that caused the damages, harms, and losses described in this complaint.

10. Also, defendants are vicariously liable for the acts and omissions that caused the damages, harms, and losses described in this complaint, under the following alternative legal theories:

- a. Alter Ego: Defendants were alter egos of one another. And the health-care facility was a subsidiary and the alter ego of the other defendants. Thus, it was a mere

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900 RT. 168
SUITES B1-B2
TURNERSVILLE,
NJ 08012

conduit through which the other defendants did business as a single business enterprise under common management, operation, and control.

- b. Agency: Alternatively, defendants acted as agents for one another and ratified or authorized the acts or omissions of one or more of the other defendants. In so doing, they held themselves out as being a unified enterprise and operation.
- c. Joint Enterprise: Alternatively, if defendants maintain as separate legal entities, each remains liable for the acts and omissions of each other because each agreed to engage in a joint venture and enterprise, to act in concert, for operating, managing, and controlling the health-care facility. And so, defendants had equal rights to operate, manage, and control that joint venture

FACTS COMMON TO ALL COUNTS

11. From on or about March 22, 2023, to April 10, 2023, L.H. was a Patient-Resident of the defendants' skilled-nursing facility commonly known as Complete Care at Kresson View located at 2601 Evesham Road, Voorhees, Camden County, New Jersey.

12. At that same time, L.H. was a 76-year-old woman admitted for care following an injury and was transferred to the defendants' skilled nursing facility for subacute rehabilitation.

13. On or about April 10, 2023, at approximately 5:30 a.m., L.H. rang the call button for assistance to go to the bathroom.

14. At that same time and place, Nurse Aide, Waymond Minitee, Jr., Certification Number NA8669512, sexually assaulted L.H. in violation of *N.J.S.A. 2C:14-2C(1)*.

15. At that same time and place, the NURSING HOME DEFENDANTS knew or should have known of Waymond Minitee, Jr.'s criminal history and propensity for sexually assaulting patients.

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SUITE B1-B2
TURNERSVILLE,
NJ 08012

16. Defendants and their corporate officers, designees, directors, agents, servants and employees had a nondelegable duty to provide, and were solely responsible for providing, reasonable healthcare services to the plaintiff in compliance with state and federal laws, as well as within accepted standards of care.

COUNT I

AS TO COMPLETE CARE AT KRESSON VIEW, LLC; PC-NJ1 OPCOS, LLC; and GENESIS HEALTHCARE, INC.

17. Plaintiff adopts and incorporates the allegations of the preceding paragraphs as if set forth more fully at length herein.

18. As required under 42 C.F.R. § 483.5, defendants comprise of entities that form a larger Institution (the “Institution”) which wholly owned and operated a skilled-nursing facility (the “Facility”).

19. The Facility was subject to N.J.S.A § 30:13-1 through 17, N.J.A.C § 8:39-1 through 47, N.J.A.C § 8:43E-1 through 13, and 42 C.F.R. § 483.1 through 95.

20. As required under 42 C.F.R. § 483.5, the Facility functioned as an integral and subordinate part of the Institution, with significant common-resource usage of buildings, equipment, personnel, and services.

21. As required under 42 C.F.R. § 483.5, the Facility is financially integrated with the Institution as a result of sharing income and expenses with the institution, and the reporting of its costs on the Institutions cost report.

22. As required under 42 C.F.R. § 483.5, the Institution operated the Facility through a common governing body, i.e., common ownership and control.

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900 RT. 168
SUITES B1-B2
TURNERSVILLE,
NJ 08012

23. As required under 42 C.F.R. § 483.5, the Facility was subject to the by-laws and operating decisions of the common governing body.

24. Under 42 C.F.R. § 483.5, the Institution had final responsibility for the Facility's administrative decisions, personnel policies, and final approval for the facility's personnel actions.

25. From on, or about, March 22, 2023, to April 10, 2023, PATIENTRESIDENT was a patient and resident at the Facility.

26. During that admission, PATIENT-RESIDENT was under defendants' exclusive care and control.

27. Under that exclusive care and control, defendants employed, and contracted healthcare personnel for the purpose of providing healthcare services and equipment to the PATIENT-RESIDENT, within the scope of their employment and agency for the defendants.

28. During that time, defendants were solely responsible for the healthcare services and equipment rendered for protecting the PATIENT-RESIDENT's physical, emotional, and mental well-being; and safety.

29. Defendants knew or should have known that the PATIENT-RESIDENT was elderly or disabled person that had a particular healthcare status and, thus, required a particular level of skilled-nursing care for adequately and timely conducting nursing assessments, providing nursing diagnoses, developing nursing care plans, implementing nursing interventions, ensuring nursing monitoring and supervision, and revising nursing care plans for protecting the PATIENTRESIDENT's physical, emotional, and mental well-being; and safety.

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ATTORNEYS AT LAW
900 RT. 168
SUITES B1-B2
TURNERSVILLE,
NJ 08012

30. Despite defendants' knowledge of the PATIENT-RESIDENT's health status, defendants failed to provide skilled-nursing care, commensurate with the accepted standard of care, applicable to each in their respective capacities.

31. Additionally, defendants were responsible for having competent administrators, supervisors, managers, nurses, CNAs, and any other personnel necessary to oversee the proper provisioning of skilled-nursing care for the PATIENT-RESIDENT, however, they failed in doing so.

32. As a direct and proximate result of defendants' breach of duty, negligence, and recklessness, the PATIENT-RESIDENT suffered abuse and neglect, including, but not limited to: sexual assault, and other related injuries, pain and suffering, physical deconditioning, mental and emotional anguish, decreased quality of life, costs and expenses for medical care.

33. Defendants failed to allocate sufficient financial and human resources for providing an adequate number of sufficiently trained nursing staff, developing and enforcing nursing policies and procedures, and ensuring timely access to appropriate nursing services and equipment for protecting the PATIENT-RESIDENT's physical, emotional, and mental well-being and safety.

WHEREFORE, the plaintiff, L.H., demands judgment for damages generally against the defendant(s), COMPLETE CARE AT KRESSON VIEW, LLC; PC-NJ1 OPCOS, LLC; GENESIS HEALTHCARE, INC.; WAYMOND MINITEE, JR.; ABC BUSINESS ENTITIES (1-10); DEF PARTNERSHIPS (1-10) JOHN DOE PHYSICIANS (1-10); JOHN DOE NURSES (1-10); & JOHN DOE TECHNICIANS, CERTIFIED NURSING AIDES, AND PARAMEDICAL EMPLOYEES (1-10) individually, jointly, severally and in the alternative, which will reasonably compensate the plaintiff for the significant injuries, pain and suffering,

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ATTORNEYS AT LAW
900 RT. 168
SUITES B1-B2
TURNERSVILLE,
NJ 08012

and other damages sustained together with attorneys' fees, punitive damages, interest and costs of suit.

COUNT II

AS TO COMPLETE CARE AT KRESSON VIEW, LLC

34. Plaintiff adopts and incorporates the allegations of the preceding paragraphs as if set forth more fully at length herein.

35. From on, or about March 22, 2023, to April 10, 2023, PATIENT-RESIDENT was a patient and resident in the defendants' skilled-nursing facility.

36. During that admission, PATIENT-RESIDENT was under defendants' exclusive care and control.

37. Under that exclusive care and control, defendants employed, and contracted health-care personnel who provided health-care services to the PATIENT-RESIDENT within the scope of their employment and agency for the defendants.

38. Furthermore, defendants never disclosed to the PATIENT-RESIDENT, or other responsible persons, that any employee or agent was independently providing health-care services and thus liable for their own acts or omissions.

39. Accordingly, PATIENT-RESIDENT reasonably believed that any health-care services rendered, by any employee or agent, were provided on the defendants' behalf.

40. During that time, defendants were solely responsible the health-care services rendered for protecting the PATIENT-RESIDENT's physical well-being and safety.

41. Accordingly, defendants had a non-delegable duty to exercise reasonable care, and comply with all accepted standards of care for providing health-care services for the PATIENT-RESIDENT.

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ATTORNEYS AT LAW
900 RT. 168
SUITES B1-B2
TURNERSVILLE,
NJ 08012

42. Defendants knew or should have known that the PATIENT-RESIDENT was elderly or disabled person that had particular health-related status and, thus, required a particular level of skilled-nursing care for adequately and timely: conducting nursing assessments, providing nursing diagnoses, developing nursing care plans, implementing nursing interventions, ensuring nursing monitoring and supervision, and revising nursing care plans for protecting the PATIENTRESIDENT's physical well-being and safety.

43. But despite the PATIENT-RESIDENT's health status, defendants failed to provide skilled-nursing care, commensurate with the accepted standard of care, applicable to each in their respective capacities.

44. Defendants failed to allocate sufficient financial and human resources for: providing an adequate number of sufficiently trained nursing staff, developing, and enforcing nursing policies and procedures, and ensuring timely access to appropriate nursing equipment for protecting the PATIENT-RESIDENT's well-being and safety.

45. Additionally, defendants were responsible for having competent administrators, supervisors, managers, nurses, CNAs, and any other personnel necessary for overseeing the proper provisioning of skilled-nursing care for the PATIENT-RESIDENT and similar persons, however, they failed in doing so

46. Because defendants failed to exercise due care by failing to adhere to accepted standards of care, and subjected the PATIENT-RESIDENT to abuse, as defined in 42 C.F.R. § 483.5 and 488.301; and neglect, as defined in 42 C.F.R. § 488.301, they are liable for the acts and omissions of their employees and agents under the doctrine of respondent superior.

47. As a direct and proximate result of defendants' deviations from the standard of care, negligence, and recklessness, the PATIENT-RESIDENT suffered, endured, and experienced

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ATTORNEYS AT LAW
900 RT. 168
SUITE B1-B2
TURNERSVILLE,
NJ 08012

physical abuse and neglect, including, but not limited to including, but not limited to: sexual assault, and other related injuries, pain and suffering, physical deconditioning, mental and emotional anguish, decreased quality of life, costs and expenses for medical care.

WHEREFORE, the plaintiff, L.H., demands judgment for damages generally against the defendant(s), COMPLETE CARE AT KRESSON VIEW, LLC; PC-NJ1 OPCOS, LLC; GENESIS HEALTHCARE, INC.; WAYMOND MINITEE, JR.; ABC BUSINESS ENTITIES (1-10); DEF PARTNERSHIPS (1-10) JOHN DOE PHYSICIANS (1-10); JOHN DOE NURSES (1-10); & JOHN DOE TECHNICIANS, CERTIFIED NURSING AIDES, AND PARAMEDICAL EMPLOYEES (1-10) individually, jointly, severally and in the alternative, which will reasonably compensate the plaintiff for the significant injuries, pain and suffering, and other damages sustained together with attorneys' fees, punitive damages, interest and costs of suit.

COUNT III

VIOLATION OF NEW JERSEY NURSING HOME RESPONSIBILITIES AND RIGHTS OF RESIDENTS ACT (NHA)

48. Plaintiff adopts and incorporates the allegations of the preceding paragraphs as if set forth more fully at length herein.

49. Defendants operated a nursing home as defined by N.J.S.A. § 30:13-2(c).

50. The PATIENT-RESIDENT was a resident of defendant nursing home as defined by N.J.S.A. § 30:13-2(e).

51. Accordingly, defendants were required to comply with the laws enacted in N.J.S.A. § 30:13-1 through 17, the NHA.

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900 RT. 168
SUITE B1-B2
TURNERSVILLE,
NJ 08012

52. Furthermore, by way of enabling legislation, defendants were required to comply with the regulations promulgated in N.J.A.C. §§ 8:39-1 through 47 and 8:43E-6.1 through 6.6 (the “Regulatory Rules”).

53. The defendants violated the laws enacted in the NHA, and the Regulatory Rules while caring for the PATIENT-RESIDENT and, thus, caused the damages, harms, and losses claimed in this complaint.

54. Under the NHA and Regulatory Rules, defendants were responsible for protecting the PATIENT-RESIDENT’s well-being and safety by ensuring that no employee or agent violated the PATIENT-RESIDENT’s rights, as enacted at N.J.S.A. § 30:13-5 and promulgated in N.J.A.C. § 8:39-4.1 (the “Mandatory Resident Rights”)

55. More specifically, under N.J.S.A. § 30:13-5(j), N.J.A.C. § 8:39-4.1(5), and N.J.A.C. § 8:43E-6.4 defendants were responsible for protecting the PATIENT-RESIDENT’s well-being and safety by ensuring that no employee or agent violated the PATIENT-RESIDENT’s right to a safe and decent living environment and considerate and respectful care that recognizes the dignity and individuality of the resident, including the right to expect and receive appropriate assessment, management, and treatment of pain as an integral component of that person’s care consistent with sound nursing and medical practices, which includes the right to be free from physical abuse, sexual abuse and neglect.

56. The defendants failed to protect the PATIENT-RESIDENT’s well-being and safety by failing to ensure that no employee or agent violated the PATIENT-RESIDENT’s Mandatory Resident Rights.

57. Defendants’ violation of the NHA and Resident Rights directly and proximately resulted in the PATIENT-RESIDENT’s exposure to an unsafe and indecent living environment,

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900 RT. 168
SUITES B1-B2
TURNERSVILLE,
NJ 08012

without considerate and respectful care, and without an appropriate assessment, management, and treatment of pain, which caused the PATIENT-RESIDENT to suffer, endure, and experience a loss of dignity, honor, respect, and pride.

58. Defendants' acts and omissions are sufficient under N.J.S.A. § 30:13-8 to constitute a claim for general damages, compensatory damages, punitive damages, attorney's fees, interest, and costs of suit.

WHEREFORE, the plaintiff, L.H., demands judgment for damages generally against the defendant(s), COMPLETE CARE AT KRESSON VIEW, LLC; PC-NJ1 OPCOS, LLC; GENESIS HEALTHCARE, INC.; WAYMOND MINITEE, JR.; ABC BUSINESS ENTITIES (1-10); DEF PARTNERSHIPS (1-10) JOHN DOE PHYSICIANS (1-10); JOHN DOE NURSES (1-10); & JOHN DOE TECHNICIANS, CERTIFIED NURSING AIDES, AND PARAMEDICAL EMPLOYEES (1-10) individually, jointly, severally and in the alternative, which will reasonably compensate the plaintiff for the significant injuries, pain and suffering, and other damages sustained together with attorneys' fees, punitive damages, interest and costs of suit.

COUNT IV

AS TO WAYMOND MINITEE, JR.

59. Plaintiff adopts and incorporates the allegations of the preceding paragraphs as if set forth more fully at length herein.

60. At the time of the aforesaid incident, defendant, Waymond Minitee, Jr., was an agent, servant, and/or employee of the NURSING HOME DEFENDANTS and was otherwise acting in the course and scope of his employment and/or agency.

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ATTORNEYS AT LAW
900 RT. 168
SUITE B1-B2
TURNERSVILLE,
NJ 08012

61. The NURSING HOME DEFENDANTS are thus vicariously liable for the negligence of Waymond Minittee, Jr.

62. As a result of the negligence and carelessness of the defendants, and each of them, plaintiff, L.H., sustained severe personal injuries both temporary and permanent in nature; has and will endure great pain; has and will be prevented from attending to her normal affairs; has incurred medical and other expenses; and has been otherwise damaged.

63. The NURSING HOME DEFENDANTS are responsible for hiring competent supervisors, managers, nurses and any other personnel necessary to oversee and monitor the treatment of its patient/residents such as the plaintiff.

64. The managers, supervisors, nurses and other personnel at defendant(s) failed to exercise due care in monitoring the residents therein.

65. The NURSING HOME DEFENDANTS are liable for the negligence, carelessness and recklessness of its employees and agents under the Doctrine of *Respondeat Superior*.

66. As a direct and proximate result of the aforesaid negligence, carelessness, and recklessness of defendant(s), the plaintiff suffered severe personal injuries of both a permanent and temporary nature, was forced to endure great pain and suffering, and was forced to incur medical expenses in the care and treatment of said injuries.

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ATTORNEYS AT LAW
900 RT. 168
SUITES B1-B2
TURNERSVILLE,
NJ 08012

WHEREFORE, the plaintiff, L.H., demands judgment for damages generally against the defendant(s), COMPLETE CARE AT KRESSON VIEW, LLC; PC-NJ1 OPCOS, LLC; GENESIS HEALTHCARE, INC.; WAYMOND MINITEE, JR.; ABC BUSINESS ENTITIES (1-10); DEF PARTNERSHIPS (1-10) JOHN DOE PHYSICIANS (1-10); JOHN DOE NURSES (1-10); & JOHN DOE TECHNICIANS, CERTIFIED NURSING AIDES, AND

PARAMEDICAL EMPLOYEES (1-10) individually, jointly, severally and in the alternative, which will reasonably compensate the plaintiff for the significant injuries, pain and suffering, and other damages sustained together with attorneys' fees, punitive damages, interest and costs of suit.

COUNT V

LAW AGAINST DISCRIMINATION N.J.S.A. 10:5-1 ET. SEQ

67. Plaintiff adopts and incorporates the allegations of the preceding paragraphs as if set forth more fully at length herein.

68. As outlined above, Defendants, with discriminatory intent, took adverse actions against the plaintiff, by subjecting her to being physically and sexually abused by the defendants.

69. Defendant(s) actions against the plaintiff outlined above, including but not limited to, withholding emergency medical services, medical care, and health benefits in compliance with all Federal, State and local regulations constitutes disability discrimination and disparate treatment of and against Plaintiff based upon her sex and age in violation of the Law Against Discrimination, *N.J.S.A. 10:5-1 et. seq.* (LAD).

70. Defendant's actions and/or inactions constitute a severe and/or pervasive, and continuing course of conduct in violation of the LAD.

71. As a result, Plaintiff's statutory rights have been violated and her protections under the law have been eviscerated.

72. As a direct and proximate result of the aforesaid negligence, carelessness, and recklessness of defendant(s), the plaintiff suffered severe personal injuries of both a permanent

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900 RT. 168
SUITES B1-B2
TURNERSVILLE,
NJ 08012

and temporary nature, was forced to endure great pain and suffering, and was forced to incur medical expenses in the care and treatment of said injuries.

73. The foregoing actions were knowing, willful and deliberate violations of law and deprivations of Plaintiff's statutory and civil rights, and Plaintiff is entitled to punitive damages under applicable law.

WHEREFORE, the plaintiff, L.H., demands judgment for damages generally against the defendant(s), COMPLETE CARE AT KRESSON VIEW, LLC; PC-NJ1 OPCOS, LLC; GENESIS HEALTHCARE, INC.; WAYMOND MINITEE, JR.; ABC BUSINESS ENTITIES (1-10); DEF PARTNERSHIPS (1-10) JOHN DOE PHYSICIANS (1-10); JOHN DOE NURSES (1-10); & JOHN DOE TECHNICIANS, CERTIFIED NURSING AIDES, AND PARAMEDICAL EMPLOYEES (1-10) individually, jointly, severally and in the alternative, which will reasonably compensate the plaintiff for the significant injuries, pain and suffering, and other damages sustained together with attorneys' fees, punitive damages, interest and costs of suit.

COUNT VI

PUNITIVE DAMAGES

74. Plaintiff adopts and incorporates the allegations of the preceding paragraphs as if set forth more fully at length herein.

75. Despite defendants' knowledge, or knowledge they should have had, about the PATIENT-RESIDENT's existing health status, and the natural and highly probable severe harms and losses that would occur in failing to provide appropriate nursing care, they denied the provision of the skill-nursing care commensurate with the accepted standard of care, required for protecting the PATIENT-RESIDENT's health status and safety.

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ATTORNEYS AT LAW
900 RT. 168
SUITES B1-B2
TURNERSVILLE,
NJ 08012

76. Defendants' reckless acts and omissions directly and proximately caused the PATIENT-RESIDENT to suffer, endure, and experience physical and sexual abuse, physical neglect, and a loss of dignity including, but not limited to, pain and suffering, mental and emotional anguish, decreased quality of life, loss of honor and pride, costs and expenses for medical care and treatment.

WHEREFORE, the plaintiff, L.H., demands judgment for damages generally against the defendant(s), COMPLETE CARE AT KRESSON VIEW, LLC; PC-NJ1 OPCOS, LLC; GENESIS HEALTHCARE, INC.; WAYMOND MINITEE, JR.; ABC BUSINESS ENTITIES (1-10); DEF PARTNERSHIPS (1-10) JOHN DOE PHYSICIANS (1-10); JOHN DOE NURSES (1-10); & JOHN DOE TECHNICIANS, CERTIFIED NURSING AIDES, AND PARAMEDICAL EMPLOYEES (1-10) individually, jointly, severally and in the alternative, which will reasonably compensate the plaintiff for the significant injuries, pain and suffering, and other damages sustained together with attorneys' fees, punitive damages, interest and costs of suit.

COUNT VII

FICTITIOUS INDIVIDUAL/ENTITY

77. Plaintiff adopts and incorporates the allegations of the preceding paragraphs as if set forth more fully at length herein.

78. The plaintiff hereby names ABC BUSINESS ENTITIES (1-10); DEF PARTNERSHIPS (1-10); JOHN DOE PHYSICIANS (1-10); JOHN DOE NURSES (1-10); & JOHN DOE TECHNICIANS, CERTIFIED NURSING AIDES, AND PARAMEDICAL EMPLOYEES (1-10) as an individual, partnership, company and/or corporation who has either

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900 RT. 168
SUITES B1-B2
TURNERSVILLE,
NJ 08012

been misidentified and/or omitted as a defendant(s) and whose negligence contributorily caused the injuries sustained by the plaintiff.

WHEREFORE, the plaintiff, L.H., demands judgment for damages generally against the defendant(s), COMPLETE CARE AT KRESSON VIEW, LLC; PC-NJ1 OPCOS, LLC; GENESIS HEALTHCARE, INC.; WAYMOND MINITEE, JR.; ABC BUSINESS ENTITIES (1-10); DEF PARTNERSHIPS (1-10) JOHN DOE PHYSICIANS (1-10); JOHN DOE NURSES (1-10); & JOHN DOE TECHNICIANS, CERTIFIED NURSING AIDES, AND PARAMEDICAL EMPLOYEES (1-10) individually, jointly, severally and in the alternative, which will reasonably compensate the plaintiff for the significant injuries, pain and suffering, and other damages sustained together with attorneys' fees, punitive damages, interest and costs of suit.

DEMAND FOR JURY TRIAL

TAKE NOTICE that the plaintiff(s) hereby demands a trial by jury on all issues in accordance with the Rules of this Court.

DESIGNATION OF TRIAL ATTORNEY

In accordance with R. 4:25-4, John W. Trimble, Jr., is hereby designated as trial counsel for the plaintiff(s) in this action.

CERTIFICATION

Pursuant to R. 4:5-1(b)2, the matter is controversy is not the subject of any other action pending in any Court or of any pending arbitration proceeding, nor are any such actions or arbitration contemplated. There are no other known parties who should be joined in this action.

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ATTORNEYS AT LAW
900 RT. 168
SUITES B1-B2
TURNERSVILLE,
NJ 08012

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment for contempt of court.

CERTIFICATION OF COMPLIANCE

I, John W. Trimble, Jr., certify that confidential personal identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with R.1:38-7(b).

THE FIRST SET OF DISCOVERY

Demand for Production of Documents

In accordance with R. 4:18-1, plaintiff demands that defendants produce the following documents, related to the PATIENT-RESIDENT's treatment and care, accompanied by a "certification or affidavit of completeness" in compliance with R. 4:18-1(c), within 50 days of service of this complaint:

▪ Medical Chart and Nursing Records

AS TO ALL DEFENDANTS

A **COLOR COPY, with audit data**, of the entire Medical Chart and Nursing Records including, but not limited to, the enumerated documents below:

General Care

(1) All physician Admission Orders as required pursuant to 42 C.F.R. § 483.20 and N.J.A.C. § 8:39-11.2; or N.J.A.C. § 8:43G;

(2) The Comprehensive Assessment using Resident Assessment Instruments as required pursuant to 42 C.F.R. § 483.20 and N.J.A.C. § 8:39-11.2; or N.J.A.C. § 8:43G;

(3) All Resident Assessment Protocols;

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ATTORNEYS AT LAW
900 RT. 168
SUITES B1-B2
TURNERSVILLE,
NJ 08012

(4) The Baseline Care Plan as required pursuant to 42 C.F.R. § 483.21 and N.J.A.C. § 8:39-11.2; or N.J.A.C. § 8:43G;

(5) All Physician Orders;

(6) All Dietary Orders;

(7) All Therapy Orders;

(8) The Comprehensive Care Plan or Plan of Care as required pursuant to 42 C.F.R. § 483.21; or N.J.A.C. § 8:43G;

(9) All Admission and Discharge Summaries;

(10) All Minimum Data Sets (MDS);

(11) All Comprehensive Plans of Care;

(12) All Nursing Assessments;

(13) All Interdisciplinary Progress Notes;

(14) All Nursing Progress Notes;

(15) All Physician Progress Notes;

(16) All 24 Hour Reports or Change of Condition Reports used to record the resident's condition changes (i.e., falls, infections, medication changes, skin integrity changes, behavioral changes, etc.);

(17) All Activities of Daily Living (ADL) Flowsheets;

(18) All Medication Administration Records (MARs);

(19) All Treatment Administration Records (TARs);

(20) All CNA Kardex records;

(21) All Care Profile records;

Please note that audit data, including but not limited to, all names, dates and times, entries in the medical chart were made is requested and required to be produced.

Pain

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NJ 08012

(22) All Pain Care Area Assessments;

(23) All Pain Assessments;

Falls and Fractures

(24) All policies and procedures for assessing, evaluating, and preventing falls;

(25) All Fall Risk Assessments;

(26) All Restraint Assessments;

(27) All radiographic diagnostic tests (film and digital) including, but not limited to, xrays and CT scans;

(28) All radiographic diagnostic reports related to including, but not limited to x-rays, MRIs, CT scans;

(29) All Physical Therapy Progress Notes;

(30) All Occupational Therapy Progress Notes;

Malnutrition and Dehydration

(31) All Assessments for Determining the Risk of Malnutrition and Dehydration;

(32) All Dietary and Nutritional Progress Notes;

(33) All Weight Tracking Records;

(34) All Input & Output Records;

Call Light Care

(35) All call light histories/records of the resident for the years 2022 and 2023.

▪ **X-rays, CT scans, photographs, video, and audio recording**

AS TO ALL DEFENDANTS

(36) A copy all x-rays, CT scans, photographs, video, and audio recordings of the PATIENT-RESIDENT, including but not limited to all materials created as a result of any medical, clinical, or social activities.

▪ **Other Policies and Procedures**

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TURNERSVILLE,
NJ 08012

(37) A copy the Table of Contents and Index for Nursing Policies and Procedures as required pursuant to N.J.A.C. § 8:39-13.1 and N.J.A.C. § 8:39-27.1(b).

(38) A copy of the policies and procedures for Resident Admissions and related documents.

(39) A copy of the policies and procedures for Nursing Documentation and Charting and related documents.

(40) A copy of the job descriptions for each category of personnel in the facility, as required by N.J.A.C. § 8:39-9.3.

▪ **Administrative and Managerial Materials**

(41) Nurse and aide assignment sheets on L.H.'s unit per-shift-per-day;

(42) Resident census on L.H.'s unit per-shift-per-day;

(43) Quarterly DHSS staffing reports that were submitted during L.H.'s stay from date of admission into defendant facility through date of discharge from defendant facility;

(44) All Cost Reports and related documents for the years during the resident's admission at defendant facility;

(45) All Medical Director Agreements and Contracts and related documents for the years during the resident's admission at defendant facility.

(46) All Resident assignment sheets on L.H.'s unit-per-shift-per day and related documents for the years during the resident's admission at defendant facility.

(47) Building floor plan and related documents for the years during the resident's admission at defendant facility.

(48) All Nursing staff in-service records and related documents for the years during the resident's admission at defendant facility.

(49) All Resident council meeting minutes and related documents for the years during the resident's admission at defendant facility.

(50) All e-mails between the Administrator, DON, and Corporate staff and related to L.H. for the years during the resident's admission at defendant facility.

(51) All governing body meeting minutes and related documents for the years during the resident's admission at defendant facility.

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TURNERSVILLE,
NJ 08012

(52) Executive staff roster and related documents for the years during the resident's admission at defendant facility.

(53) Nursing Management roster and related documents for the years during the resident's admission at defendant facility.

(54) Internal complaint file regarding Plaintiff and related documents for the years during the resident's admission at defendant facility.

▪ **General Discovery**

AS TO ALL DEFENDANTS

(55) Copies of all visitor logs for the period of time the Plaintiff was at the facility.

(56) Copies of any and all statements, correspondence, applications, or any tangible item by, to or from the plaintiff relating directly or indirectly to the claim herein at issue.

(57) Copies of any and all statements, writings, memoranda or any other tangible item from, by or to any party or witness to the incident herein at issue, and if any oral statements of parties or witnesses were received, provide a detailed summary of what was said by each and every said party or witness.

(58) Any statement, report, investigation, photographs, videotapes, movies, estimates, surveillance videos, drawings, maps, or any other tangible item related either directly or indirectly to the incident complained of.

(59) Any other tangible item or evidence which the defendant deems relevant to the incident at issue, whether directly or indirectly, and/or which the defendant intends to utilize at the time of a hearing or trial.

(60) A copy of the Declaration page of the insurance policy issued to the defendant, or otherwise covering, the defendant on the day of the incident complained of.

(61) Copies of all expert witness reports, whether or not said expert is expected to testify at the Hearing, and whether or not the respondent intends to utilize said report at the time of the arbitration hearing.

(62) Copies of all treatises, studies, papers or articles relied upon by the defendant expert, or which the defense expert has or will refer to.

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NJ 08012

(63) If you allege any of the injuries plaintiff contends were caused by the incident at issue were not caused by the said incident, please produce the following documents: a. All medical reports and documents on which you rely. b. A copy of any and all pleadings, interrogatories, depositions or trial transcripts or any other records upon which you will rely.

(64) If you allege the plaintiff has been involved in any previous or subsequent accidents or incidents, or sustained any or previous or subsequent injuries to those in question, please produce the following: a. Copies of all medical reports and documents upon which you will rely. b. Copies of any pleadings, interrogatories, depositions, trial testimony or any other record upon which you will rely.

(65) Copies of all agreements between and/or among parties relating to the management, operation control, shared services relating to the operation of the facility or the sharing profits.

(66) If you intend to cross-examine any of the plaintiff's experts by use of any medical or scientific treatises, please attach copies of the entire said treatise or document, and not merely excerpts thereof.

(67) If you allege or intend to produce any expert who will allege that any of the plaintiff's medical treatment was unnecessary, unreasonable or not related to the accident or incident in question, please attach copies of all documentation upon which you will rely to support this allegation, including medical texts or treatises which support this view.

(68) If you allege that the plaintiff had any pre-existing medical condition, please attach copies of any medical record or any other documentation upon which you intend to rely to support this allegation.

(69) Please produce copies of any and all documentation received from any subpoena or authorization served in this matter.

(70) Any and all written reports or documents rendered by each and every proposed expert witness or any party including, but not limited to, any medical expert witness regardless of whether such witness is intended to be called at the time of arbitration and/or trial.

(71) Copy of any and all CIB or similar report purporting to reflect or contain Plaintiff's prior claims history.

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NJ 08012

DEMAND FOR CERTIFIED ANSWERS TO FORM C INTERROGATORIES

Pursuant to R. 4:17-1(b)(2) and (b)(4), the plaintiffs hereby demand that the defendants upon whom this pleading is served furnish fully responsive certified answers to Form C and C(3) Uniform Interrogatories together with the attachments required therein within 60 days after service of this Complaint.

DEMAND FOR ANSWERS TO SUPPLEMENTAL INTERROGATORIES

Pursuant to R. 4:17-11(b)(1), Plaintiffs demand that all defendants serve, upon plaintiff, answers to the following Supplemental Interrogatories within 60 days after service of this Complaint:

AS TO ALL DEFENDANTS

1. Without referencing any prior answers to interrogatories, advise if you or your attorney has withheld any documents requested in interrogatories or the notice to produce for any reason. If so, provide a privilege log detailing the documents that have been withheld.

2. Provide the complete name of every physician, physician's assistant (PA), registered nurse (RN), licensed practical nurse (LPN), advanced nurse practitioner (APN), nurse aide (CNA), and any other employee and agency care giver who signed the PATIENT-RESIDENT's medical chart;

3. For each individual provided in response to Supplemental Interrogatory 2, indicate whether defendant currently employs the individual, and if not currently employed by defendant, provide the individual's last known address, telephone number, and social security number;

4. Provide the complete name of the Administrator, Director of Nursing, and Chief Nursing Officer or Manager for the years during the PATIENT-RESIDENT's admission at defendant facility;

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SUITES B1-B2
TURNERSVILLE,
NJ 08012

5. For each individual provided in response to Supplemental Interrogatory 4, indicate whether defendant currently employs the individual, and if not currently employed by defendant, provide the individual's last known address, telephone number, and social security number;

6. Provide the complete name of each member of the defendant facility's "governing body" as described in 42 C.F.R. § 483.75(d).

DEMAND FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 4:10-2, et seq., and Rule 4:18-1, plaintiffs hereby demand that defendants produce the follow documents accompanied by a "certification or affidavit of completeness" in compliance with R. 4:18-1(c), within 50 days of service of this Complaint.

If the defendant believes something is not discoverable, please identify the item or information and state why it is not discoverable. If the item cannot be copied, please state what it is so a mutually convenient date and time can be agreed upon for inspection or reproduction of the item.

AS TO ALL DEFENDANTS

1. All documents identified in your answers to Interrogatories in this action.
2. All documents that you contend support any of the factual allegations of the defenses or cross-claims asserted in this action and any and all correspondence related thereto.
3. All documents that you contend are in any way relevant to the issues in this action.
4. All written statements by persons relating to the claims, defenses, cross-claims or issues in this matter.
5. All documents that you intend to rely upon at trial or at mediation.
6. All curriculum vitae or resumes submitted to you from each person who will offer opinion testimony at trial or at mediation.

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TURNERSVILLE,
NJ 08012

7. All written reports submitted to you from any person who will offer opinion testimony at trial or mediation. Such reports should contain a complete statement of all opinions to be expressed and the basis and reason therefore; the data or other information considered by the witness in forming the opinions; any exhibits to be used as a summary of or support for the opinions; the qualifications of the witness, including a list of all publications authored by the witness within the preceding ten (10) years; the compensation to be paid the witness for the study and testimony; and a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four (4) years.

8. All materials submitted by you or by anyone on your behalf to any expert witness or representative of an expert witness who has reviewed this case on behalf of defendant(s) cross-claimants.

9. Copies of all publications, tests or journals which these parties intend to use in the examination or cross-examination of any witness at the time of trial or in mediation.

10. All documents concerning, memorializing or reflecting any communications between plaintiff and defendant, and/or their respective agents, servants or employees.

11. All documents concerning, memorializing or reflecting any communications between defendants and/or their respective agents, servants or employees.

12. All reports of investigations, whether conducted internally or otherwise, concerning defendant and/or their respective agents, servants or employees.

13. All claims submitted by any party with regard to the properties and/or services rendered therein which are the subject matter of this lawsuit.

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SUITES B1-B2
TURNERSVILLE,
NJ 08012

14. Copies of any and all reports rendered by any public or private agency or department arising out of any investigation of the incident or occurrence giving rise to plaintiffs' Complaint

15. A copy of all discovery demands served upon defendants and all responses thereto as served in this action.

16. A copy of all discovery demands served by defendants on any or all other parties to this action and all responses thereto.

DEMAND FOR INSURANCE DISCOVERY

Pursuant to R. 4:18, the plaintiff hereby demands that the defendants, and each of them, produce the following documents for inspection and copying at the law office of Trimble & Register, 900 Route 168, Suites B1-B2, Turnersville, New Jersey, within the time provided by Rule 4:18-1(b):

1. From on or about March 22, 2023 to April 10, 2023, indicate whether the defendant had liability insurance policy insurance and, if so, set forth the name of the insurance company, the policy number, the effective date, the policy limits and attach a copy of the declarations page.

2. From on or about March 22, 2023 to April 10, 2023, indicate whether the defendants had any excess coverage including a personal liability, catastrophe umbrella and, if so, set forth the name of the insurance company, the policy number, the effective date, the policy limits and attach a copy of the declarations page.

DEMAND FOR ENTRY UPON PREMISES FOR INSPECTION

PLEASE TAKE NOTICE that pursuant to R.4:18-1, Plaintiff demands the opportunity to enter upon and inspect, photograph, and otherwise examine the premises at

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NJ 08012

COMPLETE CARE AT KRESSON VIEW, LLC, located at 2601 EVESHAM ROAD, VOORHEES, CAMDEN COUNTY, NEW JERSEY, where the aforesaid accident occurred.

AFFIDAVIT OF MERIT

Kindly take notice that Plaintiff's Affidavit of Merit is being served contemporaneously with this Complaint. See Exhibit "A" attached hereto and incorporated herewith.

TRIMBLE & REGISTER

Attorneys for Plaintiff(s)

By: 

JOHN W. TRIMBLE, JR., ESQUIRE
KATRINA M. REGISTER, ESQUIRE

Dated:

9/26/24

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Exhibit “A”

AFFIDAVIT OF MERIT

STATE OF Texas :
 : §
 COUNTY OF Collin :

Kelly Roehm, RN, RAC-CT, CLNC upon her oath deposes and says:

1. I hold active licenses as a Registered Nurse, Certification in Resident Assessment Coordinator and Certified Legal Nursing Consultant in the State of Texas and have been actively practicing since 1994. I have significant experience in Long Term Care, and I am familiar with the standards of care applicable to Nursing Homes.
2. I have no financial interest in the outcome of this case.
3. Based upon the records which I have reviewed, it is my professional opinion based on a reasonable degree of probability that the care, skill or knowledge exercised or exhibited in the treatment of Lynn Harding while she was a resident at Complete Care Kresson View, including by its staff, and the decisions made in the operation and management of that facility by its administrators and owners, fell outside acceptable standards of practice.
4. This Affidavit is not intended to encompass all acts or omissions which fall below the acceptable standard of care, which might have been owed to Lynn Harding. My opinions are based on the records presented to me for review and are subject to modifications as discovery progresses in this case or may otherwise become appropriate.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: 08/13/2024

Kelly Roehm, RN, RAC-CT, CLNC
 KELLY ROEHM, RN, RAC-CT, CLNC

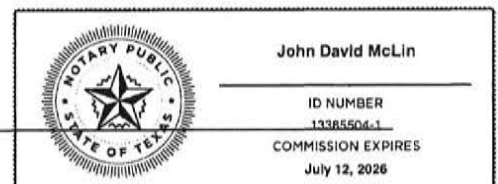
Sworn to & Subscribed to before me this 13th day of August, 2024.

Kelly Roehm personally came before me and acknowledged under oath to my satisfaction that this person (a) is named in and personally signed this document and (b) signed, sealed, and delivered this document by her act and deed.

Dated: 08/13/2024

John David McLin

Notary Public
 Electronically signed and notarized online using the Proof platform.



NOTICE: If any defendant contends that this Affidavit of Merit fails to completely satisfy the requirements of the Affidavit of Merit Statute in any way, demand is hereby made that the defendant immediately notify the plaintiff on any such alleged deficiencies so that the same may be corrected if necessary and within the time constraint of N.J.S.A. 2A:53A-26, et seq.

FOR IMMEDIATE RELEASE

Law Office of Trimble & Register Announces Legal Action Against Complete Care at Kresson View, Voorhees, NJ for Sexual Assault of Elderly Patient

Voorhees, NJ – September 26, 2024 – The Law Office of Trimble & Register has filed a lawsuit against Complete Care at Kresson View following the sexual assault of a patient, 76-year-old widow, which occurred on April 10, 2023.

The Complaint alleges the patient was admitted to the facility on March 22, 2023 following an injury and was transferred to Complete Care at Kresson View. On the morning of April 10, 2023, the patient “rang the call button for assistance to go to the bathroom.” Responding to her call, a male nursing aide began to assist the patient and “sexually assaulted” her.

The Complaint alleges that the defendants knew or should have known of Waymond Minitee, Jr.’s criminal history and propensity for sexually assaulting patients. This gross negligence and failure to protect their patients resulted in the sexual assault of our client.

"We are outraged by the actions of both the perpetrator and the administration at Complete Care at Kresson View," said John W. Trimble, Jr., Esquire of Trimble & Register. "Our client entrusted this facility with her care and safety, only to be met with unimaginable trauma. We are committed to seeking justice for our client and holding those responsible accountable for their actions."

The Law Office of Trimble & Register urges anyone with additional information regarding this incident or other similar incidents at Complete Care at Kresson View to come forward. Please immediately contact the Voorhees Police Department or the Law Office of Trimble & Register.

Please contact:

TRIMBLE & REGISTER

JOHN W. TRIMBLE, JR., ESQUIRE
KATRINA M. REGISTER, ESQUIRE
900 Route 168, Suites B1- B2
Turnersville, NJ 08012
P: (856) 232-9500
E: Jtrimble@trimblelawyers.com
Kregister@trimblelawyers.com

Website: <https://trimblelawyers.com/>

About Law Office of Trimble & Register:

The Law Office of Trimble & Register represents victims of sexual abuse and neglect and catastrophic personal injury matters. Our mission is to advocate for the rights of our clients and ensure that justice is served.