

**IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA**

CASE NO.:

**ESTATE OF DONNA THOMSEN,
BY AND THROUGH ITS
PERSONAL REPRESENTATIVE,
TIFFANY THOMSEN,
Plaintiff,**

v.

**TERRACE OF BOCA RATON, LLC
D/B/A MENORAH HOUSE, AND
MH SNF OPCO, LLC D/B/A MENORAH
HOUSE,**

Defendant.

_____ /

COMPLAINT

COMES NOW, ESTATE OF DONNA THOMSEN, by and through its Personal Representative, Tiffany Thomsen, (hereafter “Thomsen”), and hereby sues the Defendant, TERRACE OF BOCA RATON, LLC D/B/A MENORAH HOUSE (hereafter “TERRACE”), and MH SNF OPCO, LLC D/B/A MENORAH HOUSE (hereafter “OPCO”), and states as follows:

GENERAL ALLEGATIONS

1. This is an action for damages in excess of \$50,000.00.
2. That at all times material hereto and hereinafter mentioned and at the time of the incidents complained of, Thomsen was a resident of Palm Beach County, Florida.
3. That Tiffany Thomsen is the natural daughter of the decedent and Personal Representative of the Estate of Donna Thomsen. Tiffany Thomsen is a survivor under the wrongful death act.

4. Upon information and belief, at all times material hereto and hereinafter mentioned and at the time of the incidents complained of, the Defendant TERRACE was duly licensed and authorized to do business as a nursing home in Palm Beach County, State of Florida and said Defendant owned and/or operated/managed Menorah House during the time that Thomsen was a resident.

5. Upon information and belief, at all times material hereto and hereinafter mentioned and at the time of the incidents complained of, the Defendant OPCO was duly licensed and authorized to do business as a nursing home in Palm Beach County, State of Florida and said Defendant owned and/or operated/managed Menorah House during the time that Thomsen was a resident.

6. Defendants owed a duty to its residents, including Plaintiff, in accordance with Chapter 400, Fl. Stat., and state and federal law and regulations, to treat them according to accepted standards of care.

7. That the Defendants' responsibilities to Thomsen were non-delegable such that the Defendants had direct liability for violations, deprivations and infringement by any person under Defendant's control, direct or indirect, including its employees, agents, consultants and independent contractors whether in-house or outside entities, individuals, agencies or pools, or caused by the Defendant's policies and procedures, whether written or unwritten, or common practices.

8. On May 3, 2024, Donna Thomsen was admitted to Menorah House after hospitalization at Select Specialty Hospital in Lake Worth for treatment of abdominal fistulas.

9. Upon admission, Donna Thomsen was cognitively intact, alert, able to manage her finances and communication, and physically capable of standing, walking short distances with a walker, and transferring to a bedside commode.

10. Her known medical conditions included (a) rheumatoid arthritis treated with prednisone; (b) an ileostomy with draining fistulas; (c) chronic infection risk; and (d) a need for skilled wound and ostomy care.

11. Between May 8 and May 14, 2024, Donna's condition abruptly deteriorated. She became confused, paranoid, and disoriented, complained of "bugs crawling on her legs," could no longer use her phone, and by May 10 was unable to feed herself or hold a spoon.

12. Tiffany Thomsen repeatedly informed charge nurses that her mother's mental status was abnormal and requested basic diagnostic testing—urinalysis, urine culture, wound culture, and laboratory studies—to rule out infection or medication toxicity.

13. Staff failed to obtain a physician assessment or call emergency services. They told the family "this is her normal status."

14. As swallowing worsened, staff removed water from the bedside rather than obtaining a swallow evaluation, leaving Donna dehydrated and without adequate nutrition.

15. She was not placed on a bedpan or catheterized even though she had not urinated for several days.

16. By May 14, 2024, she was minimally responsive. A sterile specimen container labeled for urine collection sat open and empty at her bedside.

17. At Tiffany Thomsen's insistence, the facility eventually arranged transfer to Boca Raton Regional Hospital that evening—hours after the initial demand.

18. In the hospital emergency department, staff discovered flies and maggots emerging from the abdominal wound dressings, profound sepsis, acute renal failure, and a large pelvic abscess caused by prolonged urinary retention.

19. Although stabilized, Donna Thomsen never regained her former abilities. She was thereafter bed-bound and totally dependent for transfers and self-care.

20. She was later placed at Blue Ribbon Assisted Living, then Select Specialty, then Legacy at Boca, and ultimately into hospice.

21. She died in October 2024 of complications of recurrent **sepsis**.

22. Defendants violated the following nursing home resident rights of Thomsen:

a. The right to be adequately informed of his or her medical condition and proposed treatment - Section 400.022 (j), Florida Statutes;

b. The right to receive adequate and appropriate health care and protective and support services and therapeutic and rehabilitative services consistent with the resident care plan, with established and recognized practice

standards within the community, and with rules as adopted by the agency - Section 400.022 (l), Florida Statutes (incorporating by reference, Florida Administrative Code, 59A4 and for violations of the Federal Nursing Home Administrative Regulations referred to as Subpart B of Part 483); and

c. The right to be treated courteously, fairly and with the fullest measure of dignity - Section 400.022 (n), Florida Statutes.

23. Defendants were negligent in the following ways including but not limited to:

a. Ignoring repeated family complaints of confusion and physical decline;

b. Failing to obtain timely medical or laboratory evaluation;

c. Continuing neuro-sedative medication despite adverse effects;

d. Failing to provide adequate hydration and nutrition;

e. Permitting infection and maggot infestation in abdominal wounds;

f. Failing to document and preserve accurate records;

g. Failing to timely transfer the resident to acute care; and

h. Failing to ensure sufficient qualified staff and supervision.

i. Failure to take adequate and appropriate measures to prevent harm;

j. Failure to document resident's chart in a manner which accurately

reflects the resident's condition;

k. Failure to provide and obtain appropriate nursing and medical care;

l. Failure to perform full and complete assessments of the resident

m. Failure to perform appropriate and timely skin assessments, evaluations, and treatment.

n. Failure to perform appropriate and timely infectious disease assessments, evaluations, and treatment, and

o. Failure to protect the dignity of Thomsen.

24. As a result of the Defendants' negligence and violation of the resident rights of Thomsen, she suffered injuries including but not limited to infection, sepsis, renal failure, prolonged pain and suffering, loss of dignity, humiliation, bodily injury, disability, physical impairment, disfigurement, inconvenience, loss of capacity to enjoy life, discomfort, expense of hospitalization, medical and nursing care and treatment, aggravation of existing disease or physical defect, and death.

25. The Plaintiff has complied with all conditions precedent to the filing of this lawsuit including putting the Defendant on notice through the initiation of a presuit pursuant to Chapter 400. Fl. Stat.

COUNT I

CHAPTER 400 SURVIVAL ACTION AGAINST DEFENDANT TERRACE

26. Plaintiff readopts and reavers all allegations contained in Paragraphs numbered 1 through 25 as if fully set forth herein.

WHEREFORE, Thomsen demands judgment against the Defendant Terrace and further demands costs, and trial by jury.

COUNT I

CHAPTER 400 WRONGFUL DEATH ACTION AGAINST DEFENDANT

TERRACE

27. Plaintiff readopts and reavers all allegations contained in Paragraphs numbered 1 through 25 as if fully set forth herein.

WHEREFORE, Thomsen demands judgment against the Defendant Terrace and further demands costs, and trial by jury.

COUNT III

CHAPTER 400 SURVIVAL ACTION AGAINST DEFENDANT OPCO

28. Plaintiff readopts and reavers all allegations contained in Paragraphs numbered 1 through 25 as if fully set forth herein.

WHEREFORE, Thomsen demands judgment against the Defendant OPCO and further demands costs, and trial by jury.

COUNT IV

CHAPTER 400 WRONGFUL DEATH ACTION AGAINST DEFENDANT

OPCO

29. Plaintiff readopts and reavers all allegations contained in Paragraphs numbered 1 through 25 as if fully set forth herein.

WHEREFORE, Thomsen demands judgment against the Defendant OPCO and further demands costs, and trial by jury.

s/ Kenneth R. Segal
KENNETH R. SEGAL
FBN: 0332747
Attorney for Plaintiff
LAW OFFICE OF KENNETH R. SEGAL, P.A.
934 N University Drive, #262
Coral Springs, Florida 33071
Tel: (954) 575-3134
Fax: (954) 575-4926
Email: pleadings@kensegalpa.com

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