

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, STATE OF FLORIDA  
CIVIL DIVISION

THE ESTATE OF ROBERT O. CASH, by and  
through ROBERT OWEN CASH, III, Personal  
Representative,

Plaintiff,

vs.

BROWARD NURSING & REHABILITATION  
CENTER, LLC.; MILLENNIUM  
CONSOLIDATED, LLC.; ANDREWS AVENUE  
FACILITY, LLC.; HBA THERAPY SERVICES,  
INC.; POLARIS PHARMACY SERVICES OF  
TAMPA, LLC.; BARTON DAVID WEISMAN;  
HOWARD LIONEL LIPSCHUTZ; JODY A.  
RODGERS; and JOHN WILLIAM HYMANS (as  
to BROWARD NURSING AND  
REHABILITATION CENTER),

CASE NO:

Defendants.

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**COMPLAINT**

Plaintiff, THE ESTATE OF ROBERT O. CASH, by and through ROBERT OWEN CASH, III, Personal Representative, and by and through undersigned counsel, hereby sues Defendants, BROWARD NURSING & REHABILITATION CENTER, LLC; MILLENNIUM CONSOLIDATED, LLC; ANDREWS AVENUE FACILITY, LLC; HBA THERAPY SERVICES, INC.; BARTON DAVID WEISMAN; HOWARD LIONEL LIPSCHUTZ; JODY A. RODGERS; and JOHN WILLIAM HYMANS; and alleges:

**JURISDICTION, PARTIES AND VENUE ALLEGATIONS**

1. This is an action for damages in excess of Thirty Thousand Dollars (\$30,000.00).

2. On November 15, 2019, ROBERT O. CASH was admitted to BROWARD NURSING AND REHABILITATION CENTER, located at 1330 S. Andrews Ave., Fort Lauderdale, FL 33316, in Broward County, where ROBERT O. CASH remained in primary residence until he was discharged on December 09, 2019.

3. Plaintiff, ROBERT OWEN CASH, III, is the Personal Representative of THE ESTATE OF ROBERT O. CASH. Letters of Administration, dated October 29, 2020, evidencing ROBERT OWEN CASH, III's authority to bring this action on behalf of THE ESTATE OF ROBERT O. CASH are attached hereto as Exhibit "A."

4. BROWARD NURSING AND REHABILITATION CENTER is a fictitious name owned by Defendant, BROWARD NURSING & REHABILITATION CENTER, LLC.

5. Defendant, BROWARD NURSING & REHABILITATION CENTER, LLC, is an Active Florida limited liability corporation, with its principal place of business at 1330 S. Andrews Ave., Fort Lauderdale, FL 33316, which is doing business in Florida.

6. Defendant, BROWARD NURSING & REHABILITATION CENTER, LLC conducted and engaged in business activities within the State of Florida; engaged in substantial and not isolated activities within the State of Florida; and purposely availed itself of the privileges of the State of Florida, through its ownership of, leasing of, operation of, management of, and/or consultation with nursing homes, including BROWARD NURSING AND REHABILITATION CENTER, within the State of Florida. Accordingly, pursuant to Florida Statute §48.193, BROWARD NURSING & REHABILITATION CENTER, LLC is subject to the jurisdiction of the courts of the State of Florida.

7. BROWARD NURSING & REHABILITATION CENTER, LLC committed tortious acts against ROBERT O. CASH in the State of Florida. Each tortious act is specifically

alleged in the subsequent counts. Accordingly, pursuant to Florida Statute §48.193(1)(b), BROWARD NURSING & REHABILITATION CENTER, LLC is subject to the jurisdiction of the courts of the State of Florida.

8. BROWARD NURSING & REHABILITATION CENTER, LLC is a licensee that operated the nursing home during ROBERT O. CASH's residency and as such owed a duty to ROBERT O. CASH to exercise reasonable care in its operation according to §400.023, Florida Statutes.

9. Defendant, MILLENNIUM CONSOLIDATED, LLC is an active Florida limited liability company, with its principal place of business at 5310 NW 33rd Ave., Ste. 211, Ft. Lauderdale, FL 33309, which is doing business in Florida.

10. MILLENNIUM CONSOLIDATED, LLC owns approximately 40 percent of defendant, BROWARD NURSING & REHABILITATION CENTER, LLC.

11. MILLENNIUM CONSOLIDATED, LLC conducted and engaged in business activities within the State of Florida; engaged in substantial and not isolated activities within the State of Florida; and purposely availed itself of the privileges of the State of Florida, through its ownership of, leasing of, operation of, management of, and/or consultation with nursing homes, including BROWARD NURSING AND REHABILITATION CENTER, within the State of Florida. Accordingly, pursuant to Florida Statute §48.193, MILLENNIUM CONSOLIDATED, LLC is subject to the jurisdiction of the courts of the State of Florida.

12. MILLENNIUM CONSOLIDATED, LLC committed tortious acts against ROBERT O. CASH in the State of Florida. Each tortious act is specifically alleged in the subsequent counts. Accordingly, pursuant to Florida Statute §48.193(1)(b), MILLENNIUM CONSOLIDATED, LLC is subject to the jurisdiction of the courts of the State of Florida.

13. MILLENNIUM CONSOLIDATED, LLC is an entity that operated, managed and oversaw BROWARD NURSING AND REHABILITATION CENTER, and as such, owed a duty to ROBERT O. CASH to exercise reasonable care according to §400.023, Florida Statutes.

14. Defendant, ANDREWS AVENUE FACILITY, LLC, is the owner of property located at 1330 S. Andrews Ave., Fort Lauderdale, FL 33316, which is the property upon which the BROWARD NURSING & REHABILITATION CENTER is situated.

15. ANDREWS AVENUE FACILITY, LLC had the authority to and did exercise control over the funds available to the facility for the use and benefit of the residents, including ROBERT O. CASH.

16. ANDREWS AVENUE FACILITY, LLC required rents or other compensation from funds it knew or reasonably should have known were necessary for ROBERT O. CASH's support and maintenance. ANDREWS AVENUE FACILITY, LLC knew or reasonably should have known that such conduct would deprive the facility of adequate resources to provide for the wellbeing of facility residents, including ROBERT O. CASH.

17. ANDREWS AVENUE FACILITY, LLC shared control over the operation of BROWARD NURSING & REHABILITATION CENTER through its authority to control the funds available to the facility for the use and benefit of the residents, including ROBERT O. CASH, and as such owed a duty to ROBERT O. CASH to exercise reasonable care according to §400.023, Florida Statutes.

18. ANDREWS AVENUE FACILITY, LLC, is an active Florida limited liability company, with its principal place of business at 5310 NW 33rd Ave., Ste. 211, Ft. Lauderdale, FL 33309, which is doing business in Florida.

19. ANDREWS AVENUE FACILITY, LLC conducted and engaged in business activities within the State of Florida; engaged in substantial and not isolated activities within the State of Florida; and purposely availed itself of the privileges of the State of Florida, through its ownership of, leasing of, operation of, management of, and/or consultation with nursing homes, including BROWARD NURSING & REHABILITATION CENTER, within the State of Florida. Accordingly, pursuant to Florida Statute §48.193, ANDREWS AVENUE FACILITY, LLC is subject to the jurisdiction of the courts of the State of Florida.

20. ANDREWS AVENUE FACILITY, LLC committed tortious acts against ROBERT O. CASH in the State of Florida. Each tortious act is specifically alleged in the subsequent counts. Accordingly, pursuant to Florida Statute §48.193(1)(b), ANDREWS AVENUE FACILITY, LLC is subject to the jurisdiction of the courts of the State of Florida.

21. ANDREWS AVENUE FACILITY, LLC is an entity that operated, managed and oversaw BROWARD NURSING & REHABILITATION CENTER, and as such, owed a duty to ROBERT O. CASH to exercise reasonable care according to §400.023, Florida Statutes.

22. Defendant, HBA THERAPY SERVICES, INC. is a Florida profit corporation, with its principal place of business at 2900 NW 60th St., Ft. Lauderdale, FL 33309, which is doing business in Florida.

23. HBA THERAPY SERVICES, INC. is a therapy company.

24. HBA THERAPY SERVICES, INC. conducted and engaged in business activities within the State of Florida; engaged in substantial and not isolated activities within the State of Florida; and purposely availed itself of the privileges of the State of Florida, through its ownership of, leasing of, operation of, management of, and/or consultation with nursing homes, including BROWARD NURSING AND REHABILITATION CENTER, within the State of Florida.

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