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

CASE NO.:

CHERYL PELLEGRINO, as Personal  
Representative of the Estate of JACK TRIPP,

Plaintiff,

vs.

REGENTS PARK, INC. d/b/a REGENTS  
PARK OF BOCA RATON also d/b/a  
REGENTS PARK NURSING &  
REHABILITATION CENTER, ITEX  
MANAGEMENT OF FLORIDA, INC., JACK  
RAJCHENBACH and AARON  
HOLLANDER.

Defendants.

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**COMPLAINT**

COMES NOW the Plaintiff, CHERYL PELLEGRINO, as Personal Representative of the Estate of JACK TRIPP, by and through undersigned counsel, sues Defendants, REGENTS PARK, INC. d/b/a REGENTS PARK OF BOCA RATON also d/b/a REGENTS PARK NURSING & REHABILITATION CENTER (hereafter "REGENTS PARK"), ITEX MANAGEMENT OF FLORIDA, INC. (hereafter "ITEX"), JACK RAJCHENBACH and AARON HOLLANDER, and further alleges:

**GENERAL JURISDICTIONAL ALLEGATIONS**

1. This is a cause of action for damages, which exceeds Fifteen Thousand Dollars (\$15,000.00), exclusive of costs, interest, and attorney's fees.
2. All conditions precedent to the filing of this action, including compliance with the notice provisions of Chapter 400, have been met or waived.

3. This action is being brought by the Plaintiff for violations of Chapter 400 against REGENTS PARK, ITEX, JACK RAJCHENBACH and AARON HOLLANDER while JACK TRIPP was a resident at the Defendants' nursing home (hereafter "the nursing home" or "the facility").

4. At all times material, CHERYL PELLEGRINO is, or is in the process of being appointed, as Personal Representative of the Estate of JACK TRIPP, and is the proper party to bring this action on behalf of the estate and its survivors.

5. At all times material, REGENTS PARK, was a Florida for-profit corporation doing business in Palm Beach County, with a principal place of business in Palm Beach County and an agent in Palm Beach County.

6. REGENTS PARK committed tortious acts against JACK TRIPP in the State of Florida. Each tortious act is specifically alleged in the subsequent counts. Accordingly, REGENTS PARK is subject to the jurisdiction of the court of the State of Florida.

7. At all times material, ITEX was a Florida for-profit corporation that was in the business of owning, managing and controlling a chain of nursing homes, including the nursing home located in Palm Beach County.

8. ITEX committed tortious acts against JACK TRIPP in the State of Florida. Each tortious act is specifically alleged in the subsequent counts. Accordingly, ITEX is subject to the jurisdiction of the court of the State of Florida.

9. At all material times, Defendant, JACK RAJCHENBACH, an Illinois resident, was an individual managing employee that had actual control, and the right to control, the operations of Defendants, ITEX and REGENTS PARK.

10. At all material times, Defendant, AARON HOLLANDER, a Florida resident, was an individual managing employee that had actual control, and the right to control, the operations of Defendants, ITEX and REGENTS PARK.

11. At all times material hereto, the Defendants were subject to the provisions of Chapter 400 of Florida Statutes, Title 42 of the Code of Federal Regulations, Titles 10 and 59 of the Florida Administrative Code, and OBRA 1987, which set the standards for operating nursing homes such as this facility.

12. Venue is appropriate in this action as the events giving rise to the cause of action occurred in Palm Beach County, Florida, the subject facility is located in Palm Beach County, Florida, one of more of the Defendants operate and do business in Palm Beach County, Florida and the Plaintiff resides in Palm Beach County, Florida.

13. This Complaint is being filed within the applicable statute of limitations period.

14. The undersigned certifies a good faith basis for bringing this action.

#### **ALLEGATIONS AGAINST REGENTS PARK**

15. At all times material hereto, the Defendant, REGENTS PARK, was the licensee of the nursing home facility, which was authorized to do business in the State of Florida and to operate a nursing home under the name of 'Regents Park Nursing and Rehabilitation Center' and is subject to the provisions of Florida Statutes Chapter 400.

16. At all times material hereto, the Defendant, REGENTS PARK, employed the nurses and caretakers at the facility, and is therefore responsible for their tortious conduct.

17. At all times material hereto, the Defendant, REGENTS PARK, was operating the facility and/or had a non-delegable duty to ensure reasonable operation of the facility and reasonable care to residents, as the licensee of the facility, licensed as a nursing home as that term is defined in Florida Statutes Chapter 400.

18. At all times material hereto, REGENTS PARK, owed a duty to its residents, including JACK TRIPP, to exercise reasonable care in its operation of the subject nursing home according to §400.023(3), Florida Statutes.

#### **ALLEGATIONS AGAINST ITEX**

19. At all times material, the Defendant, ITEX, was the management/consulting company, manager and/or owner of the subject nursing home.

20. At all times material hereto, the Defendant, ITEX, was in the business of owning, managing, and/or maintaining nursing and convalescent homes and related health care facilities, including the subject facility.

21. At all times material hereto, the Defendant, ITEX, was operating the Defendants' facility and/or had a non-delegable duty to ensure reasonable operation of the facility and reasonable care to residents, as the management company for the facility, which was licensed as a nursing home as that term is defined in Florida Statutes Chapter 400.

22. At all times material hereto, the Defendant, ITEX owned, operated, managed and controlled the nursing home's operations, including but not limited to hiring/firing the facility's

administrator and/or director of nursing, employee training, staffing levels, budget and the facility's policies and procedures in accordance with §400.023(2)(b), Florida Statutes.

23. During JACK TRIPP's residency, the Defendant, ITEX owned, operated, managed and controlled the nursing home and its staff. Therefore, ITEX is responsible for any actions or omissions of the nursing home's employees, agents or apparent agents.

24. ITEX owned, operated, managed, controlled and oversaw REGENTS PARK and as such, owed a duty to JACK TRIPP to exercise reasonable care according to §400.023(3), Florida Statutes.

**MR. RAJCHENBACH'S INVOLVEMENT AS A MANAGING EMPLOYEE**

25. At all times material, JACK RAJCHENBACH maintained a 25.56% ownership interest in REGENTS PARK, INC., the licensee of the nursing home.

26. JACK RAJCHENBACH also maintained a 50% ownership interest in ITEX, the management company for the facility.

27. At all times material, JACK RAJCHENBACH was the President of ITEX.

28. In addition to his ownership interest in the involved corporate Defendants, JACK RAJCHENBACH, as a Managing Employee of ITEX, controlled the day to day care at the facility by creating and/or approving the budgets, staffing, policies and procedures for ITEX facilities, including the subject nursing home in Boca Raton.

29. At all times material, JACK RAJCHENBACH was also the President and Director of REGENTS PARK.

30. In addition to his ownership interest in the involved corporate Defendants, JACK RAJCHENBACH, as a Managing Employee of REGENTS PARK, controlled the day to day care at the facility by creating and/or approving the facility budget, staffing, policies and procedures.

31. At all times material hereto, the Defendant, JACK RACHENBACH, as a Managing Employee, controlled the facility employees, agents, and/or apparent agents who assisted Defendant, REGENTS PARK, in the delivery of skilled nursing home care and treatment to JACK TRIPP pursuant to Florida Chapter 400, et. al.

**MR. HOLLANDER'S INVOLVEMENT AS A MANAGING EMPLOYEE**

32. At all times material, AARON HOLLANDER maintained a 5.55% ownership interest in REGENTS PARK, INC., the licensee of the nursing home.

33. At all times material, AARON HOLLANDER was also the CFO of REGENTS PARK.

34. In addition to his ownership interest in the involved corporate Defendant, AARON HOLLANDER, as a Managing Employee of REGENTS PARK, controlled the day to day care at the facility by creating and/or approving the facility budget, staffing, policies and procedures.

35. At all times material hereto, the Defendant, AARON HOLLANDER, as a Managing Employee, controlled the facility employees, agents, and/or apparent agents who assisted Defendant, REGENTS PARK, in the delivery of skilled nursing home care and treatment to JACK TRIPP, pursuant to Florida Chapter 400, et. al.

**FACTS GIVING RISE TO THIS CAUSE OF ACTION**

36. On or about June 28, 2019, JACK TRIPP, was admitted to REGENTS PARK.

37. Upon admission, JACK TRIPP required extensive supervision and/or assistance with activities of daily living, including but not limited to ambulation, bathing, dressing, toileting and medication management.

38. At all material times, JACK TRIPP was a high risk for infections and required appropriate care, adequate staff numbers to monitor his vitals, and appropriate infection preventative procedures to be put into place.

39. Despite his high infection risk classification, appropriate staff numbers were not present and proper infection preventative measures were not implemented at the Defendants' facility.

40. At all material times, JACK TRIPP was a high risk for dehydration and required appropriate care, adequate staff numbers to ensure proper hydration, and appropriate dehydration preventative procedures to be put into place.

41. Despite his high dehydration risk classification, appropriate staff numbers were not present and proper dehydration preventative measures were not implemented at the Defendants' facility.

42. At all material times, JACK TRIPP was a high risk for skin breakdown and required appropriate care, adequate staff numbers to ensure repositioning and turning, and appropriate skin breakdown preventative procedures to be put into place.

43. Despite his high skin breakdown risk classification, appropriate staff numbers were not present and proper skin breakdown preventative measures were not implemented at the Defendants' facility.

44. The facility was so understaffed that they failed to appropriately monitor the aforementioned risks of dehydration, infection and skin breakdown.

45. Not surprisingly, JACK TRIPP required emergent transport to the hospital for numerous injuries he acquired at the facility due to a lack of monitoring.

46. JACK TRIPP was admitted to Delray Medical Center on or around July 9, 2019, with hypothermia (a temperature of 78.3 degrees), dehydration, sepsis and pneumonia.

47. JACK TRIPP also suffered a worsening of existing skin breakdown and was admitted with large pressure wounds that were infected due to poor treatment at the facility.

48. Due to his facility-acquired injuries, JACK TRIPP underlying health conditions, both physical and mental, were greatly compromised and JACK TRIPP died shortly thereafter on or around July 13, 2019.

**WRONGFUL DEATH DAMAGES**

49. JACK TRIPP wrongfully died on July 13, 2019 as a direct and proximate result of the Defendants' negligence, more fully described above and below.

50. As a direct and proximate result of the rights violations outlined above and below, the Estate of JACK TRIPP and the survivors of the Estate, including but not limited to CHERYL PELLEGRINO (daughter) and Jack Howard Tripp (son) are entitled to all damages recoverable for the wrongful death caused by the Defendants, as alleged above and below, including but not limited to:

- a. Damages for JACK TRIPP's bodily injury, pain and suffering, disability, disfigurement, mental anguish, loss of the capacity for the enjoyment of life,



expensive hospitalization, the value of reasonable nursing services and nursing care provided to JACK TRIPP, medical and nursing care and treatment and aggravation of previous existing conditions, from the time of her injury until the time of his/her death;

- b. Medical bills and expenses;
- c. Funeral expenses;
- d. Loss of Net Accumulations;
- e. The survivors of the deceased have suffered mental pain and suffering which will continue for the rest of their life, and they have suffered the loss of services and support of their loved one, JACK TRIPP, and have incurred medical and funeral expenses as a result of JACK TRIPP's death, and have suffered the loss of JACK TRIPP 's love and companionship.

**SURVIVAL DAMAGES**

51. Alternatively, if these injuries did not cause JACK TRIPP's death, the Estate of JACK TRIPP claims all damages recoverable under a survival action, including but not limited to the non-economic and economic damages of the decedent for bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, and aggravation of a previously existing condition, from time of injury of JACK TRIPP to the time of his/her death. These survival damages occurred as a direct and proximate result of the negligence of the Defendants' outlined above and below.

**COUNT I:**  
**TRIPP v. REGENTS PARK – WRONGFUL DEATH**

52. Plaintiffs re-allege paragraphs 1 through 50 and further allege:

53. At all material times, REGENTS PARK was the licensee of the nursing home.

54. At all material times REGENTS PARK owed a duty to JACK TRIPP to provide reasonable nursing home care, pursuant to Fla. Stat. Sec. 400.

55. Defendant, REGENTS PARK, as the licensee of the facility was responsible and liable for the nurses and/or staff that cared for JACK TRIPP because they employed the nurses and/or staff at the facility.

56. Additionally, or in the alternative, Defendant, REGENTS PARK as the licensee of the facility was responsible and liable for the nurses and/or staff at the facility that cared for JACK TRIPP because they had actual control of their actions, and the right to control their actions, and thus those persons were agents of REGENTS PARK.

57. The negligent conduct of the nurses and/or staff of the facility, as described below, was performed in the course and scope of the employment and/or agency with REGENTS PARK.

58. Accordingly, REGENTS PARK is responsible for the negligent conduct of the nurses and/or staff.

59. REGENTS PARK, through its employees, agents and apparent agents, including but not limited to its R.N.s, L.P.N.s, C.N.A.s and other personnel violated JACK TRIPP 's rights protected under Chapter 400 for Nursing Home residents by providing negligent and substandard nursing home care as follows:

- i. Failing to adequately monitor JACK TRIPP's vitals;

- ii. Failing to prevent skin breakdown in JACK TRIPP;
- iii. Failing to adequately assess skin breakdown risk in, and/or prevent a worsening of pre-existing skin breakdown in, JACK TRIPP;
- iv. Failing to institute appropriate skin breakdown preventative measures and monitoring for JACK TRIPP;
- v. Failure to appropriately and timely respond to skin breakdown;
- vi. Failure to keep the resident clean and to change diapers and linens;
- vii. Failing to prevent infections in JACK TRIPP;
- viii. Failure to prevent falls;
- ix. Failing to appropriately respond to changes in body temperature;
- x. Failing to prevent hypothermia;
- xi. Failing to prevent dehydration;
- xii. Failing to document the resident's injuries;
- xiii. Failing to treat the resident for injuries and report abnormalities;
- xiv. Failing to report the resident's signs of injury/illness to his/her healthcare providers;
- xv. Failing to inform the resident's family of the resident's unexplained injuries and/or deteriorated condition;
- xvi. Failing to follow physician's orders;
- xvii. Failing to prevent physical injury and abuse to the resident;
- xviii. Failing to uphold rights to dignity of JACK TRIPP;
- xix. Failing to uphold rights of patient, JACK TRIPP;
- xx. Failing to follow state and federal regulations to protect nursing home residents like JACK TRIPP;
- xxi. Failing to provide appropriate nutrition and hydration to the resident;
- xxii. Failure to appropriately staff and train employees and agents;
- xxiii. Failure to provide appropriate budgeting for the subject facility;
- xxiv. Failure to provide appropriate policies and procedures to the subject facility;
- xxv. Failing to properly assess and prevent dehydration and malnutrition;
- xxvi. Failure to provide appropriate hygiene;
- xxvii. Failure to provide appropriate nutrition and hydration;
- xxviii. Failure to provide medication when required; and
- xxix. Failing to provide JACK TRIPP with safety, well-being, and appropriate healthcare under all the circumstances.

60. As a proximate result of the Defendant's deprivation of and infringement upon JACK TRIPP's Chapter 400 rights as alleged in this Complaint, which includes the above alleged negligence, JACK TRIPP wrongfully died.

61. WHEREFORE CHERYL PELLEGRINO, as Personal Representative of the Estate of JACK TRIPP claims all recoverable damages against Defendant, REGENTS PARK, and demands trial by jury.

**COUNT II:**  
**TRIPP v. ITEX – WRONGFUL DEATH**

62. Plaintiff re-alleges paragraphs 1 through 50 and further alleges:

63. At all material times, ITEX was the management company of the nursing home.

64. At all material times, ITEX was the owner/operator of the nursing home.

65. At all material times, the nursing home owned and/or operated and/or managed by ITEX, was licensed pursuant to Fla. Stat. Sec. 400, and held itself to the public, including JACK TRIPP as a nursing home that owed a duty to provide reasonable nursing home care services within the applicable standards of care, including protecting the rights guaranteed under Fla. Stat. Sec. 400, and providing care that met the standard of care for nursing homes.

66. Accordingly, at all material times, ITEX owed a duty to JACK TRIPP to provide reasonable nursing home care, and to not violate her rights as resident of nursing home, guaranteed by Fla. Stat. Sec. 400.

67. Defendant, ITEX as the manager of the facility was responsible and liable for the nurses and/or staff that cared for JACK TRIPP because they employed the nurses and/or staff at the facility.

68. Additionally, or in the alternative, Defendant, ITEX as the manager of the facility was responsible and liable for the nurses and/or staff at the facility that cared for JACK TRIPP

because they had actual control of their actions, and the right to control their actions, and thus those persons were agents of ITEX.

69. The negligent conduct of the nurses and/or staff of the facility, as described below, was performed in the course and scope of the employment and/or agency with ITEX.

70. Accordingly, ITEX is responsible for the negligent conduct of the nurses and/or staff.

71. ITEX, by and through its employees, agents and apparent agents at the nursing home, as described above, were negligent and violated JACK TRIPP 's Chapter 400 rights as follows:

- i. Failing to adequately monitor JACK TRIPP's vitals;
- ii. Failing to prevent skin breakdown in JACK TRIPP;
- iii. Failing to adequately assess skin breakdown risk in, and/or prevent a worsening of pre-existing skin breakdown in, JACK TRIPP;
- iv. Failing to institute appropriate skin breakdown preventative measures and monitoring for JACK TRIPP;
- v. Failure to appropriately and timely respond to skin breakdown;
- vi. Failure to keep the resident clean and to change diapers and linens;
- vii. Failing to prevent infections in JACK TRIPP;
- viii. Failure to prevent falls;
- ix. Failing to appropriately respond to changes in body temperature;
- x. Failing to prevent hypothermia;
- xi. Failing to prevent dehydration;
- xii. Failing to document the resident's injuries;
- xiii. Failing to treat the resident for injuries and report abnormalities;
- xiv. Failing to report the resident's signs of injury/illness to his/her healthcare providers;
- xv. Failing to inform the resident's family of the resident's unexplained injuries and/or deteriorated condition;
- xvi. Failing to follow physician's orders;
- xvii. Failing to prevent physical injury and abuse to the resident;
- xviii. Failing to uphold rights to dignity of JACK TRIPP;
- xix. Failing to uphold rights of patient, JACK TRIPP;
- xx. Failing to follow state and federal regulations to protect nursing home residents like JACK TRIPP;

- xxi. Failing to provide appropriate nutrition and hydration to the resident;
- xxii. Failure to appropriately staff and train employees and agents;
- xxiii. Failure to provide appropriate budgeting for the subject facility;
- xxiv. Failure to provide appropriate policies and procedures to the subject facility;
- xxv. Failing to properly assess and prevent dehydration and malnutrition;
- xxvi. Failure to provide appropriate hygiene;
- xxvii. Failure to provide appropriate nutrition and hydration;
- xxviii. Failure to provide medication when required; and
- xxix. Failing to provide JACK TRIPP with safety, well-being, and appropriate healthcare under all the circumstances.

72. As a proximate result of the Defendant's deprivation of and infringement upon JACK TRIPP 's Chapter 400 rights as alleged in this Complaint, which includes the above alleged negligence, JACK TRIPP wrongfully died.

73. WHEREFORE CHERYL PELLEGRINO, as Personal Representative of the Estate of JACK TRIPP, claims all recoverable damages against Defendant, ITEX, and demands trial by jury.

**COUNT III:**  
**CLAIM AGAINST MR. RAJCHENBACH RESULTING IN DEATH**

74. Plaintiff re-alleges paragraphs 1 through 50 and further allege:

75. At all material times, JACK RAJCHENBACH personally owned the nursing home facility.

76. At all material times, JACK RAJCHENBACH personally controlled the nursing home facility in an individual capacity.

77. At all material times, JACK RAJCHENBACH, a managing employee, personally made the policy decisions at the Regents Park facility and at ITEX, had the ability to hire and fire staff, and was personally involved in micromanaging nursing home policy and resident care at the subject facility.

78. At all material times, JACK RAJCHENBACH was personally and individually negligent in his role in owning, managing and controlling the facility in the following respects:

- i. Failing to budget the Facility in order to provide appropriate care to the residents of the Facility, resulting in JACK TRIPP's injuries;
- ii. Failing to appropriately staff the Facility in order to provide appropriate care to the residents of the Facility, resulting in JACK TRIPP's injuries;
- iii. Failing to appropriately react to complaints of understaffing and underbudgeting in order to provide appropriate care to the residents of the Facility, resulting in JACK TRIPP's injuries;
- iv. Failing to institute and ensure compliance with proper policies and procedures at the Facility in order to provide appropriate care to the residents of the Facility, resulting in JACK TRIPP's injuries;
- v. Deliberately siphoning funds meant for medical treatment of residents, including JACK TRIPP, away from the facility;
- vi. Failing to follow state and federal regulations to protect nursing home residents like JACK TRIPP;

As a proximate result of the Defendant's deprivation of and infringement upon JACK TRIPP's Chapter 400 rights as alleged in this Complaint, which includes the above alleged negligence, JACK TRIPP wrongfully died.

79. WHEREFORE CHERYL PELLEGRINO, as Personal Representative of the Estate of JACK TRIPP, claims all recoverable damages against Defendant, JACK RAJCHENBACH, and demands trial by jury.

**COUNT IV**  
**CLAIM AGAINST MR. HOLLANDER RESULTING IN DEATH**

80. Plaintiff re-alleges paragraphs 1 through 50 and further allege:

81. At all material times, AARON HOLLANDER personally owned the nursing home facility.

82. At all material times, AARON HOLLANDER personally controlled the nursing home facility in an individual capacity.

83. At all material times, AARON HOLLANDER, a managing employee, personally made the policy decisions at the Regents Park facility and at ITEX, had the ability to hire and fire staff, and was personally involved in micromanaging nursing home policy and resident care at the subject facility.

84. At all material times, AARON HOLLANDER was personally and individually negligent in his role in owning, managing and controlling the facility in the following respects:

- i. Failing to budget the Facility in order to provide appropriate care to the residents of the Facility, resulting in JACK TRIPP's injuries;
- ii. Failing to appropriately staff the Facility in order to provide appropriate care to the residents of the Facility, resulting in JACK TRIPP's injuries;
- iii. Failing to appropriately react to complaints of understaffing and underbudgeting in order to provide appropriate care to the residents of the Facility, resulting in JACK TRIPP's injuries;
- iv. Failing to institute and ensure compliance with proper policies and procedures at the Facility in order to provide appropriate care to the residents of the Facility, resulting in JACK TRIPP's injuries;
- v. Deliberately siphoning funds meant for medical treatment of residents, including JACK TRIPP, away from the facility;
- vi. Failing to follow state and federal regulations to protect nursing home residents like JACK TRIPP;

85. As a proximate result of the Defendant's deprivation of and infringement upon JACK TRIPP's Chapter 400 rights as alleged in this Complaint, which includes the above alleged negligence, JACK TRIPP wrongfully died.

86. WHEREFORE CHERYL PELLEGRINO, as Personal Representative of the Estate of JACK TRIPP, claims all recoverable damages against Defendant, AARON HOLLANDER and demands trial by jury.



**COUNT V**  
**SURVIVAL ACTION AGAINST REGENTS PARK**

87. Plaintiffs re-allege paragraphs 1 through 48 and 51 and further allege:

88. This survival action is made in the alternative to the above wrongful death claim.

89. Defendant, REGENTS PARK, through its employees, agents and apparent agents were below the standard of care and thus violated the Chapter 400 rights of JACK TRIPP as follows:

- i. Failing to adequately monitor JACK TRIPP's vitals;
- ii. Failing to prevent skin breakdown in JACK TRIPP;
- iii. Failing to adequately assess skin breakdown risk in, and/or prevent a worsening of pre-existing skin breakdown in, JACK TRIPP;
- iv. Failing to institute appropriate skin breakdown preventative measures and monitoring for JACK TRIPP;
- v. Failure to appropriately and timely respond to skin breakdown;
- vi. Failure to keep the resident clean and to change diapers and linens;
- vii. Failing to prevent infections in JACK TRIPP;
- viii. Failure to prevent falls;
- ix. Failing to appropriately respond to changes in body temperature;
- x. Failing to prevent hypothermia;
- xi. Failing to prevent dehydration;
- xii. Failing to document the resident's injuries;
- xiii. Failing to treat the resident for injuries and report abnormalities;
- xiv. Failing to report the resident's signs of injury/illness to his/her healthcare providers;
- xv. Failing to inform the resident's family of the resident's unexplained injuries and/or deteriorated condition;
- xvi. Failing to follow physician's orders;
- xvii. Failing to prevent physical injury and abuse to the resident;
- xviii. Failing to uphold rights to dignity of JACK TRIPP;
- xix. Failing to uphold rights of patient, JACK TRIPP;
- xx. Failing to follow state and federal regulations to protect nursing home residents like JACK TRIPP;
- xxi. Failing to provide appropriate nutrition and hydration to the resident;
- xxii. Failure to appropriately staff and train employees and agents;
- xxiii. Failure to provide appropriate budgeting for the subject facility;
- xxiv. Failure to provide appropriate policies and procedures to the subject facility;
- xxv. Failing to properly assess and prevent dehydration and malnutrition;
- xxvi. Failure to provide appropriate hygiene;
- xxvii. Failure to provide appropriate nutrition and hydration;

- xxviii. Failure to provide medication when required; and
- xxix. Failing to provide JACK TRIPP with safety, well-being, and appropriate healthcare under all the circumstances.

90. The above negligence occurred from the actions and omissions of employees, agents and apparent agents of Defendant, REGENTS PARK, while in the course and scope of their employment, agency and/or apparent agency.

91. This Count is being pleaded in the alternative to the above wrongful death Count. If these injuries did not cause the death of JACK TRIPP, the Plaintiff alleges all damages recoverable under a survival action, including but not limited to the non-economic damages of decedent for bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, and aggravation of a previously existing condition, from time of injury of JACK TRIPP to the time of his death.

WHEREFORE CHERYL PELLEGRINO, as Personal Representative of the Estate of JACK TRIPP, claims all recoverable damages against Defendant, REGENTS PARK, and demands trial by jury.

**COUNT VI**  
**SURVIVAL ACTION AGAINST ITEX**

- 92. Plaintiffs re-allege paragraphs 1 through 48 and 51 and further allege:
- 93. This survival action is made in the alternative to the above wrongful death claim.
- 94. Defendant, ITEX, through its employees, agents and apparent agents were below the standard of care and thus violated the Chapter 400 rights of JACK TRIPP as follows:

- i. Failing to adequately monitor JACK TRIPP's vitals;
- ii. Failing to prevent skin breakdown in JACK TRIPP;
- iii. Failing to adequately assess skin breakdown risk in, and/or prevent a worsening of pre-existing skin breakdown in, JACK TRIPP;
- iv. Failing to institute appropriate skin breakdown preventative measures and monitoring for JACK TRIPP;
- v. Failure to appropriately and timely respond to skin breakdown;
- vi. Failure to keep the resident clean and to change diapers and linens;
- vii. Failing to prevent infections in JACK TRIPP;
- viii. Failure to prevent falls;
- ix. Failing to appropriately respond to changes in body temperature;
- x. Failing to prevent hypothermia;
- xi. Failing to prevent dehydration;
- xii. Failing to document the resident's injuries;
- xiii. Failing to treat the resident for injuries and report abnormalities;
- xiv. Failing to report the resident's signs of injury/illness to his/her healthcare providers;
- xv. Failing to inform the resident's family of the resident's unexplained injuries and/or deteriorated condition;
- xvi. Failing to follow physician's orders;
- xvii. Failing to prevent physical injury and abuse to the resident;
- xviii. Failing to uphold rights to dignity of JACK TRIPP;
- xix. Failing to uphold rights of patient, JACK TRIPP;
- xx. Failing to follow state and federal regulations to protect nursing home residents like JACK TRIPP;
- xxi. Failing to provide appropriate nutrition and hydration to the resident;
- xxii. Failure to appropriately staff and train employees and agents;
- xxiii. Failure to provide appropriate budgeting for the subject facility;
- xxiv. Failure to provide appropriate policies and procedures to the subject facility;
- xxv. Failing to properly assess and prevent dehydration and malnutrition;
- xxvi. Failure to provide appropriate hygiene;
- xxvii. Failure to provide appropriate nutrition and hydration;
- xxviii. Failure to provide medication when required; and
- xxix. Failing to provide JACK TRIPP with safety, well-being, and appropriate healthcare under all the circumstances.

95. The above negligence occurred from the actions and omissions of employees, agents and apparent agents of Defendant, REGENTS PARK, while in the course and scope of their employment, agency and/or apparent agency.

96. This Count is being pleaded in the alternative to the above wrongful death Count. If these injuries did not cause the death of JACK TRIPP, the Plaintiff alleges all damages recoverable under a survival action, including but not limited to the non-economic damages of decedent for bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, and aggravation of a previously existing condition, from time of injury of JACK TRIPP to the time of his death.

WHEREFORE CHERYL PELLEGRINO, as Personal Representative of the Estate of JACK TRIPP, claims all recoverable damages against Defendant, ITEX, and demands trial by jury.

**COUNT VII**  
**SURVIVAL ACTION AGAINST JACK RAJCHENBACH**

97. Plaintiff re-alleges paragraphs 1 through 48 and 51 and further allege:

98. This survival action is made in the alternative to the above wrongful death claim.

99. Defendant, JACK RAJCHENBACH, by and through his employees, agents and apparent agents were below the standard of care and thus violated the Chapter 400 rights of JACK TRIPP as follows:

- i. Failing to budget the Facility in order to provide appropriate care to the residents of the Facility, resulting in JACK TRIPP's injuries;
- ii. Failing to appropriately staff the Facility in order to provide appropriate care to the residents of the Facility, resulting in JACK TRIPP's injuries;
- iii. Failing to appropriately react to complaints of understaffing and underbudgeting in order to provide appropriate care to the residents of the Facility, resulting in JACK TRIPP's injuries;
- iv. Failing to institute and ensure compliance with proper policies and procedures at the Facility in order to provide appropriate care to the residents of the Facility, resulting in JACK TRIPP's injuries;

- v. Deliberately siphoning funds meant for medical treatment of residents, including JACK TRIPP, away from the facility;
- vi. Failing to follow state and federal regulations to protect nursing home residents like JACK TRIPP;

100. The above negligence occurred from the actions and omissions of employees, agents and apparent agents of Defendant, REGENTS PARK, while in the course and scope of their employment, agency and/or apparent agency.

101. This Count is being pleaded in the alternative to the above wrongful death Count. If these injuries did not cause the death of JACK TRIPP, the Plaintiff alleges all damages recoverable under a survival action, including but not limited to the non-economic damages of decedent for bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, and aggravation of a previously existing condition, from time of injury of JACK TRIPP to the time of his death.

WHEREFORE CHERYL PELLEGRINO, as Personal Representative of the Estate of JACK TRIPP, claims all recoverable damages against Defendant, JACK RAJCHENBACH, and demands trial by jury.

**COUNT VIII**  
**SURVIVAL ACTION AGAINST AARON HOLLANDER**

102. Plaintiff re-alleges paragraphs 1 through 48 and 51 and further allege:

103. This survival action is made in the alternative to the above wrongful death claim.

104. Defendant, AARON HOLLANDER, by and through his employees, agents and apparent agents were below the standard of care and thus violated the Chapter 400 rights of CATHERINE CORY as follows:

- i. Failing to budget the Facility in order to provide appropriate care to the residents of the Facility, resulting in JACK TRIPP's injuries;
- ii. Failing to appropriately staff the Facility in order to provide appropriate care to the residents of the Facility, resulting in JACK TRIPP's injuries;
- iii. Failing to appropriately react to complaints of understaffing and underbudgeting in order to provide appropriate care to the residents of the Facility, resulting in JACK TRIPP's injuries;
- iv. Failing to institute and ensure compliance with proper policies and procedures at the Facility in order to provide appropriate care to the residents of the Facility, resulting in JACK TRIPP's injuries;
- v. Deliberately siphoning funds meant for medical treatment of residents, including JACK TRIPP, away from the facility;
- vi. Failing to follow state and federal regulations to protect nursing home residents like JACK TRIPP;

105. The above negligence occurred from the actions and omissions of employees, agents and apparent agents of Defendant, REGENTS PARK, while in the course and scope of their employment, agency and/or apparent agency.

106. This Count is being pleaded in the alternative to the above wrongful death Count. If these injuries did not cause the death of JACK TRIPP, the Plaintiff alleges all damages recoverable under a survival action, including but not limited to the non-economic damages of decedent for bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, and aggravation of a previously existing condition, from time of injury of JACK TRIPP to the time of his death.

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WHEREFORE CHERYL PELLEGRINO, as Personal Representative of the Estate of JACK TRIPP, claims all recoverable damages against Defendant, AARON HOLLANDER, and demands trial by jury.

DATED this 19<sup>th</sup> day of December, 2019.

/s/ David J. Brevda, Esq.

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