

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

CASE NO.:

MARK GOBITAS, as the Personal Representative  
of the Estate of ROCCO MICHAEL ROMANO, Deceased

Plaintiff,

vs.

LOTIS BOYNTON ALF OPERATOR, LLC, a Florida Limited  
Liability Company d/b/a HARBORCHASE OF BOYNTON BEACH,

Defendant.

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

Plaintiff, MARK GOBITAS, as Personal Representative of the ESTATE OF ROCCO MICHAEL ROMANO (hereinafter referred to as "ROMANO") sues the Defendant, LOTIS BOYNTON ALF OPERATOR, LLC, a Florida Limited Liability Company d/b/a/ HARBORCHASE OF BOYNTON BEACH, (hereinafter referred to as "HARBORCHASE") and alleges:

1. This is an action for damages in excess of FIFTY-THOUSAND AND 00/100 (\$50,000.00) DOLLARS.
2. Plaintiff, MARK GOBITAS, as the Personal Representative of the ESTATE OF ROCCO MICHAEL ROMANO, brings this action for wrongful death pursuant to Florida Statute §768.21.
3. At all times material, the Defendant, LOTIS BOYNTON ALF OPERATOR, LLC, was and is a Florida Limited Liability Company and a "licensee" under Florida Statutes Chapter

400 authorized to do business as and operate a assisted living facility under the name of HARBORCHASE OF BOYTON BEACH (hereinafter referred to as “HARBORCHASE”) in Palm Beach County, Florida subject to the provisions of Florida Statutes Chapter 400, and owned and/or operated the Defendant facility. This facility is located at 11810 S. Military Trail, Boynton Beach, Palm Beach County, Florida 33436.

4. At all times material, the Defendant, HARBORCHASE, owned, operated, managed and/or controlled the Defendant facility and were responsible for the liabilities of the Defendant facility.

5. At all times material hereto, the Defendant, HARBORCHASE, in operating the Defendant facility, was subject to the provisions of Florida Statutes Chapter 400, as well as the rules and regulations set forth in 42 U.S.C. §1395i-3; 42 U.S.C. §1396r; 42 C.F.R. Part 483; and Fla. Admin. Code Title 59A-4.

6. At all times material, ROMANO was a person over sixty (60) years of age who was limited in his mental and physical abilities and unable to adequately provide for his own care or protection.

7. That ROMANO was a resident of the Defendant facility from on or about December 2023 until his death of June 26, 2024

**COUNT I: DEPRIVATION OF RIGHTS CLAIM UNDER FLORIDA STATUTES  
CHAPTER 400 AGAINST DEFENDANT,  
HARBORCHASE**

8. Plaintiff re-alleges paragraphs 1-7 above as though fully set forth herein.

9. The Plaintiff has retained the undersigned law firm to prosecute this claim under Chapter 400 and is obligated to pay said firm reasonable attorney’s fee.

10. Pursuant to Florida Statutes Section §429.29 (2), a good faith review has been

conducted to verify that there exists reason to believe that a deprivation or infringement of the rights of ROCCO MICHAEL ROMANO occurred during his residency at the Defendant facility.

11. At all times material, the Defendant, HARBORCHASE, had a non-delegable, statutorily mandated duty and responsibility to provide ROMANO with his nursing home resident's rights as set forth in Florida Statutes Section §429.28, and any regulations promulgated thereunder, which duties and responsibilities included the following:

- (a) providing adequate and appropriate health care and protective and support services to ROMANO;
- (b) protecting ROMANO from and preventing mental and physical abuse of ROMANO;
- (c) providing and treating ROMANO with consideration and respect and with due recognition of personal dignity;
- (d) complying with the regulations for the operation of nursing homes promulgated by the Department of Health and Rehabilitative Services and contained in the Florida Administrative Code Title 59A-4;
- (e) providing prompt notification to the surrogates of the resident of significant changes in ROMANO'S health status;
- (f) providing prompt reporting and documentation of accidents and/or unusual incidents involving ROMANO;
- (g) developing and implementing a preliminary and a comprehensive resident assessment and preliminary and comprehensive resident care plan, with ongoing evaluation and update; and
- (h) protecting ROMANO from foreseeable harm.

12. The duties and responsibilities of the Defendant alleged in Paragraph twelve (12) above include proper training and supervision of employees of the Defendant facility; proper hiring, background and referral checks of employees of the Defendant facility; proper retaining and dismissing of employees, agents, consultants and independent contractors of the Defendant

facility; and adequate, appropriate and sufficient nursing staff, certified nursing assistants, orderlies, therapists and dietary staff to assist, supervise and provide custodial and skilled nursing care and services particular to residents of the Defendant facility, including ROMANO.

13. Based upon multiple issues with the staff of the Defendant, HARBORCHASE, failing to properly and timely give ROMANO his prescribed medication, ROMANO'S surrogates set a up a "NANNY CAMERA" in his room to document the anticipated failures of the staff at the Defendant, HARBORCHASE.

14. On or about the early morning hours of June 26, 2024, the "NANNY CAMERA", at 3:29 a.m., depicted ROMANO checking his groin area and recognizing that he had urinated himself. He then attempted to get to the edge of the bed to go into the bathroom. His body was very weak, and it was extremely difficult for him to get to the edge of the bed.

15. Once at the edge of the bed, at 3:30 a.m., he barely got out the bed and was very wobbly. He attempted to go to the bathroom, but he fell backwards toward the wall and once he hit the wall, he slid down the wall so that he was sitting with his back to the wall.

16. At 3:33 a.m., he attempted to get back into the bed. Over the next agonizing seven (7) minutes, ROMANO attempted to get back onto the bed. At times he had his entire body on the bed, but he did not have the strength to get his right leg onto the bed. With one last effort, he put his right hand on the tray table, which was next to the end table so that he could push off the tray table. However, the tray table was not stable, and any strength ROMANO had left to lift himself off the tray table was gone.

17. At 3:40 a.m., ROMANO fell to the floor. Over the next few minutes, he attempted to get his left hand on the bed, but that was all he could do. He lay on the floor breathing with heavy breath. Until approximately 3:46 a.m. there was no more breathing. ROCCO MICHAEL

ROMANO was deceased.

18. It was not until approximately 4:51 a.m. a staff member came into the room. The staff member did not attempt to check his vitals. She merely pulled his collar of his shirt to lift up ROMANO'S head and then just looked at his face. The staff member was equipped with a staff radio; however, it seems she didn't use the radio. Instead she pulled out her cellphone.

19. At 4:52 a.m., the staff member once again pulled up ROMANO'S head by his shirt collar and began taking either or both photographs, video-taping and/or utilizing facetime to video ROMANO'S face. This staff member then left the room.

20. It was not until 5:13 a.m. that a staff member came back to the room. This staff member came into the room, looked at ROMANO and then put gloves on to examine the body. At 5:14 a.m., she spoke with someone via her staff radio.

21. At 5:14, the staff member attempted to move ROMANO'S body. She pulled his upper torso up so that his face was facing the bed. However, ROMANO'S dead body then began leaning towards the foot of the bed. The staff member took ROMANO'S dead body and laid his head at the foot of the bed.

22. When ROMANO died on the floor his head was at the head of the bed. This staff member had completely moved ROMANO'S dead body in the opposite direction.

23. At approximately 5:15 a.m., the staff member began cleaning up the room and took all the objects that had fallen off the tray table and the nightstand and began putting them in a plastic bag. The staff member then went to the tray table and nightstand and began taking some items off the tray table and the nightstand and putting them in the plastic bag. The Staff member then wiped down the tray table and the nightstand and moved items around on the nightstand.

24. At 5:17 a.m., the staff member then began taking objects off the floor and putting

them into the plastic bag. The staff member then began wiping the area where ROMANO'S head was when he died. We would maintain there was possibly bodily fluids in that area.

25. At 5:18 a.m., a second staff member came into the room. This second staff member looks like the first staff member who had initially found ROMANO deceased. At 5:19 a.m., both staff members left the room with the one staff member taking a plastic bag full of objects and a small rug.

26. At 5:20 a.m., the staff member who was cleaning came back into the room to do some further cleaning. It is clear that the purpose of the staff members to clean and prep the room was so that when fire rescue arrived the scene in the room would not look like ROMANO had fallen. The staff had completely moved the body in the opposite direction so that they could clean up the room. The room was set up as if ROMANO had just died on the floor.

27. At approximately 5:24 a.m., the paramedics from Palm Beach County Fire Rescue came into ROMANO'S room and confirmed he was deceased. At 5:25 a.m., the paramedics placed a white sheet over the body. In the paramedics report they confirmed that ROMANO had rigor mortis set in eyelids and jaw, which was cold to touch. He had been down for longer than 30 minutes. The staff informed fire rescue that the last time the staff saw ROMANO was around 11 p.m. on the evening of June 25, 2024.

28. After the paramedics completed their evaluation and investigation, ROMANO'S body was left with the nursing staff. What happened after the paramedics left the scene was despicable and deplorable. ROMANO'S body lay in the room for another hour and half (1 ½).

29. Beginning at approximately 7:04 am, multiple staff members of the Defendant, HARBOR CHASE, utilized the white sheet to take ROMANO'S body and transported ROMANO onto the bed with his head at the head of the bed. ROMANO'S dead body could be

seen with his head hanging off the sheets. The staff pulled, tugged and dropped ROMANO's dead body on the bed and then strategically placed ROMANO'S body in the bed, then maneuvered the sheets and pillows with ROMANO'S face sitting up with his mouth open and his lifeless body prepped to show that he had died peacefully in his bed. This was done by the staff to inform ROMANO'S surrogates that he **"Died Peacefully in his Sleep"**.

30. At 7:09 a.m., the last staff member left the room. All prepped and ready to promote the lie that ROMANO died peacefully in his sleep.

31. Sometime after 9:00 a.m., the staff of the Defendant, HARBORCHASE, contacted MARK GOBITAS, the Personal Representative of the Estate of Rocco Michael Romano, and other surrogates to inform them that ROMANO had died in the early morning hours of June 26, 2024 in his sleep. This description of the ROMANO'S death was a lie and fraudulent.

32. On Jun 26, 2024, after being told of ROMANO'S death, the surrogates reviewed the subject "NANNY CAMERA" footage and tragically learned the horrific nature of ROMANO'S death and the fact the staff at HARBORCHASE had covered it up.

33. The cover up by the staff at HARBORCHASE was appalling!

34. That notwithstanding the responsibility of the Defendant, HARBORCHASE, to provide ROMANO with his statutorily mandated nursing home resident's rights, ROCCO MICHAEL ROMANO was deprived of such rights by the acts and/or omissions of the Defendant, and breached their duty to ROMANO, which include the following:

- (a) failing to provide a level of care to ROMANO which meets prevailing community standards and rules promulgated by the Agency for Health Care Administration and the Department of Health and Rehabilitative Services;

- (b) failing to establish and implement a fall prevention plan to protect ROMANO from experiencing falls;
- (c) failing to provide adequate and appropriate assistance and supervision during evening hours and to prevent ROMANO from experiencing falls;
- (d) failing to properly and continually assess and monitor ROMANO
- (e) failing to use and implement fall prevention warning devices and safety devices to aid in the prevention of falls experienced ROMANO;
- (f) failing to provide adequate and appropriate care and service to provide ROMANO with prescribed medications to avoid any falls involving ROMANO;
- (i) failing to provide adequate and appropriate nutrition and nutritional supplements and medications prevent ROMANO from needing to use the bathroom during sleep hours;
- (j) failing to adequately and appropriately follow physician orders;
- (k) failing to adequately and appropriately document the condition of ROMANO and the care and services provided to her at the Defendant facility;
- (l) failing to maintain adequate and accurate records and charting for ROMANO;
- (m) failing to provide a level of care which meets the prevailing community standards or standards promulgated by the Department of Health and Rehabilitation Services and Agency for Health Care Administration;
- (n) failing to properly supervise and train staff and/or employees who provided care and services at the Defendant facility to ROMANO;
- (o) improper retention of staff and/or employees who provided care and services at the Defendant facility to ROMANO;
- (p) failing to provide and maintain adequate and appropriate staffing levels of nurses, certified nursing assistants, orderlies, dietary staff and therapists to provide care and services to ROMANO at the Defendant facility;
- (q) failing to provide proper post-mortem training, investigations; staffing levels of nurses, certified nursing assistants, orderlies, and others to properly attend to ROMANO after his death at the facility;

- (r) improperly and illegally documented the cause of the death of ROMANO and intentionally and with malice clean up ROMANO'S room and prep him in his bed as if he died peacefully in his sleep; and
- (s) the staff of the Defendant, HARBORCHASE, intentionally and maliciously committed fraudulent acts when and how the staff informed ROMANO'S surrogates of the cause of his death.

35. The Defendant, HARBORCHASE, failed to treat ROCCO

MICHAEL ROMANO with consideration and respect and with due recognition of personal dignity while living and after his death.

36. The Plaintiff, MARK GOBITAS, as Personal Representative of the ESTATE OF ROCCO MICHAEL ROMANO, maintains that the staff of the Defendant, HARBORCHASE'S, actions may have exposed those individuals to illegally providing false information intended for use in preparing a death certificate. This information includes:

- (a.) the moving of the body prior to the paramedics examining the body;
- (b.) cleaning the room prior to the paramedics arriving;
- (c.) failing to inform the paramedics that ROMANO had fallen;
- (d.) failing to inform the paramedics that ROMANO had a large bruise on his face which was consistent with ROMANO hitting his face;
- (e.) carelessly moving the body on the bed;
- (f.) prepping the body in the bed to create an impression that ROMANO died peacefully in his sleep
- (g.) fraudulently informing ROMANO'S surrogates that he died peacefully in his sleep.

The staff's actions and inactions failed to provide the paramedics and the Medical Examiners Office the true and accurate facts surrounding the death of ROCCO MICHAEL ROMANO.

37. As a direct and proximate result of the negligence, violations, fraud and

abhorrent actions by the staff of the Defendant, HARBORCHASE, set forth above, MARK GOBITAS, as Personal Representative Estate of ROCCO MICHAEL ROMANO, seeks to recover medical and funeral expenses paid on, or on behalf of the Estate, plus all damages allowable under the law.

WHEREFORE, Plaintiff, MARK GOBITAS, as Personal Representative of the Estate of ROCCO MICHAEL ROMANO, demands damages, costs, attorney's fees and trial by jury against the Defendant, LOTIS BOYNTON ALF OPERATOR d/b/a HARBORCHASE OF BOYNTON BEACH.

PLAINTIFF DEMANDS TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

Date: 6/4/25

Respectfully submitted,



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