

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL  
CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA  
CIVIL CIRCUIT DIVISION**

**NUELLA JOSEPH,**

**Plaintiff,**

**v.**

**CASE NO:**

**FI - BOCA RATON, LLC, d/b/a  
BOCA RATON REHABILITATION  
CENTER,**

**Defendant.**

**COMPLAINT AND DEMAND FOR JURY TRIAL**

The Plaintiff, NUELLA JOSEPH, hereby sues the Defendant, FI - BOCA RATON, LLC, d/b/a BOCA RATON REHABILITATION CENTER, and alleges as follows:

**GENERAL ALLEGATIONS**

1. This is an action for damages in excess of \$50,000.00, exclusive of costs and interest, and otherwise within the jurisdiction of this Court.
2. At all times material, the Plaintiff, NUELLA JOSEPH, was and is a Florida licensed registered nurse, employed as a medical records coordinator, and was and is of legal age.
3. At all times material, Defendant, FI - BOCA RATON, LLC, d/b/a BOCA RATON REHABILITATION CENTER, ("NURSING HOME" OR "FACILITY"), was a Florida corporation and had or usually kept an office for transaction of its customary business in Palm Beach County, Florida, where it has its principal place of business. One or more of the causes of action sued upon herein accrued in Palm Beach County, Florida.

## **FACTUAL ALLEGATIONS**

4. Plaintiff, NUELLA JOSEPH, was employed by Defendant, NURSING HOME, as a Medical Records Coordinator beginning on or about January 14, 2025.

5. At all times material, Plaintiff, NUELLA JOSEPH, was a Florida-licensed registered nurse with approximately thirty-five (35) years of nursing experience.

6. At all times material, O.R. (“PATIENT”), a sixty-two (62) year-old male, was a resident and patient of Defendant, NURSING HOME, and received long-term care services under the custody, control, and supervision of Defendant, NURSING HOME.

7. PATIENT was dependent upon Defendant, NURSING HOME, for assistance with activities of daily living (“ADLs”), including bathing, personal hygiene, toileting, ambulation, wound care, and general supervision.

8. PATIENT suffered from multiple chronic medical conditions, including vascular and dermatologic conditions such as stasis ulcers, as well as functional impairments that limited his ability to independently care for himself.

9. As a result of these conditions, PATIENT required routine hygiene assistance, regular skin assessments, consistent wound care, appropriate infection-control measures, and timely escalation of care when his condition deteriorated.

10. At all times material, Defendant, NURSING HOME, knew or reasonably should have known of PATIENT’s medical history, vulnerabilities, and dependence while he was under Defendant’s, NURSING HOME, custody, control, and supervision.

11. In or about February 2025, during morning staff meetings, nursing staff discussed PATIENT as a “stubborn resident” and noted that his condition produced a strong foul odor in the hallway, which had prompted complaints from other patients.

12. During those same meetings, staff acknowledged that the FACILITY lacked adequate supplies necessary to comply with universal precautions and infection-control standards.

13. Despite these acknowledgments, Defendant, NURSING HOME, did not obtain the necessary supplies or take other corrective measures to address the identified conditions.

14. At all times material, Defendant, NURSING HOME, required staff, during morning meetings, to recite a written “Customer Service Statement” about professionalism, dignity, accountability, and patient-centered care, which stated:

“We are committed to delivering customer service that exceeds the expectations of our patients, residents, families, staff and professional colleagues. Service is our culture! Share it!”

15. On or around February 2025, during staff meetings and related discussions, the Director of Nursing (“DON”), Karen McKoy, and the FACILITY Administrator, Kirkland Rodney, made demeaning remarks regarding Patient’s condition, failed to ensure accurate and comprehensive documentation of his decline, and did not arrange for transfer to a hospital despite observable deterioration.

16. On or around February 20, 2025, during staff meetings and related discussions, the DON made dismissive remarks about PATIENT in the presence of staff, including referring to him as “just plain nasty” and accusing him of “making up stories.”

17. During this same period, the Administrator stated that PATIENT smelled like “rotten meat.”

18. During this same period, Plaintiff, NUELLA JOSEPH, observed PATIENT seated near the nursing station emitting a strong foul odor detectable throughout the hallway.

19. Rather than arranging for corrective medical care, Defendant, NURSING HOME, discussed transferring PATIENT to another long-term care facility prior to the Annual State Survey (“State Survey”).

20. On or about February 20, 2025, that same day, Plaintiff, NUELLA JOSEPH, clocked out at the end of her shift and thereafter contacted on-duty staff due to concern for PATIENT’s condition.

21. PATIENT agreed to shower the following morning. and stated that he had not received a shower for an extended period of time.

22. On or around the morning of February 21, 2025, Plaintiff, NUELLA JOSEPH, assisted PATIENT with a shower and observed a severe wound on PATIENT’s right leg.

23. After removing a heavily soiled clothing, Plaintiff, NUELLA JOSEPH, observed that the wound contained multiple live maggots and necrotic tissue.

24. Plaintiff, NUELLA JOSEPH, also observed PATIENT had open sores and significant skin breakdown affecting PATIENT’s feet and toes.

25. Due to dried drainage and adhesion of fabric to the skin, PATIENT’s clothing was glued to his body and had to be cut off.

26. Nursing staff confirmed that PATIENT had not received a shower for several weeks prior to this time and that the sores and skin breakdown were related to the lack of routine hygiene, such as showering.

27. PATIENT had a documented history of stasis ulcers that required regular wound care and routine hygiene.

28. On or about February 21, 2025, that same day, Plaintiff, NUELLA JOSEPH, reported PATIENT’s condition and health status through internal channels, such as the DON.

29. During that report, Plaintiff, NUELLA JOSEPH, asked whether photographs of the wound should be taken for documentation and medical purposes.

30. In response, the DON stated, "I don't want no picture here, man!"

31. The DON then stated, in the presence of staff and PATIENT:

Actually O.R., the maggots are somehow doing you very good service for they have been sucking up all the necrotic dead tissues. Have you ever heard of Maggots Therapy, sir?

32. Plaintiff, NUELLA JOSEPH, and other nursing staff nonetheless provided PATIENT with a full shower, grooming, and clean clothing.

33. Following this care, PATIENT expressed relief and gratitude.

34. In meetings before and after these events, nursing staff and the DON described PATIENT as "stubborn" and accused him of "making up stories" and refusing care.

35. On information and belief, the characterizations of PATIENT as "stubborn" or as refusing care were made without documented clinical assessments to determine whether his behavior was related to pain, infection, fear, unmet needs, or deterioration in his medical condition.

36. Despite PATIENT's known dependence and documented history of stasis ulcers requiring ongoing care, Defendant, NURSING HOME, did not adequately implement, monitor, or enforce a care plan addressing hygiene, skin integrity, wound management, infection control, pain, and progressive health decline.

37. During this period, PATIENT developed untreated wounds, recurrent foul odor, and maggot infestation, which caused physical suffering and distress.

38. Plaintiff, NUELLA JOSEPH, a registered nurse with approximately thirty-five (35) years of experience, including prior service as a missionary nurse providing care to victims

of the 2010 Haiti earthquake, had not previously encountered a condition comparable to that observed in PATIENT.

39. Following these events, Plaintiff, NUELLA JOSEPH, experienced significant emotional and physical distress.

40. Approximately one week after Plaintiff, NUELLA JOSEPH, provided the care described herein, PATIENT complained to her of ongoing pain and lack of wound care.

41. Plaintiff, NUELLA JOSEPH, reported PATIENT's complaints to nursing staff.

42. Within days, the odor in the hallway returned.

43. Plaintiff, NUELLA JOSEPH, again raised concerns with nursing staff in an effort to obtain appropriate medical treatment for PATIENT.

44. On or about March 5, 2025, a Quality Assurance meeting was held at which transferring PATIENT to another long-term care facility was discussed rather than transfer to a hospital.

45. During that meeting, Plaintiff, NUELLA JOSEPH, objected and advocated for a higher level of care, including hospital transfer.

46. During the course of Plaintiff's, NUELLA JOSEPH, employment, she reported pest infestations to Defendant, NURSING HOME, including the presence of termites and roaches in patient areas and among medical records.

47. When Plaintiff, NUELLA JOSEPH, presented physical evidence of the pest infestations, the Administrator instructed her to discard it.

48. Following Plaintiff's, NUELLA JOSEPH, repeated internal reports described herein—including reports concerning Patient's condition, pest infestations, inadequate protective equipment, and substandard care—Plaintiff, NUELLA JOSEPH, was issued a written

disciplinary notice on or about March 20, 2025, accusing her of gossiping, spreading negativity, and creating safety concerns for the DON.

49. While meeting with the Administrator regarding the disciplinary notice, Plaintiff, NUELLA JOSEPH, experienced a panic attack.

50. Later that same day, on or about March 20, 2025, Plaintiff's, NUELLA JOSEPH, employment was terminated.

51. Plaintiff's, NUELLA JOSEPH, termination occurred approximately twenty-seven (27) days after her most recent internal report and shortly before the Annual State Survey.

52. Approximately two months after Plaintiff's, NUELLA JOSEPH, termination, PATIENT died while still under Defendant's, NURSING HOME, care.

53. On information and belief, PATIENT's death was a direct and proximate result of the care and conditions described herein, including untreated wounds, infection, inadequate hygiene, failure to transfer PATIENT for a higher-level care.

54. Following her termination, Plaintiff, NUELLA JOSEPH, was unable to maintain steady employment.

55. As a result of the events described herein, Plaintiff, NUELLA JOSEPH, experienced difficulty functioning in a work environment and was unable to work for extended periods of time.

56. As a consequence of her inability to maintain steady employment following the events described herein, Plaintiff, NUELLA JOSEPH, suffered a loss of income.

57. On information and belief, before and after Plaintiff's, NUELLA JOSEPH, termination, the DON made statements to other employees asserting that Plaintiff, NUELLA JOSEPH, raised concerns regarding patient welfare, conditions at the FACILITY, and other

matters described herein because she was “money hungry,” and further stated that the FACILITY was “untouchable.”

58. In or about June 2025, Plaintiff, NUELLA JOSEPH, was served with an eviction notice as a result of her loss of income and inability to make payments.

59. As a further result of ongoing unemployment and financial instability following the events described herein, Plaintiff, NUELLA JOSEPH, was unable to maintain payments on her vehicle and subsequently lost possession of said vehicle.

60. Following the events described herein, Plaintiff, NUELLA JOSEPH, experienced persistent insomnia, nightmares, and intrusive recollections.

61. When attempting to sleep, Plaintiff, NUELLA JOSEPH, would close her eyes and experience vivid recollections of the maggots observed on PATIENT.

62. Plaintiff, NUELLA JOSEPH, experienced ongoing feelings of guilt related to PATIENT’s suffering and death, including repeated thoughts that she could have done more to protect him.

63. Plaintiff, NUELLA JOSEPH, repeatedly revisited the events surrounding PATIENT’s condition and questioned whether additional actions on her part could have saved his life.

64. As a direct and proximate result of the conduct of Defendant, NURSING HOME, Plaintiff, NUELLA JOSEPH, suffered severe emotional distress resulting in psychological, emotional, and functional impairment, including disruption of sleep, loss of employment stability, housing insecurity, and loss of transportation.

## COUNT 1

### **VIOLATION OF FLORIDA'S PRIVATE WHISTLEBLOWER'S ACT**

The Plaintiff adopts and re-alleges the allegations of paragraphs 1 through 64 as if fully set forth herein, and further alleges:

65. This count is brought against Defendant, NURSING HOME, for violation of Florida's Private Whistleblower's Act, §§ 448.101-448.104, Fla. Stat. ("the Act").

66. At all times material, Defendant, NURSING HOME, was a corporation that employed 10 or more persons and, as such, was an "employer" as defined by the Act.

67. At all times material, the Plaintiff, NUPELLA JOSEPH, was a person who performed services for and under the control and direction of Defendant, NURSING HOME, for wages or other remuneration and, as such, was an "employee" as defined by the Act.

68. At all times material, the conduct described herein of Defendant, NURSING HOME, the DON, the Administrator, and the nursing staff in their care and treatment of PATIENT, and the conduct of Defendant, NURSING HOME, in response thereto, were in violation of one or more laws, rules, or regulations, including but not limited to federal requirements for nursing homes, 42 U.S.C. §§ 1396r(c), 290ii, 1396r(b)(1)(A), 1396r(b)(1)(B), 1396r(b)(4), 1395i-3(b)(1)(B), & 1395i-3a; 42 CFR Part 483; §§ 400.022, 400.023, 400.141, 400.118, 400.147, 400.023, 400.0233, Fla. Stat.; and any other applicable federal or state law, rule, or regulation governing or pertaining to Defendant's, NURSING HOME, care of patients, including with regard to Medicare or Medicaid patients.

69. The Plaintiff, NUPELLA JOSEPH, objected to, or refused to participate in, or reported, one or more activities, policies, or practices of Defendant, NURSING HOME, which was in violation of a law, rule, or regulation.

70. Because of Plaintiff's, NUELLA JOSEPH, objections to, or refusals to participate in, or reports of, such activities, policies, or practices, Defendant, NURSING HOME, took retaliatory personnel action against her as defined by the Act, in that it discharged, suspended, and/or demoted the Plaintiff, NUELLA JOSEPH, and/or engaged in other adverse employment actions in the terms and conditions of NUELLA JOSEPH's employment because of such objections, refusals, or reporting.

71. Defendant, NURSING HOME, is vicariously liable for the acts and omissions of its agents, servants, and employees, including but not limited to the DON, Administrator, and nursing staff, under the doctrine of respondeat superior, and/or due to its ratification of those acts and omissions.

72. As a result of Defendant's, NURSING HOME, violation of the Act, the Plaintiff, NUELLA JOSEPH, lost her employment with Defendant, NURSING HOME, has been unable to secure other employment, has suffered past and future lost wages, benefits, and other remuneration, and has suffered emotional distress and other damages.

73. The Plaintiff, NUELLA JOSEPH, has agreed to pay her counsel attorneys' fees and costs and is entitled to recover reasonable attorneys' fees, court costs, and expenses pursuant to the Act.

WHEREFORE, the Plaintiff, NUELLA JOSEPH, demands judgment against Defendant, FL - BOCA RATON, LLC, d/b/a BOCA RATON REHABILITATION CENTER, and statutory remedies and relief as follows:

- a. an injunction restraining continued violation of the Act;
- b. compensation for past and future lost wages, benefits, and other remuneration;
- c. any other compensatory damages allowed by law, including but not limited to for

emotional distress, inconvenience, and embarrassment, and for relocation and other out-of-pocket expenses incurred, and the costs of defense in and indemnifications from all claims that may be brought against Plaintiff, NUELLA JOSEPH, by patients as a result of Defendant's, NURSING HOME, acts and omissions;

- d. reasonable attorney's fees, court costs, and expenses; and
- e. prejudgment interest.

The Plaintiff demands trial by jury on all issues so triable.

**COUNT 2**

**INTENTIONAL OR RECKLESS  
INFILCTION OF EMOTIONAL DISTRESS**

The Plaintiff adopts and re-alleges the allegations of paragraphs 1 through 64 as if fully set forth herein, and further alleges:

74. The conduct of Defendant, NURSING HOME, as heretofore alleged was intentional and/or reckless, in that Defendant, NURSING HOME, by and through its agents, servants, and employees intentionally or recklessly defamed the Plaintiff, NUELLA JOSEPH, and intentionally retaliated against her for reporting her observations and concerns, for objecting to Defendant's, NURSING HOME, practices and/or for refusing to participate in them.

75. The Defendant's, NURSING HOME, conduct as heretofore alleged was outrageous in that it defamed an excellent and upstanding 35-year-experienced registered nurse and health professional, harming her livelihood, reputation, and likely career to protect their own financial and reputational interests, while in effect covering up numerous substandard patient care and deaths and likely allowing more to occur.

76. The Defendant's, NURSING HOME, conduct as heretofore alleged was so outrageous in character and so extreme in degree as to go beyond all possible bounds of decency and to be regarded as atrocious and utterly intolerable in a civilized society.

77. Defendant, NURSING HOME, is vicariously liable for the acts and omissions of its agents, servants, and employees, including but not limited the DON, Administrator, and other staff under the doctrine of respondeat superior, and/or due to its ratification of those acts and omissions.

78. As a direct and proximate result of the outrageous conduct of the Defendant, NURSING HOME, the Plaintiff, NUELLA JOSEPH, was falsely disciplined and terminated from employment at Defendant NURSING HOME, she lost past and future wages, benefits, and other remunerations, incurred relocation and other out-of-pocket expenses, and she suffered emotional distress, inconvenience, embarrassment, and related damages.

WHEREFORE, the Plaintiff, NUELLA JOSEPH, demands judgment against the Defendants, FL - BOCA RATON, LLC, d/b/a BOCA RATON REHABILITATION CENTER, for damages in excess of \$50,000.00, prejudgment interest, taxable costs and post-judgment interest. The Plaintiff demands trial by jury on all issues so triable.

Dated: January 21, 2026

Respectfully submitted,

/s/ Chiamaka Echebiri  
Chiamaka Echebiri  
*\*Pro Hac Vice* admission pending  
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