

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

ERINN GREEN as Personal Representative of the
Estate of DAVID STANGONI,

Plaintiff,

v.

THE ENCORE AT BOCA RATON
REHABILITATION AND NURSING CENTER,
LLC D/B/A THE ENCORE AT BOCA RATON
REHABILITATION,

Defendant,

Case No.:

_____ /

COMPLAINT

COMES NOW, Plaintiff, ERINN GREEN as Personal Representative of the Estate of DAVID STANGONI, by and through the undersigned counsel and sues the Defendant, THE ENCORE AT BOCA RATON REHABILITATION AND NURSING CENTER, LLC D/B/A THE ENCORE AT BOCA RATON REHABILITATION (hereinafter referred to as “Defendant”), and alleges:

GENERAL ALLEGATIONS

1. This is an action for damages that exceed FIFTY THOUSAND (\$50,000.00) DOLLARS.
2. At all times material, DAVID STANGONI was admitted to Defendant’s nursing home located in Palm Beach County, Florida.
3. ERINN GREEN has been appointed Personal Representative of the Estate of DAVID STANGONI.

4. On, or about, April 17, 2024, a sacral bedsore was first documented and deep tissue pressure injuries to the bilateral heels dated April 24, 2024. A photograph of the sacral wound is as follows:



5. Evidence of Defendant's negligence and neglect are listed as follows:
- A. Prevent a pressure injury
 - a. On 4/9/2024, Mr. Stangoni was admitted to The Encore at Boca Raton
 - b. Mr. Stangoni was free from pressure injuries on admission
 - c. A Braden assessment score was 16, and the nursing admission evaluation revealed that Mr. Stangoni was not at risk for skin breakdown
 - d. However, Mr. Stangoni had multiple factors that significantly increased his risk for developing pressure injuries, which included but were not limited to: low protein levels, incontinent of bowel and bladder, reduced mobility, impaired cognition, and multiple medical comorbidities including brain cancer
 - e. On 4/17/2024, 9 days post admission, Mr. Stangoni was assessed with an open area to his buttocks/sacrum region
 - B. Prevent the development of multiple pressure injuries
 - a. On 4/17/2024, 9 days post admission, Mr. Stangoni was assessed with an open area to his buttocks/sacrum region
 - b. On 4/24/2024, 16 days post admission, and 8 days post sacral wound development, Mr. Stangoni was assessed with deep tissue pressure injuries to his bilateral heels
 - C. Prevent the deterioration of pressure injuries
 - a. On 4/17/2024, Mr. Stangoni was assessed with an open area to his buttocks/sacrum region
 - b. On 4/18/2024, a medical note revealed a Stage 3 pressure injury to the sacrum
 - c. On 4/24/2024, Mr. Stangoni's sacral wound was assessed as an unstageable pressure injury, with 100% eschar
 - d. On 4/24/2024, Mr. Stangoni was also assessed with deep tissue injuries to the bilateral heel, a clear indication that his heels were not offloaded or protected
 - e. On 4/25/2025, Mr. Stangoni was transferred to Bethesda Hospital East due to worsened wounds
 - f. On 4/25/2024, the records from Bethesda Hospital East revealed a deep wound to the sacrum, with increased drainage and foul smelling, Stage 4. He was also assessed

with bilateral heel ulcers. Mr. Stangoni returned to The Encore at Boca Raton in less than 24 hours

- g. On 4/26/2024, Mr. Stangoni was re-hospitalized at JFK Hospital due to necrotic sacral wound, poor oral intake, worsened confusion and dysphagia. The last records available for review was from 4/26/2024

D. Complete accurate pressure risk assessments

- a. On 4/9/2024, Mr. Stangoni was admitted to The Encore at Boca Raton
- b. An admission Braden assessment score was 16, and the nursing admission evaluation revealed that Mr. Stangoni was not at risk for skin breakdown
- c. However, Mr. Stangoni had multiple factors that significantly increased his risk for developing pressure injuries, which included but were not limited to: low protein levels, incontinent of bowel and bladder, reduced mobility, impaired cognition, and multiple medical comorbidities including brain cancer
- d. On 4/17/2024, Mr. Stangoni was assessed with an open area to his buttocks/sacrum region
- e. On 4/18/2024, a Braden assessment revealed an increased risk of skin breakdown, with a score of 13
- f. On 4/24/2024, Mr. Stangoni was assessed with deep tissue injuries to the bilateral heel
- g. On 4/24/2024, a Braden assessment revealed a score of 15. This indicated that Mr. Stangoni's pressure ulcer risk had decreased. However, this Braden assessment was incorrect. At this time, Mr. Stangoni's pressure ulcer risk remained high, especially with the development and deterioration of multiple active pressure ulcers

E. Implement an accurate pressure ulcer preventive care plan

- a. On 4/10/2024, a skin risk care plan was implemented; however, the care plan failed to include the frequency of turning and repositioning, frequency of toileting and incontinent care, and interventions/monitoring for heel offloading/protection

F. Revise a pressure ulcer preventive care plan

- a. On 4/17/2024, Mr. Stangoni was assessed with an open area to his buttocks/sacrum region
- b. On 4/18/2024, the skin care plan was revised to include the sacral wound and the air mattress
- c. However, given the development and deterioration of Mr. Stangoni's coccyx/sacral wound, the staff should have also updated the plan of care to include a strict turning/repositioning schedule, a strict incontinent care/toileting schedule, and strict monitoring to ensure heels offloading
- d. The skin care plans failed to included "heel offloading"

G. Conduct accurate skin monitoring

- a. There were inconsistencies and discrepancies regarding Mr. Stangoni's skin condition which may have led to a delay in identifying and subsequently treating his sacral wound

- b. On 4/15/2024, nursing note indicated skin concerns; however, there were no documentations regarding any skin problems or specific concerns. Additionally, this note was completed on 4/20/2024
 - c. On 4/16/2024, a nursing note indicated skin concerns; however, there were no documentations regarding any skin problems or specific concerns. Additionally, this note was completed on 4/20/2024
 - d. On 4/17/2024, at 1611, a nursing note revealed that Mr. Stangoni had an open area to this buttocks/sacrum region
 - e. On 4/17/2024, at 1622, a nursing note revealed that Mr. Stangoni's skin was intact. However, this note was also completed on 4/20/2024
 - f. On 4/17/2024, a nursing note revealed that the sacral wound was cleaned and covered with clean dry dressing. However, this intervention was not documented in the administration records. The first documented treatment was on 4/19/2024, 3 days later
 - g. On 4/18/2024, a medical note revealed that Mr. Stangoni had a Stage 3 pressure ulcer to his sacral area
- H. Complete a change in condition timely
- a. On 4/17/2024, a nursing note revealed that Mr. Stangoni had an open area to this buttocks/sacrum region. However, a change in condition evaluation as not available
 - b. On 4/22/2024, Mr. Stangoni was assessed with difficulty with mastication, bolus formation, pocketing, and untimely swallows. However, a change in condition evaluation was not available
 - c. On 4/24/2024, Mr. Stangoni was assessed with deep tissue injuries to his bilateral heels. However, a change in condition evaluation was not available
- I. Implement a strict turning and repositioning schedule
- a. Mr. Stangoni required assistance with his ADLs, including turning and repositioning
 - b. Review of the ADL records failed to confirm the frequency of turning and repositioning, and monitoring of heel elevation/offloading
 - c. The skin care plan failed to indicate the frequency of turning and repositioning
- J. Implement a strict incontinent care/toileting schedule
- a. Mr. Stangoni experienced incontinence of bowel and bladder
 - b. Review of the ADL records failed to confirm the frequency of incontinent care/toileting
 - c. The skin care plan as well as the incontinent care plan failed to indicate the frequency of incontinent care/toileting
- K. Implement aggressively pressure relieving surfaces timely
- a. On 4/10/2024, a skin care plan revealed "pressure reducing mattress and wheelchair cushion." However, there were no documentations to confirm that this intervention was implemented
 - b. On 4/17/2024, Mr. Stangoni was assessed with a wound to the sacrum. On 4/18/2024, an air mattress was implemented, 9 days post admission

- L. Document implementation/compliance with offloading heels
- a. On 4/10/2024, a nursing note revealed that Mr. Stangoni's heels were intact
 - b. On 4/10/2024, an intervention to offload heels while in bed was implemented. However, there were no documentations to confirm that the staff monitored to ensure heel offloading was completed
 - c. On 4/10/2024, a skin risk care plan was created; however, the care plan failed to include heel offloading/protection
 - d. On 4/17/2024, Mr. Stangoni was assessed with his first pressure ulcer to the sacrum. The skin risk care plan was revised and included an air mattress; however, there were no interventions regarding heel offloading/protection
 - e. On 4/24/2024, an intervention to "offload heels while in bed every shift" was implemented again. This was an indication that the offloading of the heels may not have been completed when previously ordered on 4/10/2024

M. Maintain accurate and complete medical records

- a. There were missing change in condition evaluations
- b. There were inconsistencies and discrepancies regarding Mr. Stangoni's skin condition which may have led to a delay in identifying and subsequently treating his sacral wound

6. At all times material hereto Defendant was vicariously liable for all acts and/or omissions of its agents (actual and apparent), employees, servants and administrators.

7. Defendant owned, operated and managed the nursing home during Plaintiff's residency and as such owed Plaintiff a duty to exercise reasonable care in its operation of the nursing home according to §400.023(3), Florida Statutes.

8. Plaintiff has performed all conditions precedent to bringing this action as required by Chapter 400 of the Florida Statutes.

COUNT I – CHAPTER 400 DEATH CLAIM

Plaintiff re-alleges paragraphs 1-8 herein.

9. Pursuant to Section 400.022, Florida Statutes, and the state rules and regulations adopted and promulgated there under, along with all applicable Federal Regulations, all of which constitute a part of the established and recognized standard of care within the community,

Defendant owed a duty to Plaintiff to ensure that his rights were not violated, deprived or infringed upon in any way.

10. The foregoing rights include, but are not limited to:

a. The right to receive adequate and appropriate health care and protective and support services, including social services; mental health services, if available; planned recreational activities; 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;

b. The right to be treated courteously, fairly, and with the fullest measure of dignity; and

c. The right to be free from mental and physical abuse.

11. These statutorily mandated responsibilities include providing appropriate staff with sufficient training to implement the provisions of Section 400.022, Florida Statutes.

12. Defendant owed a duty to Plaintiff to properly hire, retain and supervise nurses on Defendant's staff and to ensure that any such licensed nurses exercised care consistent with the prevailing professional standard of care for a nurse.

13. Defendant's responsibilities and obligations to Plaintiff are non-delegable such that Defendant has direct liability for violations, deprivations or infringements by any person or entity under Defendant's control, direct or indirect including the employees, agents, servants, administrators, consultants, and independent contractors, whether in-house or outside entities, individuals, agencies or pools.

14. Notwithstanding the duties and obligations of Defendant to prevent violations, deprivations and infringements of Plaintiff's statutorily mandated resident's rights, such rights

were violated, deprived or infringed by the acts and omissions of Defendant. The rights violated, deprived or infringed upon include, but are not limited to:

a. The right to receive adequate and appropriate health care and protective and support services, including social services; mental health services, if available; planned recreational activities; 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;

b. The right to be treated courteously, fairly, and with the fullest measure of dignity; and

c. The right to be free from mental and physical abuse.

15. As a direct and proximate result of Defendant's violations, deprivations or infringements, DAVID STANGONI died on May 4, 2024

16. The beneficiaries for Plaintiff's wrongful death are:

a. The Estate,

b. ERINN GREEN, spouse.

17. As a direct and proximate result of Defendant's violations, deprivations or infringements, medical and funeral expenses were incurred.

18. As a direct and proximate result of Defendant's violations, deprivations or infringements, the Plaintiff's survivors identified above have suffered loss of companionship along with extreme mental pain and suffering.

WHEREFORE, Plaintiff, ERINN GREEN as Personal Representative of the Estate of DAVID STANGONI, demands judgment against Defendant for damages in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS, costs, interest and further demands trial by jury.

COUNT II – CHAPTER 400 SURVIVAL CLAIM

Plaintiff re-alleges paragraphs 1-8 herein.

19. Pursuant to Section 400.022, Florida Statutes, and the state rules and regulations adopted and promulgated thereunder, along with all applicable Federal Regulations, all of which constitute a part of the established and recognized standard of care within the community, Defendant owed a duty to Plaintiff to ensure that his rights were not violated, deprived or infringed upon in any way.

20. The foregoing rights include, but are not limited to:

a. The right to receive adequate and appropriate health care and protective and support services, including social services; mental health services, if available; planned recreational activities; 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;

b. The right to be treated courteously, fairly, and with the fullest measure of dignity; and

c. The right to be free from mental and physical abuse.

21. These statutorily mandated responsibilities include providing appropriate staff with sufficient training to implement the provisions of Section 400.022, Florida Statutes.

22. Defendant owed a duty to Plaintiff to properly hire, retain and supervise nurses on Defendant's staff and to ensure that any such licensed nurses exercised care consistent with the prevailing professional standard of care for a nurse.

23. Defendant's responsibilities and obligations to Plaintiff are non-delegable such that Defendant has direct liability for violations, deprivations or infringements by any person or

entity under Defendant's control, direct or indirect including the employees, agents, servants, administrators, consultants, and independent contractors, whether in-house or outside entities, individuals, agencies or pools.

24. Notwithstanding the duties and obligations of Defendant to prevent violations, deprivations and infringements of Plaintiff's statutorily mandated resident's rights, such rights were violated, deprived or infringed by the acts and omissions of Defendant. The rights violated, deprived or infringed upon include, but are not limited to:

a. The right to receive adequate and appropriate health care and protective and support services, including social services; mental health services, if available; planned recreational activities; 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;

b. The right to be treated courteously, fairly, and with the fullest measure of dignity; and

c. The right to be free from mental and physical abuse.

25. As a direct and proximate result of the failure of Defendant to comply with the requirements of Chapter 400 of the Florida Statutes, DAVID STANGONI suffered damages including loss of dignity; humiliation; bodily injury; pain and suffering; mental anguish; discomfort; aggravation of an existing disease or physical defect; medical, hospital and nursing expenses.

WHEREFORE, Plaintiff, ERINN GREEN as Personal Representative of the Estate of DAVID STANGONI, demands judgment against Defendant for damages in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS, costs, interest and further demands trial by jury.

Dated this 17TH day of April, 2026.

/s/ Scott M. Fischer

Scott M. Fischer Esquire

Florida Bar No. 0301530

Attorneys for Plaintiff

MORGAN&MORGAN

1700 Palm Beach Lakes Blvd. Suite 500

West Palm Beach, FL 33401

(561) 764-2233 Telephone

(561) 764-2244 Direct Fax

Email: smf.pleadings@forthepeople.com

Email: cherish.hankinson@forthepeople.com

Email: michelle.clark@forthepeople.com

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