

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

CIVIL DIVISION

CASE NO.:

HARRIETT ALLEN,

Plaintiff,

vs.

PALM BEACH NURSING  
CENTER LLC d/b/a PALM  
BEACH NURSING CENTER,

Defendant.

\_\_\_\_\_ /

**COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL**

COMES NOW the Plaintiff, HARRIETT ALLEN, by and through her undersigned attorneys, and sues the Defendant, PALM BEACH NURSING CENTER LLC, d/b/a PALM BEACH NURSING CENTER, (hereinafter "PALM BEACH NURSING"), 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, HARRIETT ALLEN is an adult resident of Palm Beach County, Florida
3. At all times material hereto, HARRIETT ALLEN, 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. At all times material hereto, Defendant, PALM BEACH NURSING, was licensed and authorized to do business as a nursing home in Palm Beach County, Florida.

5. The Defendant was in the business of owning, managing and maintaining nursing homes and related healthcare facilities, including Palm Beach Nursing Center located in Palm Beach County, Florida.
6. At all times material hereto, the Defendant, PALM BEACH NURSING, was the licensee and owner of Palm Beach Nursing Center.
7. At all times material hereto, the Defendant, PALM BEACH NURSING, was subject to the provisions of Chapter §400 of the Florida Statutes, which sets the standards for operating nursing homes such as Palm Beach Nursing Center.
8. The acts complained of herein occurred in Palm Beach County, Florida.
9. The Defendant, PALM BEACH NURSING, has a principal place of business in Palm Beach County, Florida.
10. Venue is proper in Palm Beach County, Florida.
11. HARRIETT ALLEN was a resident at Palm Beach Nursing Center.
12. The Defendant, PALM BEACH NURSING, owed HARRIETT ALLEN a duty to provide adequate and appropriate health care and protective and support services, while she was a resident at the nursing home.
13. During HARRIETT ALLEN's residency at Palm Beach Nursing Center, the staff and employees breached that duty and failed to develop an adequate care plan and properly monitor and supervise the care and treatment provided to HARRIETT ALLEN in order to prevent her from developing skin breakdown/bedsores and contracting scabies.
14. As a direct result of PALM BEACH NURSING's acts and omissions, HARRIETT ALLEN developed skin breakdown/bedsores and contracted scabies.

15. This is a claim under Florida Statute §400 for violation of HARRIETT ALLEN's resident's rights, based solely on custodial care issues, and any pre-suit pursuant to Chapter §766 is unnecessary.
16. The Plaintiff has complied with the nursing home pre-suit provisions set forth in Florida Statutes §400.0233.
17. The Defendant has failed to respond to the pre-suit notice of intent in violation of Florida Statutes, Chapter 400.
18. The Defendant has failed to provide a copy of HARRIETT ALLEN's nursing home chart upon written request in violation of Florida Statutes, Chapter 400.145 and has waived the good faith certificate and pre-suit requirements pursuant to Florida Statutes, Chapter 400.0234.
19. The Plaintiff has satisfied all conditions precedent to the filing of this action.
20. Despite the waiver of the pre-suit notice requirements and good faith certificate, Plaintiff's counsel certifies by signing this Complaint that a good faith investigation into the merits of this claim was made.
21. It has been necessary for HARRIETT ALLEN to retain the undersigned firm of Ford, Dean & Rotundo, P.A., to prosecute this action and has agreed to pay said firm a reasonable fee for its services.

**COUNT I**  
**CHAPTER §400 CLAIM AGAINST DEFENDANT,**  
**PALM BEACH NURSING CENTER LLC, d/b/a PALM BEACH NURSING CENTER**

The Plaintiff hereby re-alleges paragraphs one (1) through twenty-one (21) as if fully-stated herein and further alleges:

22. That the Defendant had a statutorily-mandated responsibility to HARRIETT ALLEN to provide her with her nursing home resident's rights, as set forth in Florida Statute §400.022, which responsibility included, but was not limited to, the following:
- (a) providing adequate and appropriate healthcare and protective and support services;
  - (b) preventing mental and physical abuse of HARRIETT ALLEN;
  - (c) complying with regulations for the operation of nursing homes promulgated by the Department of Health and Rehabilitative Services and contained in the Florida Administrative Code 59A-4; and,
  - (d) treating residents courteously, fairly, and with the fullest measure of dignity.
23. In addition to the Defendant's direct responsibility under Florida Statute §400.022 and as alleged in the preceding paragraph, the 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 HARRIETT ALLEN's resident's rights as set forth in Florida Statutes §400.022.
24. That the duty alleged in the immediately-preceding paragraphs includes, but are not limited to, proper training and supervision; proper hiring, background and referral checks, and providing adequate staffing.
25. That notwithstanding the responsibility of the Defendant to provide HARRIETT ALLEN with her statutorily-mandated nursing home resident's rights, HARRIETT ALLEN was deprived of such rights by the acts or omissions of the Defendant's agents and employees, which include, but are not limited to, the following:
- a) failing to properly supervise and monitor HARRIETT ALLEN;

- b) failing to prevent HARRIETT ALLEN from developing skin breakdown;
- c) failing to prevent HARRIETT ALLEN from contracting scabies;
- d) failing to follow doctor's orders;
- e) failing to develop, implement, and update an adequate and appropriate resident care plans to meet the custodial needs of HARRIETT ALLEN;
- f) 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;
- g) failing to appropriately monitor HARRIETT ALLEN and recognize significant signs and symptoms of change in her health condition, such as suffering the development of skin breakdown and contracting scabies;
- h) failing to properly notify the family and physicians of HARRIETT ALLEN of significant changes in her health status;
- i) failing to protect HARRIETT ALLEN from foreseeable harm, including but not limited to suffering skin breakdown and contracting scabies;
- j) failing to properly supervise staff;
- k) failing to properly train staff;
- l) failing to timely and properly transfer HARRIETT ALLEN to the hospital when her condition significantly deteriorated;
- m) inadequate staffing;
- o) failing to protect the dignity of HARRIETT ALLEN;

- o) failing to implement a program of turning, repositioning and offloading to prevent skin breakdown; and,
  - p) failing to protect the privacy of HARRIETT ALLEN.
27. As a direct and proximate result of the failure of the Defendant to comply with the requirements of Florida Statute §400.022, and to provide adequate and appropriate and protective support services, HARRIETT ALLEN 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, the Plaintiff, HARRIETT ALLEN, demands judgment against the Defendant, NEW RIVIERA NURSING & REHABILITATION CENTER, LLC d/b/a RIVIERA HEALTH RESORT, for all compensatory damages allowed by law for the deprivation of HARRIETT ALLEN's rights as stated above pursuant to Florida Statute, Chapter §400, 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 10<sup>th</sup> day of July, 2026.

FORD, DEAN & ROTUNDO, P.A.  
*Attorneys for Plaintiff*  
3323 NE 163rd Street, Suite 605  
North Miami Beach, FL 33160  
Tel: (305) 670-2000/Fax: (305) 503-9627  
[Mike@forddean.com](mailto:Mike@forddean.com)  
[Sarah@forddean.com](mailto:Sarah@forddean.com)

[Service@forddean.com](mailto:Service@forddean.com)

By:



\_\_\_\_\_  
MICHAEL J. ROTUNDO  
Florida Bar No.: 0894575

NOT A CERTIFIED COPY