

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

ANTHONY KOST AS POWER OF ATTORNEY
FOR ROSE KOST,

Plaintiff,

v.

THE JOSEPH L. MORSE HEALTH CENTER
INC. D/B/A MORSELIFE MEMORY CARE
RESIDENCE,

Defendant.

Case No.:

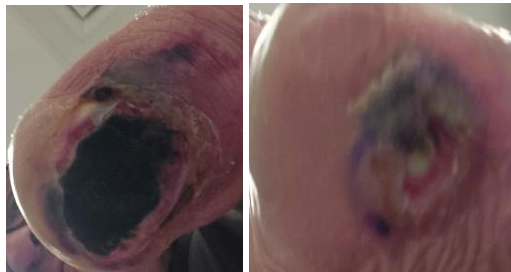
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COMPLAINT

COMES NOW, Plaintiff, ANTHONY KOST AS POWER OF ATTORNEY FOR ROSE KOST, by and through the undersigned counsel and sues the Defendant, THE JOSEPH L. MORSE HEALTH CENTER INC. D/B/A MORSELIFE MEMORY CARE RESIDENCE, hereinafter, "Defendant", and alleges as follows:

GENERAL ALLEGATIONS

1. This is an action for damages that exceed FIFTY THOUSAND (\$50,000.00) DOLLARS.
2. At all times material hereto ROSE KOST was admitted to the Defendant's Assisted Living Facility located in Palm Beach County, Florida.
3. ANTHONY KOST has been appointed Power of Attorney for ROSE KOST.
4. This claim arises from the development of severe bilateral pressure sores to both heels at Defendant's facility. Photographs of the injuries are shown below:



5. On November 6, 2024 the injury was first discovered at Defendant's facility per their records that said "resident has a blister on her foot that dried up and is now seeping. Put a dressing on it and notified PACE".
6. On November 11, 2024, ROSE KOST was seen by an APRN with regard to her wounds which at that point were described as follows:
Right heel – unstageable, 4.3 x 4.8 x 0.2, 100% devitalized tissue/eschar, strong odor. Debrided, Cleanse with ½ strength Dakin's, apply Santyl and Hydrofera Blue with dry dressing daily
L heel – Stage 2, 1.6 x 2 x 0.1, 100% granulation. Adaptic dressing 3 x-week
7. On November 13, 2024, ROSE KOST was transferred to another facility where she was admitted due to worsening wounds and wound cultures done at the PACE clinic were significant for Proteus mirabilis, pan sensitive except for Fluoroquinolones. She was switched to IV treatment with Ceftriaxone and Vancomycin for better penetration to deep tissue. The wounds were ultimately noted to be Stage 3 and Stage 4, infected with osteomyelitis.
8. On November 22, 2024 ROSE KOST received an arterial duplex which showed no significant flow limiting stenotic or atherosclerotic lesions, which proved the heel wounds were pressure related and the result of Defendant's negligence.
9. ROSE KOST's wounds ultimately improved which proves she if was healthy enough to improve the injuries, then they never would have developed to begin with had she been given appropriate care.
10. At all times material hereto, Defendant was authorized to and doing business in the State of Florida.
11. At all times material hereto, Defendant's facility was operated pursuant to and was governed by the provisions of Chapter 429 of the Florida Statutes.
12. 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.
13. Defendant, JOSEPH L. MORSE HEALTH CENTER INC. D/B/A MORSELIFE MEMORY CARE RESIDENCE, is a licensee that operated and managed the facility during ROSE KOST's residency and as such owed Plaintiff a duty to exercise reasonable care in its operation of the nursing home according to §429.29(3), Florida Statutes.

14. Defendant owned, operated and/or managed the facility during ROSE KOST residency and as such owed Plaintiff a duty to exercise reasonable care in its operation of the nursing home according to §429.29(3), Florida Statutes.
15. Plaintiff has performed all conditions precedent to bringing this action as required by Chapter 429 of the Florida Statutes.

COUNT I – CHAPTER 429 CLAIM

Plaintiff re-alleges paragraphs 1- 15 herein.

16. Pursuant to Section 429.28, 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 her rights were not violated, deprived or infringed upon in any way.
17. The foregoing rights include, but are not limited to:
 - a. The right to live in a safe and decent living environment, free from abuse and neglect; and
 - b. The right to access to adequate and appropriate health care consistent with established and recognized standards within the community.
18. These statutorily mandated responsibilities include providing appropriate staff with sufficient training to implement the provisions of Section 429.28, Florida Statutes.
19. Defendant owed a duty to Plaintiff to properly hire, retain and supervise nurses and aides on Defendant's staff and to ensure that any such licensed nurses and aides exercised care consistent with the prevailing professional standard of care.
20. 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.
21. Notwithstanding the duties and obligations of Defendant's 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 live in a safe and decent living environment, free from abuse and neglect; and
 - b. The right to access to adequate and appropriate health care consistent with established and recognized standards within the community.
22. As a direct and proximate result of the failure of Defendant to comply with the requirements of Chapter 429 of the Florida Statutes, ROSE KOST 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, ANTHONY KOST AS POWER OF ATTORNEY FOR ROSE KOST demands judgment against Defendant, THE JOSEPH L. MORSE HEALTH CENTER INC. D/B/A MORSELIFE MEMORY CARE RESIDENCE, for damages in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS, costs, interest and further demands trial by jury.

DEMAND FOR TRIAL BY JURY

Plaintiff, ANTHONY KOST AS POWER OF ATTORNEY FOR ROSE KOST, hereby demands a trial by jury of all issues so triable as a matter of right.

Dated this 25th day of June, 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