

To: LOUISIANA HEALTH CARE CONSULTANTS LLC
THROUGH ITS REGISTERED AGENT FOR SERVICE:
B TROY VILLA
ONE AMERICAN PLACE
301 MAIN STREET SUITE 2300
BATON ROUGE LA 70801

#12020 \$101.20 SEBR

PARISH OF JEFFERSON

You are hereby summoned to comply with the demand contained in the CLASS ACTION PETITION FOR DAMAGES AND INJUNCTIVE RELIEF of which a true and correct copy accompanies this citation, or make an appearance either by filing a pleading or otherwise, in the 24th Judicial District Court in and for the Parish of Jefferson, State of Louisiana, within (21) CALENDAR days after the service hereof, under penalty of default.

This service was requested by attorney JORDAN M. JEANSONNE and was issued by the Clerk of Court on the 6th day of January, 2022.

/s/ Donna G. Muscarello
Donna G. Muscarello, Deputy Clerk of Court for
Jon A. Gegenheimer, Clerk of Court

SERVICE INFORMATION

(101) CITATION: CLASS ACTION PETITION FOR DAMAGES AND
INJUNCTIVE RELIEF;

220106-4797-6

Received: _____ Served: _____ Returned: _____

Service was made:

Personal Domiciliary _____

Unable to serve:

Not at this address Numerous attempts _____ times
 Vacant Received too late to serve
 Moved No longer works at this address
 No such address Need apartment / building number
 Other _____

Service: \$ _____ Mileage: \$ _____ Total: \$ _____

Completed by: _____ # _____
Deputy Sheriff

Parish of: _____

versus

LOUISIANA HEALTH CARE CONSULTANTS, L.L.C., BOB G. DEAN, JR., AND
MAISON DE'VILLE NURSING HOME OF HARVEY, L.L.C.

FILED: _____

DEPUTY CLERK

CLASS ACTION PETITION FOR DAMAGES AND INJUNCTIVE RELIEF

NOW INTO COURT, through undersigned counsel, comes Adam Every, a person of the full age of majority and resident of Jefferson Parish, State of Louisiana, appearing with power of attorney to act as attorney-in-fact on behalf of his brother, Cornell Every (referred to herein as "Plaintiff"); as well as others, similarly situated, who respectfully represent the following:

1.

Made Defendants herein are:

- a) LOUISIANA HEALTH CARE CONSULTANTS, L.L.C., a non-health care provider doing business in the State of Louisiana, which, upon information and belief, at all times pertinent herein was/is the "Manager" of Defendant MAISON DE'VILLE NURSING HOME OF HARVEY, L.L.C. with operational/managerial control over said entity with all duties and responsibilities thereto;
- b) BOB G. DEAN, JR., upon information and belief, a person of the full age of majority and resident of the State of Louisiana, who at all times pertinent herein was/is the owner, member and/or director of each of the other named Defendants, with all duties and responsibilities thereto; and
- c) MAISON DE'VILLE NURSING HOME OF HARVEY, L.L.C., a Louisiana limited liability company located at 2233 Eighth Street, Harvey, Louisiana 70058. The injury alleged herein as to each member of the class who was a resident at MAISON DE'VILLE NURSING HOME OF HARVEY, L.L.C. occurred at 2233 Eighth Street, Harvey, Louisiana 70058; (all aforementioned Defendants collectively hereinafter, "DEFENDANTS").

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24th E-Filed: 01/03/2022 14:26 Case: 824038 Div:G Atty:083203 JORDAN M JEANSONNE

3.

Defendants are jointly and *in solido* liable and indebted unto Plaintiff and others similarly situated for such damages as are reasonable in the premises, together with legal interest thereon from date of judicial demand until paid and all costs of this proceeding provided under law, plus injunctive relief, along with all other general and equitable relief to which Plaintiff and others similarly situated are entitled, for the following reasons, to-wit:

4.

From at least in or near August 2020 through in or near August 2021, DEFENDANTS owned and operated the above-listed skilled nursing facility in Louisiana and were legally responsible for numerous similarly situated skilled nursing facility residents.

5.

This action is brought pursuant to Louisiana Civil Code article 2315 and the Louisiana Residents' Bill of Rights found in Louisiana Revised Statutes 40:2010.8, which promises all residents of skilled nursing facilities in the State of Louisiana, including the defendants here, in Sections (A) (7), (9), and (10), that they enjoy absolute rights as follows:

(7) The right to receive adequate and appropriate health care and protective and support services, including services consistent with the resident care plan, with established and recognized practice standards within the community, and with rules promulgated by the Department of Health and Hospitals.

(9) The right to be treated courteously, fairly, and with the fullest measure of dignity and to receive a written statement and oral explanations of the services provided by the home, including statements and explanations required to be offered on an as-needed basis.

(10) The right to be free from mental and physical abuse; and the right to be free from any physical or chemical restraint imposed for the purposes of discipline or convenience, and not required to treat the resident's medical symptoms.

6.

Part and parcel of these promised rights is the requirement of adequate funding to ensure the presence of sufficient staff in each such skilled nursing facility to meet the needs of their residents.

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Pt I, § 9777(C). In turn, DEFENDANTS were obligated to “[t]reat such residents in accordance with the provisions” of the rights of residents at the facility. La. R.S. 40:2010.8(A).

8.

Pursuant to La. R.S. 40:2010.8(A), DEFENDANTS were obligated and, in fact, represented to Plaintiff and those similarly situated that DEFENDANTS “[a]ssur[cd] each resident” all rights contained in the Resident’s Bill of Rights. including, but not limited to, the following: “(7) [t]he right to receive adequate and appropriate health care and protective and support services, including services consistent with the resident care plan, with established and recognized practice standards within the community, and with rules promulgated by the Louisiana Department of Health . . . (9) [t]he right to be treated courteously, fairly, and with the fullest measure of dignity and to receive a written statement and oral explanations of the services provided by the home, including statements and explanations required to be offered on an as-needed basis . . . (10) [t]he right to be free from mental and physical abuse.” See La. R.S. 40:2010.8(A)(7)&(9)&(10).

9.

In owning, operating, managing, administrating, controlling, and/or supervising of the skilled nursing facility named herein. DEFENDANTS were required to comply with Louisiana law governing the operation of skilled nursing facilities, to include the above-listed facility. See e.g., La. Admin Code. tit. 48, Pt I, §§ 9701 *et seq.*, 9281, 9283 and 9285.

10.

In owning, operating, managing, administrating, controlling, and/or supervising of the skilled nursing facility named herein, DEFENDANTS were required to comply with Louisiana law that specifically mandates that skilled nursing facilities, to include the above-listed facility, “[p]rovide a sufficient number of nursing service personnel consisting of registered nurses, licensed practical nurses, medication attendants certified, and certified nurse aides to provide nursing care to all residents in accordance with resident care plans 24 hours per day.” La. Admin



functions at the facility, regardless of whether adequate staffing would require more staff than any required bare numeric ratios. Notably, Title 42, Code of Federal Regulations, Section 483.35 mandates that a skilled nursing “[f]acility must have sufficient nursing staff to provide nursing and related services to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident, as determined by resident assessments and individual plans of care.” Title 42, Code of Federal Regulations, Section 483.35 further provides that a skilled nursing facility “[m]ust provide services by sufficient numbers of each of the following types of personnel on a 24-hour basis to provide nursing care to all residents in accordance with resident care plans: (i) Except when waived under paragraph (c) of this section, licensed nurses; and (ii) Other nursing personnel.” 42 C.F.R. § 483.35(a)(1).

12.

In addition, at all times pertinent herein, DEFENDANTS owed Plaintiff and others similarly situated certain statutory duties afforded under La. R.S. 40:2010.8, including, but not limited to, the right to receive adequate and appropriate health care and protective and support services, including services consistent with the resident care plan, with established and recognized practice standards within the community, and with rules promulgated by the Louisiana Department of Health; the right to be treated courteously, fairly, and with the fullest measure of dignity; and the right to be free from mental and physical abuse. “Abuse” is defined by applicable federal law to include “[t]he deprivation by an individual, including a caretaker, of goods and services that are necessary to attain or maintain physical, mental, and psychosocial well-being.” See 42 C.F.R. § 483.5.

13.

Contrary to DEFENDANTS’ statutory obligations detailed herein, DEFENDANTS did not devote sufficient financial resources to the proper operation of the skilled nursing facility named herein, did not devote sufficient financial resources to protect the health and safety of residents and ensure resident rights were not violated, and, instead, diverted those resources to create ill-



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