

IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO

TERRI CHENLIKAS,)	CASE NO.
Individually, on behalf of the)	
next of kin and as)	
Administrator of the Estate of)	
THOMAS J. WARD, SR.)	JUDGE
4582 North Warwick Dr.)	
Canfield, Ohio 44406)	
)	
Plaintiff)	
)	
)	
-vs-)	COMPLAINT
)	WITH JURY DEMAND
OASIS NURSING, LLC, dba OASIS)	ENDORSED HEREON
CENTER FOR REHABILITATION)	
AND HEALING)	
% Boruch Fink, Statutory Agent)	
850 East Midlothian Blvd.)	
Youngstown, Ohio 44502)	
)	
and)	
)	
JOHN/JANE DOE, 1-5, Persons)	
Whose Names Are Unknown to)	
Plaintiff at this Time)	
)	
and)	
)	
JOHN/JANE DOE, Business)	
Entities, 1-5, Business Entities)	
Whose Names Are Unknown to)	
Plaintiff at this Time)	
)	
Defendants)	

Now comes the Plaintiff, Terri Chenlikas, Individually, on behalf of the next of kin, and as Administrator of the Estate of Thomas Ward, Sr. and for her complaint states as follows:

PARTIES

1) Plaintiff is the duly appointed Administrator of the Estate of Thomas Ward, Sr. Plaintiff brings the present action for wrongful death as personal representative for the exclusive benefit of the beneficiaries of Decedent under R.C. 2125.02 and brings this survivorship claim on behalf of the estate of Decedent.

2) Defendant Oasis Nursing, LLC, dba Oasis Center for Rehabilitation and Healing ("Oasis") is a business entity doing business in Mahoning County, Ohio and rendering nursing and rehabilitation care at a facility located in Mahoning County, Ohio.

3) Defendant Oasis holds itself out to the public as able and competent to provide medical care and treatment, nursing care and treatment, and related nursing and/or rehabilitation care and Decedent and his family looked to Oasis as the provider of such care.

4) Defendants John/Jane Doe Persons 1-5 are parties whose names are unknown to the Plaintiff at this time and who include any and all individuals including, but not limited to physicians, physician assistants, aides, nurses, nurse practitioners, and other providers who, as actual or apparent employees or agents of Defendant Oasis, provided medical and/or nursing care to Decedent.

5) Defendants John/Jane Doe Business Entities 1-5 are business entities whose names are unknown to Plaintiff at this time and who employed any and all

individuals including, but not limited to physicians, physician assistants, aides, nurses, nurse practitioners, and other providers who, as actual or apparent employees or agents of Defendant Oasis, provided medical and/or nursing care to Decedent.

6) The actions giving rise to this complaint arose in whole or in part in Mahoning County, Ohio.

FIRST CLAIM
WRONGFUL DEATH

7) On or about August 21, 2018, Decedent was admitted to Oasis for care and rehabilitation following a stroke.

8) Decedent was admitted to Defendant Oasis during the period from August 21, 2018 to October 1, 2018.

9) During his admission at Defendant Oasis, Decedent developed numerous decubitus ulcers, including but not limited to a Stage 4 decubitus ulcer, a urinary tract infection, crusting and ulceration along his hard palate, and infestation of maggots in his oral cavity and oropharynx, as well as other health problems and infections that ultimately led to sepsis and septic shock.

10) Defendants, individually and/or collectively, were negligent and failed to render care and/or treatment and/or supervision within the acceptable standards of care and treatment. Such negligence included, but was not limited to failure to provide adequate assessment and catheter care, failure to provide adequate wound prevention and care, failure to monitor and care for Decedent's oral cavity and oropharynx, and other negligence the details of which are not known at this time.

11) As a direct and proximate result, Decedent experienced and developed various health related issues that ultimately led to changes in Decedent's mental and physical status as well as seizures and was transferred to St. Elizabeth Health Center, Mercy Health in Youngstown, Ohio ("St. Elizabeth").

12) Decedent was subsequently transferred to an extended care facility for a brief stay but continued to decline and was transferred back to St. Elizabeth.

13) Thereafter, Decedent was transferred from St. Elizabeth to Magee/Women's Hospital of UPMC, where Decedent was admitted from October 9 through October 12, 2018.

14) Palliative care was ordered and he was transferred to a hospice facility.

15) As a direct and proximate result of Defendants' negligence, Plaintiff died on October 13, 2018.

16) As a direct and proximate result of Defendants' negligence, Decedent beneficiaries have been damaged. Their damages include loss of services and support, loss of society, including companionship, consortium, care, assistance, guidance, advice and counsel, and Plaintiff and Decedent's beneficiaries have suffered mental anguish and distress, and will in the future continue to suffer severe mental anguish an emotional distress.

17) Defendants' conduct of improperly caring for Plaintiff's decedent was grossly negligent and demonstrated a reckless disregard for the rights and safety of Decedent with great probability of causing substantial harm and did so cause substantial harm to Plaintiff's decedent and Decedent's next of kin.

18) Defendants wilfully withheld and/or spoliated evidence, such conduct including, but not limited to, withholding lawfully requested medical records for several months prior to the filing of this action.

SECOND CLAIM
SURVIVAL CLAIM FOR NEGLIGENCE

19) Plaintiff realleges the allegations of the foregoing paragraphs as if fully restated herein.

20) As a direct and proximate result of Defendants' negligence, Decedent experienced pain, suffering, and emotional distress prior to his death, was deprived of and lost enjoyment of life, and medical expenses were incurred for his care and treatment.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, for compensatory and punitive damages in amounts in excess of \$25,000, together with interest, costs, attorney fees, and any other additional relief available at law.

GREEN HAINES SGAMBATI CO., L.P.A.

By /s/ Ryan M. Harrell
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JURY DEMAND

Plaintiff hereby demands a trial by jury.

GREEN HAINES SGAMBATI CO., L.P.A.

By /s/ Ryan M. Harrell
RICHARD T. BUSH (#0020899)
RYAN M. HARRELL (#0080830)
Attorneys for Plaintiff

INSTRUCTIONS FOR SERVICE

TO THE CLERK: Please issue via certified mail, summons and a copy of this Complaint to Defendant Oasis Nursing, LLC, dba Oasis Center for Rehabilitation and Healing at the address listed in the caption, pursuant to Rule 4 of the Ohio Rules of Civil Procedure.

GREEN HAINES SGAMBATI CO., L.P.A.

By /s/ Ryan M. Harrell
RICHARD T. BUSH (#0020899)
RYAN M. HARRELL (#0080830)
Attorneys for Plaintiff