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

CIVIL DIVISION
CASE NO.:

DEANNA MACDONALD, as Personal Representative
of the Estate of MARY OLSEN, Deceased,

Plaintiff,
vs.

WELLINGTON REHAB AND HEALTH CENTER, LLC,
d/b/a THE LUXE AT WELLINGTON REHAB CENTER,

Defendant.
_____/

COMPLAINT

COMES NOW, the Plaintiff, DEANNA MACDONALD, as Personal Representative of the Estate of, MARY OLSEN, by and through their undersigned counsel, and sues Defendant, WELLINGTON REHAB AND HEALTH CENTER, LLC, d/b/a THE LUXE AT WELLINGTON REHAB CENTER, 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, MARY OLSEN was an adult resident of Palm Beach County, Florida.
3. At all times material hereto, MARY OLSEN was a person who was suffering from infirmities to the extent that she was impaired in her ability to adequately provide for her own care and protection.

NOT A CERTIFIED COPY

4. MARY OLSEN died on May 20, 2025. At all times material to this action, DEANNA MACDONALD is the duly appointed Personal Representative of the Estate of MARY OLSEN.

5. At all times material hereto, Defendant, WELLINGTON REHAB AND HEALTH CENTER, LLC was licensed and authorized to do business as a nursing home in Palm Beach County, Florida. The Defendant was in the business of owning, managing and maintaining nursing homes and related healthcare facilities, including THE LUXE AT WELLINGTON REHAB CENTER, located in Palm Beach County, Florida.

6. At all times material hereto, Defendant, WELLINGTON REHAB AND HEALTH CENTER, LLC, was the licensee and owner of THE LUXE AT WELLINGTON REHAB CENTER.

7. At all times material hereto, Defendant, WELLINGTON REHAB AND HEALTH CENTER, LLC, was subject to the provisions of Chapter 400 of Florida Statutes, which sets the standards for operating nursing homes such as THE LUXE AT WELLINGTON REHAB CENTER.

8. During MARY OLSEN's residency at THE LUXE AT WELLINGTON REHAB CENTER, the staff and employees failed to develop an adequate care plan and properly monitor and supervise the care and treatment provided to MARY OLSEN in order to prevent her from suffering the development and deterioration of infections and sepsis, to prevent her from suffering the development and deterioration of malnutrition and weight loss, and to prevent her from suffering the development and deterioration of dehydration.

9. As a direct result of THE LUXE AT WELLINGTON REHAB CENTER's acts and omissions, MARY OLSEN suffered the development and deterioration of infections and

NOT A CERTIFIED COPY

sepsis, suffered the development and deterioration of malnutrition and weight loss, and suffered the development and deterioration of dehydration.

10. This is a claim under Florida Statute §400 for violation of MARY OLSEN's resident's rights, based solely on custodial care issues, and any pre suit pursuant to Chapter 766 is unnecessary.

11. Plaintiff has complied with the nursing home presuit provisions set forth in Florida Statutes §400.0233.

12. Plaintiff has satisfied all conditions precedent to the filing of this action.

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

14. It has been necessary for DEANNA MACDONALD 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, WELLINGTON REHAB AND HEALTH CENTER, LLC, d/b/a THE LUXE AT WELLINGTON REHAB CENTER

Plaintiff hereby realleges paragraphs one (1) through fourteen (14) as if fully stated herein and further alleges:

15. Defendant has a statutorily mandated responsibility to MARY OLSEN 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 MARY OLSEN;

NOT A CERTIFIED COPY

(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.

16. That Defendant's responsibility to MARY OLSEN, as outlined in Florida Statutes §400.022, are non-delegable and such that Defendant had direct liability for violations, deprivations and infringements by any person or entity under Defendant's control, direct or indirect, including their employees, agents, consultants and independent contractors, whether in-house or outside entities, individuals, agencies or pools, or caused by Defendant's policies, and procedures, whether written or unwritten, or common practices.

17. That in addition to Defendant's direct responsibility under Florida Statute §400.022 and as alleged in the preceding paragraph, 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 MARY OLSEN resident's rights as set forth in Florida Statutes §400.022.

18. That the duty alleged in the immediately preceding paragraphs include, but are not limited to, proper training and supervision; proper hiring, background and referral checks; and proper retaining and dismissing of employees, agents, consultants and independent contractors, as well as providing adequate staffing.

19. That notwithstanding the responsibility of Defendant to provide MARY OLSEN with her statutorily mandated nursing home resident's rights, MARY OLSEN was deprived of such

NOT A CERTIFIED COPY

rights by the acts or omissions of Defendant's agents and employees which include, but are not limited to, the following:

a) failure to properly supervise MARY OLSEN;

b) failing to provide adequate and appropriate protective and support services to MARY OLSEN;

c) failing to develop, implement, and update an adequate and appropriate resident care plans to meet the custodial needs of MARY OLSEN;

d) 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;

e) failing to appropriately monitor MARY OLSEN and recognize significant signs and symptoms of change in her health status, such as suffering the development and deterioration of infections and sepsis, suffering the development and deterioration of malnutrition and weight loss, suffering the development and deterioration of dehydration;

f) failing to properly notify the family and physicians of MARY OLSEN's of significant changes in her health status, such as suffering the development and deterioration of infections and sepsis, suffering the development and deterioration of malnutrition and weight loss, suffering the development and deterioration of dehydration;

g) failing to protect MARY OLSEN from foreseeable harm, including but not limited to suffering the development and deterioration of infections and sepsis, suffering the development and deterioration of malnutrition and weight loss, suffering the development and deterioration of dehydration;

h) failing to properly supervise staff;

i) failing to properly train staff;

j) improper retention of staff;

k) Inadequate staffing;

l) failing to protect the dignity of MARY OLSEN;

m) failing to protect the privacy of MARY OLSEN;

n) failing to follow physician orders;

NOT A CERTIFIED COPY

o) failing to properly chart on the resident pursuant to Florida Statute § 400, F.A.C. 59-A; and 42 C.F.R. 483; and

p) failure to timely transfer the resident to the hospital.

20. 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, MARY OLSEN 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, and died on May 20, 2025.

The survivors of MARY OLSEN are as follows:

a) Deanna MacDonald, Daughter

b) Edward Olsen Jr., Son

c) Stephanie Brick, Daughter

21. Each survivor may recover the value of lost support and services from the date of the decedent's injury to her death, with interest, and future loss of support and services from the date of death and reduced to present value.

22. Minor children of the decedent, and all children of the decedent if there is no surviving spouse, may also recover for lost of parental companionship, instruction, and guidance and for mental pain and suffering from the date of injury.

23. The decedent's personal representative may recover for the decedent's estate the following:

a) loss of earnings of the deceased from the date of injury to the date of death, less lost support of survivors excluding contributions in kind, with interest, loss of the prospective net accumulations of an estate which might reasonably have been expected but for the wrongful death, reduced to present money value may also be recovered.

NOT A CERTIFIED COPY

b) Medical or funeral expenses due to the decedent's injury or death that have become a charge against her or his estate or that were paid by or on behalf of decedent.

WHEREFORE, Plaintiff, DEANNA MACDONALD, as Personal Representative of the Estate of, MARY OLSEN, deceased, demands judgment against Defendant, WELLINGTON REHAB AND HEALTH CENTER, LLC, d/b/a THE LUXE AT WELLINGTON REHAB CENTER, for all compensatory damages allowed by law for the deprivation of MARY OLSEN's rights as stated above, 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

Plaintiff, DEANNA MACDONALD, requests trial by jury of all issues so triable as of right.

DATED this 3rd day of November 2026.

FORD, DEAN & ROTUNDO, P.A.
Attorneys for Plaintiff
3323 N.E. 163rd Street, Suite 605
North Miami Beach, FL 33160
Tel: (305) 670-2000/Fax: (305) 503-9627
Bill@forddean.com
Nadia@forddean.com
Service@forddean.com

By:_____
William A. Dean, Esquire.
FBN: 118354
Michael J. Rotundo, Esquire
FBN: 894575
Nicole L. Masri, Esquire
FBN: 1019250
Hunter P. Shechtman, Esquire
FBN: 1039539

NOT A CERTIFIED COPY