

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

MANDANA "MANDY" KALLICHE WEBER,
as Personal Representative for the ESTATE OF
ROBERT BERNARD KALLICHE WEBER,

CASE NO.:

Plaintiff,

-vs-

AVANTE AT BOCA RATON, INC. d/b/a
AVANTE OF BOCA RATON SNF,

Defendant.

_____ /

COMPLAINT

Plaintiff, MANDANA "MANDY" KALLICHE WEBER, AS Personal Representative for the ESTATE OF ROBERT BERNARD KALLICHE WEBER, by and through her undersigned attorney, sues Defendant, AVANTE AT BOCA RATON, INC. d/b/a AVANTE OF BOCA RATON SNF, and alleges as follows:

COMMON ALLEGATIONS

1. This is an action for damages more than the jurisdictional limits of this Court, Fifty Thousand Dollars (\$50,000) exclusive of costs, interest and attorneys' fees.
2. At all times material to this action, ROBERT BERNARD KALLICHE WEBER was a person over sixty (60) years of age who was suffering from the infirmities of aging to the extent that she was impaired in her ability to provide adequately for her own care and protection.
3. MANDANA "MANDY" KALLICHE WEBER, is the Personal Representative for the ESTATE OF ROBERT BERNARD KALLICHE WEBER.

4. Pursuant to §768.21, Florida Statute, the Survivors of ROBERT BERNARD KALLICHE WEBER is Mandana “Mandy” Kalliche Weber.

5. Defendant, AVANTE AT BOCA RATON, INC., at all times material to this action was a Florida corporation and a “licensee” under Florida Statutes Chapter 400, Florida Statutes, and was authorized to do business as and to operate a nursing home under the name of AVANTE OF BOCA RATON SNF, in Palm Beach County, Florida, subject to the provisions of Chapter 400, Florida Statutes.

6. ROBERT BERNARD KALLICHE WEBER was a nursing home resident of AVANTE AT BOCA RATON SNF from September 28, 2023, to May 29, 2025, for long-term care and skilled nursing care.

7. During MR. WEBER’S residency at AVANTE AT BOCA RATON, INC., and while dependent on the nursing home to meet his daily needs and provide necessary care and treatment, Defendant was negligent in the care of ROBERT BERNARD KALLICHE WEBER, and violated, deprived, and infringed his nursing home residents’ rights. As a result, ROBERT BERNARD KALLICHE WEBER suffered physical and emotional injuries and died.

8. Plaintiff’s counsel certifies by signing this Complaint that a good-faith investigation into the merits of this claim was made.

9. All conditions precedent to the filing of this claim have been waived or satisfied.

COUNT I
AVANTE AT BOCA RATON, INC. d/b/a AVANTE OF BOCA RATON SNF
CHAPTER 400 / NEGLIGENCE
ERONFUL DEATH / SURVIVAL DAMAGES

10. Plaintiff re-alleges paragraphs one (1) through nine (9) of the Common Allegations.

11. This is a claim brought pursuant to §400.023, Florida Statutes for damages arising out of negligence and the deprivation of nursing home residents' rights set forth in §400.022, Florida Statutes.

12. AVANTE AT BOCA RATON had a duty to use reasonable care in the nursing home care and treatment it provided to ROBERT BERNARD KALLICHE WEBER, including, but not limited to, ensuring that its employees rendered care and services in a safe and beneficial manner and in accordance with the prevailing standard of care for nursing homes.

13. AVANTE AT BOCA RATON, INC. had a duty to comply with the applicable legal and administrative standards and guidelines set forth in 42 U.S.C. §1395i-3; 42 U.S.C. §1396r; 42 C.F.R. Part 483; Chapter 400, Florida Statutes; and Fla. Admin. Code Chapter 59A-4.

14. AVANTE AT BOCA RATON, INC. had a statutory obligation to protect the nursing home residents' rights of ROBERT BERNARD KALLICHE WEBER as set forth in §400.022, Florida Statutes. This obligation included, but was not limited to, the following:

- a) Providing adequate and appropriate health care and protective and support services;
- b) Adequately informing ROBERT BERNARD KALLICHE WEBER of his medical condition and proposed treatment and permitting her to participate in planning all medical treatment;
- c) Treating ROBERT BERNARD KALLICHE WEBER courteously, fairly, and with the fullest measure of dignity; and
- d) Protecting ROBERT BERNARD KALLICHE WEBER from physical and mental abuse and/or neglect.

15. The obligations of AVANTE AT BOCA RATON, INC. as outlined above were non-delegable responsibilities such that AVANTE AT BOCA RATON has direct liability for any

negligence and/or violations, deprivations, and infringements of ROBERT BERNARD KALLICHE WEBER'S nursing home residents' rights by any of its officers, managing agents, servants, employees, or outside nonprofessional health care providers or contractors acting in furtherance of the operations of AVANTE AT BOCA RATON.

16. AVANTE AT BOCA RATON, INC. was and is vicariously liable for any negligence and/or violations, deprivations and infringements of ROBERT BERNARD KALLICHE WEBER'S nursing home residents' rights by the officers, managing agents, servants and employees of AVANTE AT BOCA RATON acting within the course and scope of their employment or agency.

17. Notwithstanding its duties, obligations, and responsibilities outlined above, AVANTE AT BOCA RATON, INC. was negligent in the nursing home care and treatment it provided to ROBERT BERNARD KALLICHE WEBER. Moreover, AVANTE AT BOCA RATON violated, deprived, and infringed the nursing home residents' rights of ROBERT BERNARD KALLICHE WEBER as set forth in §400.022, Florida Statutes.

18. From September 28, 2023, when ROBERT BERNARD KALLICHE WEBER was first admitted to AVANTE AT BOCA RATON, through his death on May 29, 2025, Avante was responsible for providing the skilled nursing care necessary to protect him from the development of pressure-related skin breakdown and wound deterioration.

ROBERT BERNARD KALLICHE WEBER was immobile, medically complex, and fully dependent on staff for repositioning, off-loading, hygiene and incontinence care, nutritional support, skin surveillance, wound treatment, and timely escalation of changes in condition.

By January 17, 2024, AVANTE documented an advanced, Stage III sacral pressure ulcer, establishing its actual knowledge of an active pressure injury and the need for intensified prevention and treatment.

By November 19, 2024, AVANTE documented a non-healing sacral wound with exposed bone and ordered imaging. In the ensuing weeks, it treated suspected sacral-wound infection with antibiotics but allegedly failed to prevent further deterioration, infection, and related complications. On December 11, 2024, ROBERT BERNARD KALLICHE WEBER was transferred to the hospital for the worsening sacral wound. During that hospitalization, the wound was diagnosed as a stage IV sacral pressure injury with cellulitis, slough, and palpable bone, which required debridement and a diverting colostomy on December 27, 2024.

After ROBERT BERNARD KALLICHE WEBER returned to AVANTE in January 2025, he remained dependent upon AVANTE for extensive stage IV wound care. On February 6, 2025, the wound measured approximately 11.5 cm × 9 cm × 2.5 cm, with exposed bone, undermining, substantial drainage, and slough. From February through May 2025, Avante failed to consistently perform and document the skin and wound monitoring required by ROBERT BERNARD KALLICHE WEBER'S condition and its own care plan, including regular assessments, measurements, repositioning/off-loading, moisture management, nutritional surveillance, and timely physician and wound-care escalation.

By May 2025, the wound required topical antibiotic treatment and wound-VAC therapy. Although the wound may have shown partial size improvement, it remained an unhealed and serious stage IV pressure injury at the time of ROBERT BERNARD KALLICHE WEBER'S death on May 29, 2025.

19. AVANTE'S failures included, but are not limited to failure to prevent pressure and shear, manage moisture and incontinence, provide consistent repositioning and off-loading, ensure adequate nutrition and hydration, monitor and document wound progression, recognize infection and deterioration, and timely obtain appropriate intervention caused or substantially contributed to the wound's progression, hospitalization, debridement, colostomy, pain and suffering, and other resulting damages. Plaintiff further alleges that AVANTE'S failure to appropriately monitor and respond to ROBERT BERNARD KALLICHE WEBER'S terminal deterioration, including the reported delayed emergency response, caused or contributed to, or accelerated, his death.

20. In addition, AVANTE AT BOCA RATON, INC. failed to provide an adequate number of employees to meet the needs and protect the rights of residents; and failed to properly train, supervise, discipline, and retain employees, both professional and non-professional.

21. The acts and omissions committed by employees and agents of AVANTE AT BOCA RATON were pervasive events that occurred and continued throughout MR. WEBER'S residency at AVANTE AT BOCA RATON and were such that supervisors, administrators, and managing agents of the Defendant should have been aware of them.

22. As a direct and proximate result of the acts and omissions of AVANTE AT BOCA RATON, its employees, agents, servants, and managers, ROBERT BERNARD KALLICHE WEBER suffered severe skin damage and other physical injuries, mental and physical pain, was forced to undergo medical testing and treatment, incurred reasonable and necessary medical expenses, lost the capacity to enjoy life, suffered disfigurement, disability, and aggravation of a previously existing condition, and died.

23. As a direct and proximate result of the acts and omissions of the DEFENDANT facility, its employees, agents, servants, and managers, the survivors of ROBERT BERNARD KALLICHE

WEBER have suffered, and will continue to suffer mental pain and suffering, and loss of companionship. The survivors also paid medical and/or funeral expenses due to the injury and resulting death of ROBERT BERNARD KALLICHE WEBER.

24. As a direct and proximate result of the acts and omissions of the DEFENDANT facility, THE ESTATE OF ROBERT BERNARD KALLICHE WEBER incurred reasonable and necessary medical and/or funeral expenses due to the injury and resulting death of ROBERT BERNARD KALLICHE WEBER.

WHEREFORE, Plaintiff demands judgment against AVANTE OF BOCA RATON for damages in excess of Fifty Thousand Dollars (\$50,000.00), together with costs, pre-judgment interest for any out-of-pocket expenses made on behalf of ROBERT BERNARD KALLICHE WEBER, and for any other relief this Court deems appropriate.

JURY TRIAL DEMAND

Plaintiff requests a trial by jury on all issues so triable as a right.

Dated this 22d day of October, 2026.

/s/ Al Ferrera

Al Ferrera, Esq.

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