

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

CASE NO.:

FRANCIS WILLIAM CAPUTO, as
prospective Personal Representative of
THE ESTATE OF AGATHA MARIE
CAPUTO, Deceased,

Plaintiff,

vs.

BOCA OPCO, LLC d/b/a YAMATO
NURSING & REHABILITATION
CENTER and PALM BEACH HEALTH
CONSULTING, LLC,

Defendants.

COMPLAINT

COMES NOW the Plaintiff, FRANCIS WILLIAM CAPUTO, as prospective Personal Representative of THE ESTATE OF AGATHA MARIE CAPUTO, Deceased, by and through his undersigned counsel, and brings this action against the Defendants, BOCA OPCO, LLC d/b/a YAMATO NURSING & REHABILITATION CENTER and PALM BEACH HEALTH CONSULTING, LLC alleges as follows:

ALLEGATIONS COMMON TO ALL COUNTS

1. This is an action for damages in excess of the sum of Fifty Thousand and One Dollars (\$50,0001.00), exclusive of interest, costs, and attorneys' fees, and is therefore within the jurisdiction of this Court.

2. Venue is proper in Palm Beach County because the negligent acts and omissions alleged occurred at the nursing facility located at 375 NW 51st Street, Boca Raton, Palm Beach County, Florida 33431, and because Defendants conduct business in this County.
3. At all material times, AGATHA MARIE CAPUTO, Deceased (*hereinafter be referred to as "Decedent"*) was a resident of Palm Beach County, Florida, and a resident of the subject nursing facility.
4. FRANCIS WILLIAM CAPUTO (*hereinafter be referred to as "Plaintiff"*) brings this action as the Prospective Personal Representative of the Estate of Decedent. A petition for administration of the Estate is pending in the Circuit Court in and for Palm Beach County, Florida, the decedent's county of domicile. Plaintiff is the son of Decedent, qualified to serve as Personal Representative, and expected to be appointed Personal Representative.
5. This action is brought on behalf of the Estate and its statutory survivors under §§ 400.023, 46.021, and 768.16–768.26, Florida Statutes.
6. During the Decedent's admission, and beginning on or about April 1, 2023, Defendant, BOCA OPCO, LLC d/b/a YAMATO NURSING & REHABILITATION CENTER (*hereinafter be referred to as "OPCO"*) is a Florida limited liability company that at all material times owned, operated, managed, and controlled the skilled nursing facility known as YAMATO NURSING AND REHABILITATION CENTER, a business located at: 375 NW 51st Street, Boca Raton, Florida 33431.
7. During the Decedent's admission, and beginning on or about April 1, 2023, Defendant, PALM BEACH HEALTH CONSULTING, LLC (*hereinafter be referred as "Consulting"*) is a Florida limited liability company that at all material times served as the management

company for the subject facility, exercising control over staffing, budgeting, policies, and the delivery of resident care.

8. Defendants, BOCA OPCO, LLC d/b/a YAMATO NURSING & REHABILITATION CENTER; and PALM BEACH HEALTH CONSULTING, LLC, (*hereinafter be referred as "Defendants"*) owed Decedent the duties imposed by Chapter 400, Florida Statutes and the prevailing professional standard of care.
9. At all times material hereto, Decedent was a vulnerable adult. And was unable to take care of herself.
10. This case is **not** subject to Arbitration. This is based upon one or more of the following facts:
 - (a) There is no valid, signed Arbitration Agreement that applies to all of the Defendants and that also applies to Decedent.
 - (b) The Arbitration Agreement was not signed by Decedent.
 - (c) The Arbitration Agreement was signed by a person who did not have adequate and proper permission from decedent to sign the Arbitration Agreement.
 - (d) The signing of the Arbitration Agreement was not voluntary.
 - (e) The Arbitration Agreement was hidden in a stack of admission papers, and it appeared that it was mandatory that the Arbitration Agreement be signed.
 - (f) The Arbitration Agreement was not adequately and properly explained to the person signing it.
 - (g) The Arbitration Agreement is unconscionable.
 - (h) Arbitration in this case has been waived by one or more of the Defendants.
11. All conditions precedent to this action, including the presuit notice and investigation requirements of §§ 400.0233 and 400.0235, Florida Statutes, have been satisfied, waived, or

otherwise excused. Notices of Intent to Initiate Litigation were served on Defendants, the earliest certified mail receipt was signed April 29, 2026, and the presuit period expired July 13, 2026.

GENERAL ALLEGATIONS

12. Decedent was originally admitted to the Boca Raton facility on January 23, 2018, following a twenty-five-day hospitalization at Boca Raton Regional Hospital for acute COPD exacerbation, respiratory failure, and a Stage 3 pressure ulcer of the right hip. She was transferred to the facility totally bedbound, with no upper body strength, and oxygen-dependent.
13. Decedent was at all material times an elderly, oxygen-dependent, bedbound resident who required total assistance with transfers, repositioning, hygiene, and toileting. Facility assessments verified she was known to be at high risk of falling from bed.
14. Despite this known and documented risk profile, the facility by and through its agents and/or employees failed to ensure bed-safety devices were in place, even though she had been bedbound for the four years preceding her fatal fall.

Falls and October 5, 2024 Hip Fracture

15. In July 2024, Decedent telephoned her family to report that she had fallen to the floor and had been left lying on the floor. The facility denied any knowledge of this fall, and no corresponding incident documentation was generated.
16. On October 5, 2024, at approximately 12:30 p.m., facility staff responded to a loud noise followed by a scream and found Decedent on the floor beside her bed, lying on her right side over the metal portion of the bedside table. According to the Defendants self-serving report as to what the Defendants believed may have caused the fall, the Defendants claim that

Decedent reported that she had raised the head of her bed to watch television and slid off; the head of the bed was found raised all the way up and the call light had not been activated.

17. Decedent was guarding her hip and screaming, rating her pain 10/10, with the right leg appearing longer than the left. Vital signs were BP 148/78, HR 88, respirations 20, oxygen saturation 96% on 2L/min. Boca Raton Fire Rescue transported her to Boca Raton Regional Hospital.
18. Imaging confirmed a closed right intertrochanteric hip fracture with mild angulation, and she was diagnosed with fall from bed, head injury, and right rib contusion.
19. Given her pre-existing medical conditions, which made fall prevention that much more important, surgical repair was not a viable option. She was discharged back to the facility on October 7, 2024 with falls precautions, oral morphine, and wound care orders.
20. The Defendant's own MDS discharge assessment dated October 5, 2024 records one fall resulting in major injury — bone fracture, joint dislocation, closed head injury, or subdural hematoma.
21. Upon return to the facility on October 7, 2024, Decedent was unable to reposition herself and required maximum assistance. Vitas hospice crisis care was initiated on or about October 8–9, 2024.
22. For the twenty-seven days following her fall, Decedent remained in bed suffering significant pain and discomfort from her fractured hip, became progressively nonverbal, was unable to swallow, and declined. Rather than dying with dignity and peace, she spent her remaining days in pain and agony.

23. On the morning of October 30, 2024, hospice staff found that Decedent had stopped breathing; the floor nurse was unable to palpate a pulse, and death was pronounced at the facility. Her body was released to the family's funeral home the same afternoon.

Pressure Injuries and Wound Care

24. Decedent's skin integrity was a known and documented problem throughout her residency.

25. In July 2021, she developed an acute unstageable sacral pressure ulcer with serosanguineous drainage and slough, later reclassified as Stage 2, together with a raw and tender perianal area.

26. By August 2022, Defendants MDS assessments documented active unhealed pressure ulcers at every stage — Stage 1, Stage 2, Stage 3, and Stage 4 — along with unstageable wounds attributable to non-removable dressing, slough/eschar, and deep tissue injury. That pattern of multi-stage active pressure injuries persisted through November 2022, throughout 2023, and into 2024.

27. By September and October 2024, Decedent had bilateral foot and toe wounds with dry eschar and mummified tissue, multiple toes with exposed necrotic bone, bilateral heel eschar, bilateral calf wounds, buttock wounds, and a large sacral deep tissue injury. The frequency, extent, and progression of these wounds resulted from Defendants' failure to monitor, turn, reposition, offload, nourish, and treat her.

28. Defendants failed to provide adequate incontinence and hygiene care. On Christmas Day 2023, Decedent requested assistance at approximately 6:00 a.m. and was not changed or cleaned until approximately 3:30 p.m., after her family arrived to find her room soiled and malodorous and Decedent humiliated.

29. Defendants repeatedly failed to recognize and timely treat urinary tract infections, requiring family members to alert staff when Decedent became incoherent.

30. Defendants failed to communicate candidly with Decedent's family regarding her condition and the events that befell her, including the undocumented July 2024 fall and the full circumstances of the October 5, 2024 fall.

**COUNT I — WRONGFUL DEATH FOR VIOLATION OF RESIDENT
RIGHTS/NEGLIGENCE AGAINST BOCA OPCO**

31. Plaintiff readopts paragraphs 1 through 30.

32. This is a claim for lethal negligence seeking wrongful death damages.

33. Defendants deprived and infringed upon Decedent's rights guaranteed by Chapter 400, Florida Statutes, including:

- i. The right to receive adequate and appropriate health care and protective and support services consistent with her resident care plan, established and recognized practice standards, and rules adopted by the Agency for Health Care Administration;
- ii. The right to be treated courteously, fairly, and with the fullest measure of dignity;
- iii. The right to be free from mental and physical abuse and neglect; and
- iv. The right to be adequately informed of her medical condition and proposed treatment and to participate in the planning of her care.

34. These deprivations arose from, among other things: the absence of bed-safety measures during a six-year residency by a bedbound resident; failure to implement and follow fall prevention interventions; failure to document, investigate, and respond to the July 2024 fall; failure to monitor, turn, reposition, and offload a resident assessed as at risk for pressure injury; failure to prevent and appropriately treat multi-stage pressure ulcers; failure to provide timely incontinence and hygiene care; failure to recognize and treat infection; and chronic failure to staff the facility at levels sufficient to meet residents' assessed needs.

35. As a direct and proximate result, Decedent sustained a right intertrochanteric hip fracture, head injury, and rib contusion, suffered avoidable and progressive pressure injuries, endured twenty-seven days of severe pain before her death, and suffered mental anguish, humiliation, and loss of dignity.
36. Defendants owed Decedent a duty to exercise reasonable care and to render care in accordance with the prevailing professional standard of care for skilled nursing facilities, including the standards embodied in Chapter 400, Florida Statutes, 42 C.F.R. Part 483, and Rule 59A-4.1288, Florida Administrative Code.
37. Defendants breached that duty by failing to assess and reassess Decedent's fall risk; failing to implement fall prevention interventions including bed rails, low beds, floor mats, alarms, or increased supervision; failing to answer and monitor a bedbound resident who could not safely reposition herself; failing to prevent, stage, treat, and heal pressure injuries; failing to provide adequate hygiene, nutrition, and hydration; failing to recognize and treat infection; failing to document and report falls and changes in condition; and failing to hire, train, supervise, and retain sufficient qualified staff.
38. The October 5, 2024 fall and resulting hip fracture were preventable had industry-standard safety and fall prevention precautions been implemented.
39. Upon the date of her death on October, 30th 2024, Decedent left the following beneficiaries and/or survivors in a wrongful death action, upon whose behalf a claim is hereby made:
- a. THE ESTATE or another survivor has incurred medical and funeral expenses due to Decedent's death;
 - b. THE ESTATE has sustained damages in the form of loss of net accumulations, funeral and burial bills, and economic losses as a result of Decedent's death;

- c. Francis William Caputo, Nicole Caputo, Teresa Marie Riendeau and Michael Caputo, as survivors, has lost and seeks to recover for all other damages that may be available under Florida law.

40. The Estate has incurred medical and funeral expenses, and the survivors have suffered loss of parental companionship, instruction, guidance, and mental pain and suffering.

WHEREFORE Plaintiff, FRANCIS WILLIAM CAPUTO, as prospective Personal Representative of THE ESTATE OF AGATHA MARIE CAPUTO, Deceased demands judgment against Defendants, BOCA OPCO, LLC d/b/a YAMATO NURSING & REHABILITATION CENTER and PALM BEACH HEALTH CONSULTING, LLC, for compensatory damages, actual damages, prejudgment interest, costs, and attorneys' fees pursuant to § 400.023(1), Florida Statutes, and such other relief this Honorable Court deems just and proper. **Trial By Jury** is demanded of all issues so triable by right.

**COUNT II — SURVIVAL CLAIM FOR VIOLATION OF RESIDENT
RIGHTS/NEGLIGENCE AGAINST BOCA OPCO**

41. Plaintiff readopts paragraphs 1 through 30.

42. This is a Survival Claim pursuant to Chapter 400 of the Florida Statutes and pursuant to Florida Statute §46.021. In addition to coming within the purview of Florida Statute §46.021, the acts and omissions of the Defendants constitute violations of Florida Statute §400.02.

43. As a direct and proximate result of these breaches, Decedent suffered the injuries, pain, suffering, disability, disfigurement, mental anguish, and medical expenses described above, and her death.

WHEREFORE Plaintiff, FRANCIS WILLIAM CAPUTO, as prospective Personal Representative of THE ESTATE OF AGATHA MARIE CAPUTO, Deceased demands judgment

against Defendants, BOCA OPCO, LLC d/b/a YAMATO NURSING & REHABILITATION CENTER and PALM BEACH HEALTH CONSULTING, LLC for compensatory damages, prejudgment interest, and such other relief this Honorable Court deems just and proper. **Trial By Jury** is demanded of all issues so triable by right.

**COUNT III — WRONGFUL DEATH FOR VIOLATION OF RESIDENT
RIGHTS/NEGLIGENCE AGAINST PALM BEACH HEALTH CONSULTING**

44. Plaintiff readopts paragraphs 1 through 30.

45. This is a claim for lethal negligence seeking wrongful death damages.

46. Defendants deprived and infringed upon Decedent's rights guaranteed by Chapter 400, Florida Statutes, including:

- v. The right to receive adequate and appropriate health care and protective and support services consistent with her resident care plan, established and recognized practice standards, and rules adopted by the Agency for Health Care Administration;
- vi. The right to be treated courteously, fairly, and with the fullest measure of dignity;
- vii. The right to be free from mental and physical abuse and neglect; and
- viii. The right to be adequately informed of her medical condition and proposed treatment and to participate in the planning of her care.

47. These deprivations arose from, among other things: the absence of bed-safety measures during a six-year residency by a bedbound resident; failure to implement and follow fall prevention interventions; failure to document, investigate, and respond to the July 2024 fall; failure to monitor, turn, reposition, and offload a resident assessed as at risk for pressure injury; failure to prevent and appropriately treat multi-stage pressure ulcers; failure to provide timely

incontinence and hygiene care; failure to recognize and treat infection; and chronic failure to staff the facility at levels sufficient to meet residents' assessed needs.

48. As a direct and proximate result, Decedent sustained a right intertrochanteric hip fracture, head injury, and rib contusion, suffered avoidable and progressive pressure injuries, endured twenty-seven days of severe pain before her death, and suffered mental anguish, humiliation, and loss of dignity.
49. Defendants owed Decedent a duty to exercise reasonable care and to render care in accordance with the prevailing professional standard of care for skilled nursing facilities, including the standards embodied in Chapter 400, Florida Statutes, 42 C.F.R. Part 483, and Rule 59A-4.1288, Florida Administrative Code.
50. Defendants breached that duty by failing to assess and reassess Decedent's fall risk; failing to implement fall prevention interventions including bed rails, low beds, floor mats, alarms, or increased supervision; failing to answer and monitor a bedbound resident who could not safely reposition herself; failing to prevent, stage, treat, and heal pressure injuries; failing to provide adequate hygiene, nutrition, and hydration; failing to recognize and treat infection; failing to document and report falls and changes in condition; and failing to hire, train, supervise, and retain sufficient qualified staff.
51. The October 5, 2024 fall and resulting hip fracture were preventable had industry-standard safety and fall prevention precautions been implemented.
52. Upon the date of her death on October, 30th 2024, Decedent left the following beneficiaries and/or survivors in a wrongful death action, upon whose behalf a claim is hereby made:
 - d. THE ESTATE or another survivor has incurred medical and funeral expenses due to Decedent's death;

- e. THE ESTATE has sustained damages in the form of loss of net accumulations, funeral and burial bills, and economic losses as a result of Decedent's death;
- f. Francis William Caputo, Nicole Caputo, Teresa Marie Riendeau and Michael Caputo, as survivors, has lost and seeks to recover for all other damages that may be available under Florida law.

53. The Estate has incurred medical and funeral expenses, and the survivors have suffered loss of parental companionship, instruction, guidance, and mental pain and suffering.

WHEREFORE Plaintiff, FRANCIS WILLIAM CAPUTO, as prospective Personal Representative of THE ESTATE OF AGATHA MARIE CAPUTO, Deceased demands judgment against Defendants, BOCA OPCO, LLC d/b/a YAMATO NURSING & REHABILITATION CENTER and PALM BEACH HEALTH CONSULTING, LLC for all damages recoverable under the Florida Wrongful Death Act, prejudgment interest, costs, and, as to Count I, attorneys' fees, and such other relief this Honorable Court deems just and proper. **Trial By Jury** is demanded of all issues so triable by right.

COUNT IV — SURVIVAL CLAIM FOR VIOLATION OF RESIDENT

RIGHTS/NEGLIGENCE AGAINST PALM BEACH HEALTH CONSULTING

54. Plaintiff readopts paragraphs 1 through 30.

55. This is a Survival Claim pursuant to Chapter 400 of the Florida Statutes and pursuant to Florida Statute §46.021. In addition to coming within the purview of Florida Statute §46.021, the acts and omissions of the Defendants constitute violations of Florida Statute §400.02

56. As a direct and proximate result of these breaches, Decedent suffered the injuries, pain, suffering, disability, disfigurement, mental anguish, and medical expenses described above, and her death.

WHEREFORE, Plaintiff, FRANCIS WILLIAM CAPUTO, as prospective Personal Representative of THE ESTATE OF AGATHA MARIE CAPUTO, Deceased, demands judgment for damages against the Defendants, BOCA OPCO, LLC d/b/a YAMATO NURSING & REHABILITATION CENTER and PALM BEACH HEALTH CONSULTING, LLC, and such other relief this Honorable Court deems just and proper. **Trial By Jury** is demanded of all issues so triable by right.

DEMAND FOR JURY TRIAL

The Plaintiff in the above styled cause hereby demand a trial by jury of all of the issues triable by right.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served.

Michael H. Kugler, Esq.

GOLDLAW, P.A.

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