

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

CIVIL DIVISION
CASE NO.:

BRANDON RUBIN, as Next Friend
of BARBARA RUBIN,

Plaintiff,

vs.

CREF3 FSLP BOCA RATON OWNER, LLC,
d/b/a SONATA BOCA RATON,

Defendant

COMPLAINT

COMES NOW, the Plaintiff, BRANDON RUBIN, as Next Friend of BARBARA RUBIN,
by and through his undersigned attorneys, and hereby sues Defendant, CREF3 FSLP BOCA RATON
OWNER, LLC, d/b/a SONATA BOCA RATON, and alleges:

1. This action is within the jurisdiction of this court for damages in excess of Fifty
Thousand and 00/100 Dollars (\$50,000.00), exclusive of interest and costs.
2. At all times material to this cause of action, BARBARA RUBIN was an adult
resident of Palm Beach County, Florida.
3. At all times material hereto, BARBARA RUBIN, was a person over sixty (60) years
of age who was suffering from the infirmities of aging to the extent she was impaired in her ability
to adequately provide for her own care and protection.
4. Pursuant to Garcia v. Brookwood Extended Care Center of Homestead, 643 So.2d
715(3rd DCA 1994), BRANDON RUBIN is authorized to pursue this action as next friend on behalf
of BARBARA RUBIN.

5. At all times material hereto, Defendant, CREF3 FSLP BOCA RATON OWNER, LLC, was licensed and authorized to do business as an assisted living facility in Palm Beach County, Florida. The Defendant was in the business of owning, managing and maintaining assisted living facility and related healthcare facilities, including SONATA BOCA RATON, located in Palm Beach County, Florida.

6. At all times material hereto, Defendant, CREF3 FSLP BOCA RATON OWNER, LLC, was the licensee and owner of SONATA BOCA RATON.

7. At all times material hereto, Defendant, CREF3 FSLP BOCA RATON OWNER, LLC, was subject to the provisions of Chapter 429 of Florida Statutes, which sets the standards for operating assisted living facilities such as SONATA BOCA RATON.

8. BARBARA RUBIN was accepted at SONATA BOCA RATON as an assisted living facility resident even though said admission was wholly inappropriate in light of the fact she required heightened nursing care and supervision based upon her health condition.

9. During her residency at SONATA BOCA RATON the staff and employees failed to develop an adequate care plan and properly monitor and supervise the care and treatment provided to BARBARA RUBIN, in order to prevent her from suffering falls and unexplained injuries.

10. As a direct result of SONATA BOCA RATON's acts and omissions BARBARA RUBIN suffered falls and unexplained injuries.

11. This is a claim under Florida Statute §429 for the violation of BARBARA RUBIN's resident's rights and common law negligence based solely on custodial care issues, and any presuit pursuant to Chapter 766 is unnecessary.

12. Plaintiff has satisfied all conditions precedent to the filing of this action.

13. Plaintiff's counsel certifies by signing this Complaint that a good faith investigation

into the merits of this claim was made.

COUNT I
CHAPTER 429 CLAIM AGAINST DEFENDANT,
CREF3 FSLP BOCA RATON OWNER, LLC, d/b/a SONATA BOCA RATON

Plaintiff hereby re-alleges paragraphs one (1) through thirteen (13) as fully stated herein and further alleges:

14. Defendant had a statutorily mandated responsibility to BARBARA RUBIN to provide her with her assisted living facility resident's rights as set forth in Florida Statute §429.28, which responsibilities included, but were not limited to, the following:

- a) live in a safe and decent living environment, free from abuse and neglect;
- b) access to adequate and appropriate health care consistent with established and recognized standards within the community;
- c) complying with regulations for the operation of assisted living facilities promulgated by the Department of Health and Rehabilitative Services and contained in the Florida Administrative Code.
- d) be treated with consideration and respect and with due recognition of personal dignity, individuality and the need for privacy.

15. That Defendant's responsibilities to BARBARA RUBIN as outlined in Florida Statutes §429.28 are non-delegable and such that Defendant had direct liability for violations, deprivations and infringements by any person or entity under Defendant's control, direct or indirect, including their employees, agents, consultants and independent contractors, whether in-house or outside entities, individuals, agencies or pools, or caused by Defendant's policies, and procedures, whether written or unwritten, or common practices.

16. That in addition to Defendant's direct responsibility under Florida Statute §429.28 and

as alleged in the preceding paragraph, Defendant had vicarious liability for the acts and omissions of all persons or entities under Defendant's control either direct or indirect including its employees, agents, consultants and independent contractors, whether in-house or outside entities, individuals, agencies or pools causing any deprivations or infringements of BARBARA RUBIN's resident's rights as set forth in Florida Statutes §429.28.

17. That the duty alleged in the immediately preceding paragraphs include, but is not limited to proper training and supervision; proper hiring, background and referral checks; and proper retaining and dismissing of employees, agents, consultants and independent contractors, as well as providing adequate staffing.

18. That notwithstanding the responsibility of Defendant to provide BARBARA RUBIN with her statutorily mandated assisted living facility's rights, BARBARA RUBIN was deprived of such rights by the acts or omissions of Defendant's agents and employees which include, but are not limited to, the following:

- a) failing to provide and implement the appropriate fall precautions to BARBARA RUBIN;
- b) failing to provide the appropriate fall supervision to BARBARA RUBIN;
- c) failing to provide BARBARA RUBIN with the appropriate care, treatment and supervision to protect her from suffering falls;
- d) failing to prevent unexplained injuries to BARBARA RUBIN;
- e) failure to properly supervise BARBARA RUBIN;
- f) failing to provide adequate and appropriate protective and support services to BARBARA RUBIN;
- g) failing to develop, implement, and update an adequate and appropriate resident care plans to meet the custodial needs of BARBARA RUBIN;
- h) failing to maintain records which contain sufficient and accurate information to justify the diagnosis and treatment and to document the

results, including at a minimum documented evidence of assessments of the needs of the resident, of establishment of appropriate plans of care and treatment, and of the care and services provided;

- i) failing to appropriately monitor BARBARA RUBIN and recognize significant signs and symptoms of change in her health condition, such as suffering falls and unexplained injuries;
- j) failing to properly notify the family and physicians of BARBARA RUBIN's of significant changes in her health status, such as suffering falls and unexplained injuries;
- k) failing to protect BARBARA RUBIN from foreseeable harm, including but not limited to suffering falls and unexplained injuries;
- l) failing to properly supervise staff;
- m) failing to properly train staff;
- n) improper retention of staff;
- o) Inadequate staffing;
- p) failing to protect the dignity of BARBARA RUBIN;
- q) failing to protect the privacy of BARBARA RUBIN;
- r) failing to follow physician orders; and
- s) failure to timely send resident to the hospital.

19. As a direct and proximate result of the failure of the Defendant to comply with the requirements of Florida Statute §429.28, and to provide adequate and appropriate and protective support services, BARBARA RUBIN suffered damages including loss of dignity, humiliation, bodily injury, pain and suffering, disability, physical impairment, disfigurement, mental anguish, inconvenience, loss of capacity to enjoy life, discomfort, aggravation of existing diseases or physical defect, medical, hospital and nursing expenses.

WHEREFORE, Plaintiff, BRANDON RUBIN, as Next Friend of BARBARA RUBIN, demands judgement against Defendant, CREF3 FSLP BOCA RATON OWNER, LLC, d/b/a

SONATA BOCA RATON for compensatory damages for the deprivation of BARBARA RUBIN's rights as stated above, and further demands prejudgment interest and a trial by jury on all issues triable as a matter of right. Plaintiff reserves the right to amend to allege a cause of action for punitive damages at a later date.

DEMAND FOR JURY TRIAL

The Plaintiff hereby demands a trial by jury of all issues so triable as of right.

DATED this 25th day of February, 2026.

FORD, DEAN, & ROTUNDO, P.A.

Attorneys for Plaintiff

3323 NE 163rd Street, Suite 605

North Miami Beach, FL 33160

Phone: (305) 670-2000

Fax: (305) 503-9627

Bill@forddean.com

Alany@forddean.com

Service@forddean.com

By: 

William A. Dean, Esquire

Florida Bar No.: 118354