

**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, MISSOURI
23rd JUDICIAL CIRCUIT**

**DONALD KREIDLER, Individually and as
Personal Representative for the ESTATE
OF DARLENE KREIDLER**

and

JULIE RIORDAN

Plaintiffs,

v.

**MID-AMERICA HEALTH CARE
LIMITED PARTNERSHIP d/b/a
MEADOWVIEW MEMORY CARE**

Serve: Greg S. Spence
1749 Gilsinn Lane
Fenton, MO 63026

and

**WOODLAND MANOR OF ARNOLD,
LLC d/b/a WOODLAND MANOR OF
ARNOLD**

Serve: Greg S. Spence
1749 Gilsinn Lane
Fenton, MO 63026

and

**RILEY-SPENCE MANAGEMENT
COMPANY, LLC**

Serve: Greg S. Spence
1749 Gilsinn Lane
Fenton, MO 63026

and

RILEY SPENCE & ASSOCIATES, INC.

Serve: Greg S. Spence
1749 Gilsinn Lane
Fenton, MO 63026

Defendants.

Case No.:

Division:

JURY TRIAL DEMANDED

PETITION FOR DAMAGES

COME NOW Plaintiffs Donald Kreidler, Individually and as Personal Representative for the Estate of Darlene Kreidler, and Julie Riordan by and through their attorney David W. Terry of the Terry Law Firm and for their causes of action against defendants state:

PLAINTIFFS

1. Darlene Kreidler was a resident at both Meadowview Memory Care, a Missouri Licensed Assisted Living Facility located at 555 Woodland Villas, Arnold, MO 63010 from December 13, 2022 through April 16, 2023 and at Woodland Manor of Arnold, LLC d/b/a Woodland Manor of Arnold from April 19, 2023 until August 21, 2023.

2. Darlene Kreidler died on August 31, 2023 as a result of the negligent care she received at the defendants' facilities.

3. At the time of her death, Darlene Kreidler's parents had predeceased her, she was not married at the time of her death, and she had two children, Donald Kreidler and Julie Riordan, plaintiffs herein.

4. Plaintiff Donald Kreidler is the biological son of decedent Darlene Kreidler and is therefore a member of the wrongful death class of claimants. Donald Kreidler has been appointed at the Personal Representative for the Estate of Darlene Kreidler. Donald Kreidler is a resident of St. Louis County, Missouri.

5. Plaintiff Julie Riordan is the biological daughter of decedent Darlene Kreidler and is therefore a member of the wrongful death class of claimants. Julie Riordan is a resident of Jefferson County, Missouri.

DEFENDANTS

Mid-America Health Care Limited Partnership d/b/a Meadowview Memory Care

6. Defendant Mid-America Health Care Limited Partnership d/b/a Meadowview Memory Care is an active Missouri limited partnership authorized to do business in the State of Missouri with its principal place of business located at 1749 Gilsinn Lane, Fenton, Missouri 63026 while the facility is located at 555 Woodland Villas Lane, Arnold, Missouri 63010.

7. Defendant Mid-America Health Care Limited Partnership d/b/a Meadowview Memory Care promotes itself to the public as a memory care facility that provides “optimum care in a setting that promotes dignity and respect for all residents.”



At Meadowview – Memory Care, we provide optimum care in a setting that promotes dignity and respect for all residents. With 24 beautiful suites in a home-like setting, you or your loved one are guaranteed the security of a full spectrum of healthcare available around-the-clock. We are dedicated to making each and every guest feel safe in our carefully maintained facility.

8. At all relevant times, Mid-America Health Care Limited Partnership and/or individuals or entities acting on its behalf owned, operated, managed, controlled and/or provided services to multiple long-term care facilities in Missouri, including Meadowview Memory Care

and Woodland Manor of Arnold, which is located at 100 Woodland Court, Arnold, Missouri 63010.

9. At all relevant times, Mid-America Health Care Limited Partnership through its owners, members, Board of Directors, officers, governing body and/or its subsidiary companies, owned and/or controlled (directly or indirectly) 100% of Meadowview Memory Care.

10. At all relevant times, Mid-America Health Care Limited Partnership operated, managed, maintained and/or controlled in whole or in part multiple skilled nursing facilities in the State of Missouri, including Meadowview Memory Care and Woodland Manor of Arnold.

11. At all relevant times, Mid-America Health Care Limited Partnership managed, maintained and/or controlled Meadowview Memory Care and Woodland Manor of Arnold by exercising final authority over various items of the daily operation of The Woodlands of Arnold, including but not limited to: providing capital, determining facility and departmental budgets, determining per patient per day (PPD) budgets, hiring and firing staff, determining the number of staff, determining the staffing levels, determining the staff-to-resident ratio, staff training, safety of residents, licensure, auditing resident care, reviewing and approving computer systems, facility maintenance, facility licensing, contracting for services, and other operations controlling resident care.

12. Mid-America Health Care Limited Partnership its owners, members, officers, Board of Directors, employees and agents, willfully participated in the tortious acts that are the subject of this Petition which include failing to ensure that Meadowview Memory Care and Woodland Manor of Arnold had appropriate policies and procedures for its nursing staff, that staff received proper training and that the facility was properly capitalized, funded and staffed. Because

of these failures, Meadowview Memory Care and Woodland Manor of Arnold were not able meet the needs of their residents, including but not limited to, Darlene Kreidler.

13. Mid-America Health Care Limited Partnership owed a duty to Darlene Kreidler to use reasonable care or to ensure that reasonable care was provided for her safety and health while she was a resident at Meadowview Memory Care and Woodland Manor of Arnold.

14. The actions and business decisions by Mid-America Health Care Limited Partnership had a direct impact on the care provided to all residents at Meadowview Memory Care and Woodland Manor of Arnold, including Darlene Kreidler.

15. Mid-America Health Care Limited Partnership can be served through its registered agent Greg S. Spence, 1749 Gilsinn Lane, Fenton, MO 63026.

Woodland Manor of Arnold, LLC d/b/a Woodland Manor of Arnold

16. Defendant Woodland Manor of Arnold, LLC d/b/a Woodland Manor of Arnold is an active Missouri limited liability company and was, at all relevant times, a for-profit facility located in Jefferson County which is located at 100 Woodland Court, Arnold, Missouri 63010.

17. At all relevant times, Woodland Manor of Arnold, LLC d/b/a Woodland Manor of Arnold held itself out to the public as “The Woodlands of Arnold”. To that end, Woodland Manor of Arnold, LLC d/b/a Woodland Manor of Arnold will be referred to herein at The Woodlands of Arnold.

18. The Woodlands of Arnold is a skilled nursing center that held itself out to the public as providing the “full continuum of care” to its residents who “desire the finest in healthcare, security and lifestyle.” The Woodlands of Arnold also held itself out as providing “excellent” skilled nursing assistance and that it was able to “offer services to fit any need.”



The Woodlands of Arnold – Skilled Nursing & Rehabilitation in Arnold

100 Woodlands Meadows Dr, Arnold, MO 63010

Our 25 acres of beautiful wooded grounds invite guests to enjoy some of the wonders of nature with their family and friends in a secure environment. The Woodlands of Arnold is a retirement community that offers a full continuum of care in senior living options. For those who desire the finest in healthcare, security, and lifestyle, the Woodlands can offer services to fit any need.

Our facility offers 178 beds devoted to both skilled and intermediate nursing care. Each resident receives comprehensive healthcare based on their individual needs. Experience the excellent rehabilitation services and skilled nursing assistance at the Woodlands.

19. At all relevant times, The Woodlands of Arnold held itself out to the public as a member of the Riley Spence family of senior service providers and stated on their website for public consumption that ***“As a local, family-owned business, we treat your family like our own! This means we are able to give each and every resident the undivided attention they deserve.”***

Choose confidently and live happily!

We invite you or your loved one to visit us, take a tour, and ask as many questions as you would like. The more you know, the more confident you'll be about your decision.

RSP Senior Living family of senior service providers has been making a difference in the lives of aging individuals in Missouri for over 30 years. As a local, family-owned business, we treat your family like our own! This means we are able to give each and every resident the undivided attention they deserve.

20. At all relevant times, The Woodlands of Arnold as well as its owners, operators, managers, agents, servants, consultants and employees were required to act within the standards of care set forth in the federal regulatory rules that apply to skilled facility facilities, specifically those found in the Omnibus Budget Reconciliation Act at 42 C.F.R. 483, *et seq.*

21. At all relevant times, The Woodlands of Arnold as well as its owners, operators, managers, agents, servants, consultants and employees were required to act within the standards of care set forth in the Missouri regulations that apply to skilled facility facilities, specifically those found at 19 C.S.R. 30, *et seq.*

22. At all relevant times, The Woodlands of Arnold acted by and through its owners, members, operators, managers, agents, servants, representatives, consultants and employees all of whom acted within the scope of their ownership, agency and employment.

23. At all relevant times, The Woodlands of Arnold exercised part and/or all managerial and operational control of the facility.

24. The Woodlands of Arnold owed a duty to Darlene Kreidler to use reasonable care for her safety while she was under its care and supervision.

25. The actions and business decisions by The Woodlands of Arnold had a direct impact on the care provided to all residents, including Darlene Kreidler.

26. The Woodlands of Arnold can be served through its registered agent Greg S. Spence at 1749 Gilsinn Lane, Fenton, MO 63026.

Riley-Spence Management Company, LLC

27. Defendant Riley-Spence Management Company, LLC is an active Missouri limited liability company authorized to do business in the State of Missouri with its principal place of business located at 1749 Gilsinn Lane, Fenton, Missouri 63026.

28. At all relevant times, Riley-Spence Management Company, LLC and/or individuals or entities acting on its behalf owned, operated, managed, controlled and/or provided services to multiple long-term care facilities in Missouri, including The Woodlands of Arnold, which is located at 100 Woodland Court, Arnold, Missouri 63010.

29. At all relevant times, Riley-Spence Management Company, LLC through its owners, members, Board of Directors, officers, governing body and/or its subsidiary companies, owned and/or controlled (directly or indirectly) 100% of The Woodlands of Arnold.

30. At all relevant times, Riley-Spence Management Company, LLC held itself out as the management company and/or consulting company that was substantially engaged in the leasing, control, management, staffing, fiscal budgeting, oversight, risk management, regulatory compliance, implementation and enforcement of policies and procedures, consultation with and/or operation of multiple skilled nursing facilities in the State of Missouri, including The Woodlands of Arnold.

31. At all relevant times, Riley-Spence Management Company, LLC provided centralized management and support services to the healthcare facilities it owns, operates and/or manages including The Woodlands of Arnold. The management and support services include operational support for preparing budgets, accounting, financial services, cash management, training, and other services all of which are provided to the various healthcare facilities by the Riley-Spence Management Company, LLC centralized home office.

32. At all relevant times, Riley-Spence Management Company, LLC was also responsible for the daily operation of The Woodlands of Arnold, including but not limited to: providing capital, determining facility and departmental budgets, determining per patient per day (PPD) budgets, hiring and firing staff, determining the number of staff, determining the staffing levels, determining the staff-to-resident ratio, staff training, safety of residents, licensure, auditing resident care, reviewing and approving computer systems, facility maintenance, facility licensing, contracting for services, and other operations controlling resident care.

33. Riley-Spence Management Company, LLC, its owners, members, officers, Board of Directors, employees and agents, willfully participated in the tortious acts that are the subject of this Petition which include failing to ensure that The Woodlands of Arnold had appropriate policies and procedures for its nursing staff, that staff received proper training and that the facility

was properly capitalized, funded and staffed. Because of these failures, The Woodlands of Arnold was not able meet the needs of its residents, including but not limited to, Darlene Kreidler.

34. Riley-Spence Management Company, LLC owed a duty to Darlene Kreidler to use reasonable care or to ensure that reasonable care was provided for her safety and health while she was a resident at The Woodlands of Arnold.

35. The actions and business decisions by Riley-Spence Management Company, LLC had a direct impact on the care provided to all residents, including Darlene Kreidler.

36. Riley-Spence Management Company, LLC can be served through its registered agent Greg S. Spence, 1749 Gilsinn Lane, Fenton, MO 63026.

Riley Spence & Associates, Inc.

37. Defendant Riley Spence & Associates, Inc. is an active Missouri corporation authorized to do business in the State of Missouri with its principal place of business located at 1749 Gilsinn Lane, Fenton, Missouri 63026.

38. At all relevant times, Riley Spence & Associates, Inc. and/or individuals or entities acting on its behalf owned, operated, managed, controlled and/or provided services to multiple long-term care facilities in Missouri, including The Woodlands of Arnold, which is located at 100 Woodland Court, Arnold, Missouri 63010.

39. At all relevant times, Riley Spence & Associates, Inc. through its owners, members, Board of Directors, officers, governing body and/or its subsidiary companies, owned and/or controlled (directly or indirectly) 100% of The Woodlands of Arnold.

40. At all relevant times, Riley Spence & Associates, Inc. held itself out as the management company and/or consulting company that was substantially engaged in the leasing, control, management, staffing, fiscal budgeting, oversight, risk management, regulatory

compliance, implementation and enforcement of policies and procedures, consultation with and/or operation of multiple skilled nursing facilities in the State of Missouri, including The Woodlands of Arnold.

41. At all relevant times, Riley Spence & Associates, Inc. provided centralized management and support services to the healthcare facilities it owns, operates and/or manages including The Woodlands of Arnold. The management and support services include operational support for preparing budgets, accounting, financial services, cash management, training, and other services all of which are provided to the various healthcare facilities by the Riley Spence & Associates, Inc. centralized home office.

42. At all relevant times, Riley Spence & Associates, Inc. was also responsible for the daily operation of The Woodlands of Arnold, including but not limited to: providing capital, determining facility and departmental budgets, determining per patient per day (PPD) budgets, hiring and firing staff, determining the number of staff, determining the staffing levels, determining the staff-to-resident ratio, staff training, safety of residents, licensure, auditing resident care, reviewing and approving computer systems, facility maintenance, facility licensing, contracting for services, and other operations controlling resident care.

43. Riley Spence & Associates, Inc., its owners, members, officers, Board of Directors, employees and agents, willfully participated in the tortious acts that are the subject of this Petition which include failing to ensure that The Woodlands of Arnold had appropriate policies and procedures for its nursing staff, that staff received proper training and that the facility was properly capitalized, funded and staffed. Because of these failures, The Woodlands of Arnold was not able meet the needs of its residents, including but not limited to, Darlene Kreidler.

44. Riley Spence & Associates, Inc. owed a duty to Darlene Kreidler to use reasonable care or to ensure that reasonable care was provided for her safety and health while she was a resident at The Woodlands of Arnold.

45. The actions and business decisions by Riley-Spence & Associates, Inc. had a direct impact on the care provided to all residents, including Darlene Kreidler.

46. Riley Spence & Associates, Inc. can be served through its registered agent Greg S. Spence, 1749 Gilsinn Lane, Fenton, MO 63026.

DEFENDANTS' JOINT ENTERPRISE

47. Defendants were engaged in a joint enterprise in that:

- a. Defendants had an agreement, express or implied, to operate both the Meadowview Memory care facility and The Woodlands of Arnold facility.
- b. Defendants had a common purpose to operate both the Meadowview Memory care facility and The Woodlands of Arnold facility.
- c. Defendants had a joint monetary interest in the operation of both the Meadowview Memory care facility and The Woodlands of Arnold facility.
- d. Defendants jointly operated and managed both the Meadowview Memory care facility and The Woodlands of Arnold facility so as to maximize profits by reducing staffing levels below that needed to meet the needs of the residents, including Darlene Kreidler.
- e. Defendants, upon information and belief, jointly operated and managed both the Meadowview Memory care facility and The Woodlands of Arnold facility so as to maximize profits by reducing staff levels below that needed to provide adequate care and supervision to residents and to comply with federal and state regulatory rules governing skilled nursing facilities.

48. As a consequence of the joint enterprise, defendants owed a joint duty to Darlene Kreidler to adequately monetize the facility, budget for sufficient staffing levels, provide sufficient staffing levels, provide sufficient supervision, provide sufficient training, provide a safe environment, provide properly trained individuals to know and provide for her care needs and to

use reasonable care for her safety, while she was under their care and supervision at both the Meadowview Memory care facility and The Woodlands of Arnold facility.

AGENCY

49. The acts hereinafter described were performed by the owners, members, operators, managers, agents, servants, representatives, consultants and employees of defendants and were performed either with the full knowledge and consent of defendants, and/or performed during the scope of their agency, representation or employment with the defendants.

50. Further, the acts described herein as being performed by the owners, members, operators, managers, agents, servants, representatives, consultants and employees of defendants were performed or were supposed to be performed on behalf of and/or for the benefit of Darlene Kreidler.

JURISDICTION AND VENUE

51. Venue is proper in this Court because the tortious acts complained of occurred in Jefferson County, Missouri.

FACTUAL BACKGROUND

52. Plaintiff incorporates by reference all of the foregoing allegations in this Petition as though fully set forth herein.

53. Darlene Kreidler was admitted to Meadowview Memory Care on December 13, 2022. Upon admission it was noted that she suffered from confusion, agitation and occasional combativeness. Despite these behaviors, the Individual Service Plan that was prepared incorrectly identified her as being "Independent/Totally able" under the Fall Prevention section.

54. The Individual Service Plan is supposed to identify the best means of care and safety for each resident. Here, Meadowview Memory Care personnel incorrectly assessed her and

after a brief orientation, Darlene Kreidler was allowed to wander on her own with little to no supervision and no assistance while in a confused, agitated and occasionally combative state.

55. Just a few hours after her admission, Darlene Kreidler predictably suffered a fall in the hallway while being left to ambulate on her own. As a result of this fall, she hit her head and had blood on her shirt.

56. She was taken to Mercy Hospital South where she was treated for a cranial laceration that required three staples being placed in her head. She returned to Meadowview Memory Care that same day.

57. On December 19, 2023, it was noted by Meadowview Memory Care staff that Darlene Kreidler was so confused that she was going into other residents' rooms and sleeping in their beds. With this additional information Meadowview Memory Care still did not update her Individual Service Plan.

58. On January 13, 2023, a Resident Summary was prepared for Darlene Kreidler where it was noted that she had not suffered any falls, which is inaccurate.

59. On February 13, 2023, another Resident Summary was prepared for Darlene Kreidler where it was noted that she had not suffered any falls, which is inaccurate.

60. On April 4, 2023, another Resident Summary was prepared for Darlene Kreidler where it was noted that she had not suffered any falls, which is inaccurate.

61. By April 2023 it was known that Darlene Kreidler's cognitive status was severely impaired, that she regularly exhibited impaired judgment and exhibited anxiety. Yet, Meadowview Memory Care personnel still did not revise her Individual Service Plan to reflect greater supervision and assistance for her.

62. On April 8, 2023, Darlene Kreidler was walking unassisted in the hallway and fell, striking her head on a table. This fall resulted in substantial bruising and swelling around one of her eyes. No new Resident Summary was prepared nor was an updated Individual Service Plan prepared after this fall.

63. On April 14, 2023, Darlene Kreidler suffered an unwitnessed fall while moving unassisted to or from a chair and suffered a hematoma to her head. She indicated a pain level of 8/10. No new Resident Summary was prepared nor was an updated Individual Service Plan prepared after this fall.

64. On April 15, 2023, Darlene Kreidler was taken to Mercy Hospital South where she complained about right hip pain and head pain related to a fall. It is unclear if this is the fall from April 14, 2023 or a new fall on April 15, 2023.

65. While at the hospital on April 15, 2023, it was noted that she was having tenderness over her right hip and that her dementia and behavioral issues were contributing to her having difficulty getting up and ambulating. She was returned to Meadowview Memory Care that same day. No new Resident Summary was prepared nor was an updated Individual Service Plan prepared after this fall.

66. On April 16, 2023, Darlene Kreidler fell yet again at Meadowview Memory Care and screamed out "help me.". She was taken to SSM St. Clare Health Care Center where she complained of right hip pain. An x-ray performed on April 17, 2023 revealed a intertrochanteric right femur fracture and a surgery to repair the right femur fracture was performed that same day. She remained in the hospital until April 19, 2023.

SSM Health St. Clare Hospital - Fenton 1015 BOWLES AVENUE FENTON MO 63026-2394 Hospital Record	Kreidler, Darlene J MRN: 311725, DOB [REDACTED] Sex: F Adm: 4/16/2023, D/C: 4/19/2023
History and Physical (continued)	
H&P Electronically Signed by Abbas, Shazia, MD on 4/16/2023 8:53 PM (continued)	
Version 1 of 2	
Hospitalist History and Physical	
Admission date: 4/16/2023	
Reason for Admission: Fall with right hip pain	
Assessment & Plan:	
<u>Fall/nondisplaced right intertrochanteric fracture of the femur</u> -patient presents with a witnessed fall. <u>-x-ray of the pelvis revealed close nondisplaced intertrochanteric fracture of the right femur.</u> -she will be kept on analgesics as needed. -she is scheduled to have surgical intervention in a.m. -patient is a moderate risk patient for based on her age and comorbidities for moderate risk procedure.	

67. Darlene Kreidler left the hospital on April 19, 2023 and became a resident The Woodlands of Arnold, a Missouri licensed skilled nursing facility located at 100 Woodland Court, Arnold, Missouri 63010.

68. The Woodlands of Arnold is owned and operated by the same individuals who own Meadowview Memory Care and is located on the same campus as Meadowview Memory Care.

69. Upon her admission to The Woodlands of Arnold, defendants knew that Darlene Kreidler was a high fall risk and was totally dependent upon the facility for transfers.

<ul style="list-style-type: none"> ● <u>Dx's placing patient with higher fall risk (Postural/Orthostatic hypotension, CVA, Parkinson's, Seizures, MS, Arthritis, Osteoporosis, Fracture, Missing limb(s), Vertigo)</u> <ul style="list-style-type: none"> - 1 - 2 present ● Weight Bearing Status <ul style="list-style-type: none"> - Non-weight bearing RT lower extremity ● Assistive devices used <ul style="list-style-type: none"> - W/C ● Falls <ul style="list-style-type: none"> - Within the last month ● Decreased ROM <ul style="list-style-type: none"> - Hips ● Bed Mobility <ul style="list-style-type: none"> - Extensive assistance ● Transfers <ul style="list-style-type: none"> - Total dependence ● Ambulation <ul style="list-style-type: none"> - Total dependence ● Eating <ul style="list-style-type: none"> - Extensive assistance ● Toilet <ul style="list-style-type: none"> - Total dependence
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70. Upon her admission to The Woodlands of Arnold on April 19, 2023, defendants knew that Darlene Kreidler had a surgical wound, but had no pressure wounds, no open lesions, no skin tears and no other problems with her skin except the surgical wound.

Woodland Manor of Arnold, LLC	
Admission Data	
Record Date : 04/19/2023	KREIDLER, DARLENE(106/4)
Resident ID : [REDACTED]	Physician : TAMAL, MANIRUL
<p>● Are there indications of the source of pain on physical exam? (If yes, describe)</p> <p>- Yes</p> <p>● What improves the pain?</p> <p>- Rest</p> <p>● What makes the pain worse?</p> <p>- Movement , - Positioning</p> <p>● How is pain affecting the resident's quality of life?</p> <p>- ADLs Activities , - Ambulation</p>	
Cardiovascular	
<p>● Heart rhythm</p> <p>- Regular</p> <p>● Edema</p> <p>- NONE</p>	
Respiratory	
<p>● Status</p> <p>- Breath sounds even and unlabored</p> <p>● Resident requires oxygen therapy (Continuous or PRN)?</p> <p>- No</p>	
Neuro/Muscular System	
<p>● Status</p> <p>- No abnormalities noted</p>	
Skin	
<p>● Status</p> <p>- Skin color normal</p> <p>● Rash/Redness</p> <p>- No</p> <p>● Wound (pressure, diabetic or stasis)</p> <p>- No</p> <p>● Surgical wound</p> <p>- Yes</p> <p>● Location of Surgical wound</p> <p>- Hip Rt</p> <p>● Bruises/discolored</p> <p>- Yes</p> <p>● Location of Bruises/discolored</p> <p>- Arm Rt , - Arm Lt</p>	

Woodland Manor of Arnold, LLC	
Admission Data	
Record Date : 04/19/2023	KREIDLER, DARLENE(106/4)
Resident ID : [REDACTED]	Physician : TAMAL, MANIRUL
<p>● Skin tear/Laceration</p> <p>- No</p> <p>● Abrasions</p> <p>- No</p> <p>● Skin desensitization</p> <p>- No</p> <p>● Dry/Flaky</p> <p>- No</p> <p>● Scar</p> <p>- No</p> <p>● Burn</p> <p>- No</p> <p>● Blister</p> <p>- No</p> <p>● Cyanotic extremities</p> <p>- No</p> <p>● Corns</p> <p>- No</p> <p>● Calluses</p> <p>- No</p> <p>● Bunions</p> <p>- No</p> <p>● Heel discoloration</p> <p>- No</p> <p>● Open lesions</p> <p>- No</p>	
General Health	
<p>● Status</p> <p>- Stable/Fair</p>	

71. Also, upon her admission to The Woodlands at Arnold on April 19, 2023, defendants knew that Darlene Kreidler was always incontinent of bowel and bladder.

<p>● Mentally aware of toileting needs</p> <p>- Never</p> <p>● Bladder</p> <p>- <u>Always incontinent</u></p> <p>● Bowel</p> <p>- <u>Always incontinent</u></p> <p>● Incontinent Product</p> <p>- Briefs</p>
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72. Upon her admission to The Woodlands of Arnold on April 19, 2023, defendants knew that Darlene Kreidler was a risk for the development of pressure injuries and skin breakdown due to her lack of mobility caused by the injuries she suffered in the fall she suffered at Meadowview Memory Care and her incontinence.

SKIN BREAKDOWN: AT RISK FOR / ACTUAL BREAKDOWN PRESENT [04/19/2023 : Onset]	Resident will maintain clean and intact skin [04/19/23 : Onset](pb96)	Apply protective or barrier lotion after incontinence[04/19/23 : Onset](pb96)	CNA, Nurse
	Measures will be taken to prevent skin breakdown [04/19/23 : Onset](pb96)	Assist resident to turn and reposition frequently[04/19/23 : Onset](pb96)	CNA, Nurse
Evidence By :		Condition of each area of skin breakdown to be documented with every treatment and/or dressing change[04/19/23 : Onset](pb96)	Nurse
Always incontinent to bladder [04/19/23 : Onset] (pb96)		Inspect skin complete body head to toe every week and document results[04/19/23 : Onset](pb96)	Nurse
Confined to chair most of time [04/19/23 : Onset] (pb96)			

12/11/2024 14:13 Printed by JACKSON, TRACEY (Medical Records Clk) Page 7 of 10

Woodland Manor of Arnold LLC

CARE PLAN

Resident : KREIDLER, DARLENE (230419189)
Visit Status : Current Visit
Active Status : Active

Care Area/Problem	Goal	Interventions	Assigned
Evidence By :		Keep skin clean, dry and free of irritants[04/19/23 : Onset] (pb96)	CNA, Nurse
Bed Mobility: Total [04/19/23 : Onset](pb96)		Notify physician of any worsening of skin breakdown[04/19/23 : Onset](pb96)	Nurse
Transfers: Total [04/19/23 : Onset](pb96)		Treatments and dressings as ordered per physician[04/19/23 : Onset](pb96)	Nurse
Occasionally Incontinent [04/19/23 : Onset] (pb96)			
Surgical wound [04/19/23 : Onset](pb96)			
Bruises/dyscolored [04/19/23 : Onset](pb96)			

73. Despite being aware of Darlene Kreidler's risk for skin breakdown, defendants failed to implement a turning schedule for her during the entirety of her residency at The Woodlands of Arnold.

Resident: KREIDLER, DARLENE Numeric Identifier: [REDACTED] Date: 04/26/2023

Section M Skin Conditions

M1200. Skin and Ulcer/Injury Treatments

↓ Check all that apply

- ☐ A. Pressure reducing device for chair
- ☐ B. Pressure reducing device for bed
- ☒ C. Turning/repositioning program
- ☐ D. Nutrition or hydration intervention to manage skin problems
- ☐ E. Pressure ulcer/injury care
- ☒ F. Surgical wound care
- ☐ G. Application of nonsurgical dressings (with or without topical medications) other than to feet
- ☐ H. Applications of ointments/medications other than to feet
- ☐ I. Application of dressings to feet (with or without topical medications)
- ☐ Z. None of the above were provided

74. On May 11, 2023, Darlene Kreidler was in increased pain and was taken to St. Clair Hospital. It was noted in the St. Clair Hospital records that she had experienced another fall 5 days before this hospitalization (May 6, 2023) that was causing her worsened hip pain. It was also noted that she presented at the hospital with “multiple falls” over the previous five days. She returned to The Woodlands of Arnold that same day.

ED Provider Notes			
ED Provider Notes Electronically Signed by Peterlein, Brittany M, APRN-CNP on 5/11/2023 2:22 PM Version 1 of 1			
Author: Peterlein, Brittany M, APRN-CNP	Specialty: Nurse Practitioner Family	Author Type: Nurse Practitioner	
Date of Service: 5/11/2023 2:20 PM	Creation Time: 5/11/2023 2:20 PM	Filed: 5/11/2023 2:22 PM	
Status: Signed	Editor: Peterlein, Brittany M, APRN-CNP (Nurse Practitioner)		
Cosigner: O'Brien, Corinne M, MD at 5/11/2023 2:27 PM			
RME Note			
CC: Fall (Pt currently in a rehab facility for a healing right femur fracture - <u>pt had another fall 5 days ago and now having worse right hip pain.</u> pt A&O1 at baseline. Pt unable to really say where she is hurting but will yell when you try to move her leg.)			
Provider in Triage HPI: Darlene J Kreidler is a 81 year old female who presents with <u>multiple falls over the past 5 days unwitnessed and unknown cause.</u> Pt initially fell and had surgery to right hip with Dr. Burke and has been at rehab. Pt reports worsening in hip pain, has dementia			

75. On July 3, 2023, Darlene Kreidler was left alone while sitting in the dining room. When she tried to stand on her own without assistance she fell and struck her face on the floor. Despite having a head injury with blood in her nose, staff members of The Woodlands of Arnold picked her up and placed her in a chair.

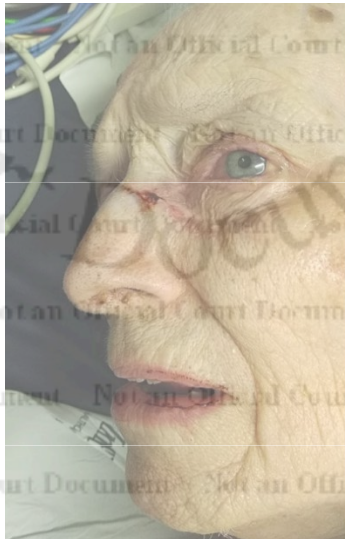
76. She was taken to Mercy Hospital South where she was diagnosed with a closed fracture of her nasal bone, treated and returned to The Woodlands of Arnold that same day.

77. At the time of her fall on July 3, 2023, defendants knew that Darlene Kreidler suffered from severely impaired cognitive status, impaired judgment, was totally dependent upon staff to transfer to and from a chair, was non-weight bearing, was incontinent of bowel and bladder, and suffered from impaired vision and hearing. Even knowing all of this information, defendants allowed Darlene Kreidler to sit unattended and unsupervised in the dining room.

78. After the fall of July 3, 2023, defendants reassessed Darlene Kreidler and identified her as being “at high risk for falls”. Defendants indicated that in the future she was to sit near nurses station for meals for her own safety, they were there to continue with her call light, provide reeducation with return demo to her understanding, and continue to encourage appropriate foot ware and provide gripper socks. Staff members were to continue to monitor for safety. Defendants concluded that the probably causative factor in the July 3, 2023 fall was related to poor safety awareness associated with dementia process.

79. On August 21, 2023, Darlene Kreidler fell out of bed and landed face down on the floor next to her bed. Her bed was not in the lowest position.

80. She was taken to Mercy Hospital South by ambulance where she presented as nonverbal and with a cut and bruising to her nose.



81. A CT scan revealed a focal subcentimeter intraparenchymal hemorrhage in the posterior right frontal lobe secondary to the fall of August 21, 2023.

MERCY HOSPITAL SOUTH 10010 Kennerly Rd SAINT LOUIS MO 63128-2106	Kreidler, Darlene J MRN: [REDACTED], Legal Sex: F Acct # [REDACTED] ADM 8/21/2023, D/C 8/23/2023
08/21/2023 - ED to Hosp-Admission (Discharged) in Mercy Hospital South Neuro Stepdown (continued)	
H&P Notes (All Versions) (continued)	
Abdomen: Soft, non-tender. Bowel sounds +, Extremities: Lower Extremities: + edema.	
Neurologic: Deferred	
Assessment / Plan: 1. <u>Intraparenchymal hemorrhage at posterior right frontal lobe:</u> -Secondary to fall. -Neurosurgery consulted by ER physician, follow-up recommendations -Monitor blood pressure, pm hydralazine, Keep SBP<150 2. <u>S/p Fall: Patient was found on the floor at nursing home.</u> Fall precautions	

82. Also upon her admission to Mercy Hospital South on August 21, 2023 it was noted that Darlene Kreidler suffered from pressure injuries to her coccyx and both feet.



83. Finally, it was noted that Darlene Kreidler was also suffering from a severe urinary tract infection upon her admission to Mercy Hospital South on August 21, 2023.

84. Due to the cumulative injuries Darlene Kreidler had received at the defendants' two facilities, Plaintiffs made the determination to have their mother enter into hospice where she remained for the remaining eight days of her life.

85. Darlene Kreidler died on August 31, 2023 as a direct result of the defendants' negligence tracing back to the right femur fracture on April 16, 2023.

CAUSE OF DEATH (ICD CODE):

MANNER: ACCIDENT

COMPLICATIONS FOLLOWING FRACTURE OF RIGHT FEMUR
SIG COND: DEMENTIA

86. Defendants failed to properly supervise, care plan, provide a safe environment and take care of Darlene Kreidler during her residencies at Meadowview Memory Care and The Woodlands at Arnold.

87. During Darlene Kreidler's residencies at Meadowview Memory Care and The Woodlands of Arnold, defendants exercised substantial control over significant aspects of the operation and management of each facility, including but not limited to the creation, setting, funding and/or implementation of budgets; the hiring and training of staff, staff competency, staffing levels, staffing sufficiency to meet each resident's needs; medication distribution, the monitoring of resident acuity levels, prevention and treatment of pressure injuries, control over resident admissions, supervision of fall risk residents, proper care planning and discharge to and from the facility; and the creation and enforcement of written policies and procedures pertaining to the rules that provide for the safety and well-being of residents.

88. Each of these managerial and operational functions had a direct impact on the staffing levels, staff training and resident safety, treatment and care at Meadowview Memory Care and The Woodlands of Arnold.

89. Each of these managerial and operational functions had a direct impact on the quality of care delivered to Darlene Kreidler and other residents at Meadowview Memory Care and The Woodlands of Arnold.

90. Defendants failed to ensure that Meadowview Memory Care and The Woodlands of Arnold facility were sufficiently staffed to meet Darlene Kreidler's individual safety needs during her residencies.

91. Defendants failed to ensure that Meadowview Memory Care and The Woodlands of Arnold facility staff members were properly trained in care planning, supervising residents, fall prevention and other care specific with each resident's care needs.

92. Defendants failed to ensure that Darlene Kreidler received the very basic and necessary services and supervision to prevent the neglect and abuse and lack of care and supervision that lead to her injuries and death.

COUNT I – WRONGFUL DEATH
(Mid-America Health Care Limited Partnership d/b/a Meadowview Memory Care
Riley-Spence Management Company, LLC. and Riley Spence & Associates, Inc.)

93. Plaintiffs Donald Kreidler and Julie Riordan incorporate by reference all of the foregoing allegations in this Petition as though fully set forth herein.

94. Defendants owed Darlene Kreidler a duty to use reasonable care to protect her from unreasonable risk of harm and injury.

95. Defendants had a duty to ensure that Darlene Kreidler was treated with consideration, respect and full recognition of her dignity and individuality.

96. During her residencies at Meadowview Memory Care Darlene Kreidler was dependent upon defendants for her daily needs, safety, protection, care and treatment, including fall prevention and supervised ambulation.

97. Defendants were aware of Darlene Kreidler's health status and care needs upon her admission to the facility and throughout her residency including her risk of falling.

98. Defendants failed to provide Darlene Kreidler with the proper care, treatment, care, assistance and supervision to meet her needs.

99. Specifically, during the course of the care and treatment provided to Darlene Kreidler, defendants and their agents, servants and/or employees breached their duties and were guilty of the following acts of negligence and carelessness by failing to measure up to the requisite standard of due care, skill and practice ordinarily exercised by members of their profession under the same or similar circumstances, including:

- a. By failing to adequately assess, monitor, document, treat and respond to Darlene Kreidler's physical condition, including her abilities to safely ambulate;
- b. By failing to adequately assess the risk of Darlene Kreidler suffering a fall if not properly supervised;
- c. By failing to enact and carry out an adequate Individual Service Plan in regard to Darlene Kreidler's medical needs;
- d. By failing to provide safe and adequate assistive devices for Darlene Kreidler to prevent injuries;
- e. By failing to update, enact and carry out an adequate Individual Service Plan in regard to Darlene Kreidler's medical needs;
- f. By failing to timely, consistently, and properly monitor, assess and document Darlene Kreidler's physical condition;
- g. By failing to ensure adequate nursing staff to ensure 24-hour protective oversight and supervision for Darlene Kreidler;
- h. By failing to appropriately assess and maintain a safe environment for Darlene Kreidler;
- i. By failing to adequately supervise Darlene Kreidler;
- j. By failing to immediately transfer Darlene Kreidler to a hospital in a timely manner after she demonstrated a change in her condition that threatened her medical condition;

- k. By failing to timely transfer Darlene Kreidler to a facility that could provide her adequate care;
 - l. By failing to properly supervise and train the employees, agents and/or servants of defendants who were responsible for the care and treatment of Darlene Kreidler;
 - m. By failing to have and/or implement appropriate policies and procedures on fall prevention and regarding how to properly respond to a resident demonstrating a significant change in condition;
 - n. By failing to ensure that Darlene Kreidler received proper care and treatment to prevent her injuries and subsequent death; and
 - o. By failing to properly capitalize the facility so it could have enough staff members to provide Darlene Kreidler with the supervision she required.
100. Defendants were subject to regulatory rules promulgated by the Missouri Division of Social Services.
101. While providing care and treatment to Darlene Kreidler, defendants breached their duties to Darlene Kreidler and are guilty of acts of negligence in violating regulatory requirements governing skilled facility facilities including, but not limited to one or more of the following:
- a. 19 C.S.R. 30-86.047(10). The facility shall not admit or continue to care for residents whose needs cannot be met....;
 - b. 19 C.S.R. 30-86.047(12). All persons who have any contact with the residents in the facility shall not knowingly act or omit any duty in a manner that would materially and adversely affect the health, safety, welfare, or property of residents...;
 - c. 19 C.S.R. 30-86.047(29). The facility shall not admit or continue to care for a resident who (A) Has exhibited behaviors that present a reasonable likelihood of serious harm to himself, herself or others; (d) Requires skilled nursing services as defined in Section 198.073.4, RSMo for which the facility is not licensed or able to provide; and (E) Requires more than one (1) person to simultaneously physically assist the resident with any activity of daily living...;
 - d. 19 C.S.R. 30-86.047(33). No facility shall accept any individual with a physical, cognitive, or other impairment that prevents the

individual from safely evacuating the facility with minimal assistance...;

e. 19 C.S.R. 30-86.047(35). Protective oversight shall be provided twenty-four (24) hours a day.;

f. 19 C.S.R. 30-86.047(36). Residents shall receive proper care as defined in the individualized service plan.; and

g. 19 C.S.R. 30-86.047(61). The facility shall have an adequate number and type of personnel for the proper care of residents, the residents' social well being, protective oversight of residents and upkeep of the facility...

102. Darlene Kreidler was a member of the class of persons intended to be protected by the enactment of the aforementioned state regulatory requirements.

103. The injuries Darlene Kreidler sustained were the type of injuries that the state and federal regulatory rules were enacted to prevent.

104. As a direct and proximate result of the individual and collective acts of negligence by defendants as described above, Darlene Kreidler suffered physical injury, severe pain, mental anguish and death as a result of defendants' negligence during her residency at the facility.

WHEREFORE, for the reasons set forth above, Plaintiffs pray for judgment against the defendants for such sums as a fair and reasonable over and above the jurisdictional minimum, for actual damages, the costs for this action and for such other relief as this Court deems just and proper.

COUNT II – MEDICAL NEGLIGENCE

(Mid-America Health Care Limited Partnership d/b/a Meadowview Memory Care Riley-Spence Management Company, LLC. and Riley Spence & Associates, Inc.)

105. Plaintiff, Estate of Darlene Kreidler, by and through her Personal Representative Donald Kreidler, incorporates by reference all of the foregoing allegations in this Petition as though fully set forth herein.

106. Defendants owed Darlene Kreidler a duty to use reasonable care to protect her from unreasonable risk of harm and/or death.

107. Defendants owed Darlene Kreidler a duty to ensure that she remained free from mental and physical abuse and physical injuries as a result of negligent conduct.

108. Defendants had a duty to ensure that Darlene Kreidler was treated with consideration, respect and full recognition of her dignity and individuality.

109. During his residency at Meadowview Memory Care, Darlene Kreidler was dependent upon defendants to meet her daily needs, safety, protection, care, treatment, assistance, and determinations of risk to his health.

110. Defendants were aware of Darlene Kreidler's vulnerability and risk of falling and suffering injury or death as a result.

111. Defendants failed to provide Darlene Kreidler with the care, treatment, monitoring, and supervision required to meet her needs.

112. Defendants failed to provide a sufficient number of staff members and sufficiently trained staff members to prevent the injuries sustained by Darlene Kreidler, even including death.

113. Defendants failed to provide a sufficient staff-to-resident ratio so that the employees at Meadowview Memory Care could provide the care, treatment, monitoring and supervision Darlene Kreidler required.

114. By their actions, defendants knew or, in the exercise of ordinary care, should have known that their conduct created a high probability of injury demonstrating a disregarding for the rights of Darlene Kreidler and thereby permitting recovery for her damages.

WHEREFORE Plaintiff, Estate of Darlene Kreidler prays for judgment against defendants in an amount a jury deems fair and reasonable under the circumstances, including, but not limited

to, actual damages, pain and suffering, the costs of this action, and for such other and further relief as the Court deems just and proper.

COUNT III – LOSS CHANCE OF SURVIVAL

**(Mid-America Health Care Limited Partnership d/b/a Meadowview Memory Care
Riley-Spence Management Company, LLC. and Riley Spence & Associates, Inc.)**

Plaintiff, Estate of Darlene Kreidler, by and through its Personal Representative Donald Kreidler, incorporates by reference all of the foregoing allegations in this Petition as though fully set forth herein

115. At the time of the negligent acts complained of herein, and at all times mentioned, Plaintiff, Donald Kreidler, has been the surviving biological child of decedent Darlene Kreidler. As such, and pursuant Section 537.021, R.S.Mo., Plaintiff has been properly appointed as Personal Representative for the Estate of Darlene Kreidler and is therefore eligible to pursue any and all claims that survive her death.

116. The negligence of defendants in failing to properly care for Darlene Kreidler, as set forth herein, directly and proximately caused or directly and proximately contributed to cause Darlene Kreidler to lose his material chance of survival.

117. As a direct and proximate result of the carelessness and negligence of the defendants, as set forth previously herein, decedent Darlene Kreidler suffered the following injuries:

- a. Decedent has had her ability to survive and her significant material chance of survival taken away by defendants' negligence;
- b. Decedent suffered the loss of his chance of survival and with it the loss of her future enjoyment of life; and
- c. Decedent was required to undergo surgical treatment for her injuries.

118. By their actions, defendants knew or, in the exercise of ordinary care, should have known that their conduct created a high probability of injury demonstrating a disregarding for the rights of Darlene Kreidler and thereby permitting recovery for her damages.

WHEREFORE Plaintiff, Estate of Darlene Kreidler prays for judgment against all defendants in an amount a jury deems fair and reasonable under the circumstances, including, but not limited to, actual damages, the costs of this action, and for such other and further relief as the Court deems just and proper.

COUNT IV – WRONGFUL DEATH

**(Woodland Manor of Arnold, LLC d/b/a Woodland Manor of Arnold
Riley-Spence Management Company, LLC. and Riley Spence & Associates, Inc.)**

119. Plaintiffs incorporate by reference all of the foregoing allegations in this Petition as though fully set forth herein.

120. At all times material hereto, Darlene Kreidler was in a defenseless and dependent condition.

121. As a result of her defenseless and dependent condition, Darlene Kreidler relied upon defendants to provide for her safety, protection, medical care and treatment.

122. At all relevant times, defendants had a duty to act in accordance with the standards of care required of those owning, operating, managing, maintaining, and/or controlling a skilled nursing facility.

123. These duties required defendants to implement and enforce policies and procedures to ensure the proper care and treatment of The Woodlands at Arnold facility residents, including Darlene Kreidler.

124. These duties required defendants to have sufficient and qualified staff at The Woodlands at Arnold nursing home to ensure that residents of the nursing home receive proper care, supervision, monitoring, treatment and compliance with care plan requirements.

125. These duties required defendants to ensure that the nurses and other staff at The Woodlands at Arnold provide the care and supervision required by the residents at the facility, including Darlene Kreidler.

126. These duties required defendants to ensure that The Woodlands at Arnold's nurses and other staff were educated and trained to provide proper supervision, care and treatment for the residents, like Darlene Kreidler.

127. These duties required defendants to ensure that The Woodlands at Arnold was properly capitalized to ensure that the residents received proper supervision, care and treatment.

128. Specifically, with respect to Darlene Kreidler, defendants and their agents, servants and/or employees breached their duties and were guilty of the following acts of negligence and carelessness by failing to measure up to the requisite standard of due care, skill, and practice ordinarily exercised by members of their profession under the same or similar circumstances, including:

- a. By failing to timely, consistently and properly assess and document Darlene Kreidler's physical condition;
- b. By failing to adequately assess Darlene Kreidler's risk of falling;
- c. By failing to adequately assess Darlene Kreidler's changing condition and need for additional fall prevention measures;
- d. By failing to provide adequate supervision and/or interventions to address Darlene Kreidler's risk of falling;

- e. By failing to properly supervise and train the employees, agents and/or servants of the defendants who were responsible for the care and treatment of Darlene Kreidler;
- f. By failing to provide a competent and qualified staff for Darlene Kreidler;
- g. By failing to provide adequate training to staff regarding the prevention of falls;
- h. By failing to provide adequate supervision of staff regarding the prevention of falls;
- i. By failing to provide Darlene Kreidler with proper supervision;
- j. By failing to provide adequate assistive devices to prevent injuries;
- k. By failing to enact and carry out an adequate care plan regarding Darlene Kreidler' risk of falling;
- l. By failing to enact and carry out and follow standing orders, instructions and protocol regarding the prevention of falls;
- m. By failing to recognize changes in Darlene Kreidler' physical and mental conditions;
- n. By failing to timely report to a physician changes in Darlene Kreidler' condition;
- o. By failing to timely transfer Darlene Kreidler to a facility that could provide her adequate care;
- p. By failing to provide adequate staff to ensure Darlene Kreidler received 24-hour protective oversight, supervision and care;
- q. By failing to properly supervise and train the employees, agents and/or servants of defendants who were responsible for the care and treatment of Darlene Kreidler;
- r. By failing to have and/or implement appropriate policies and procedures regarding how to properly assess a change in Darlene Kreidler' condition;
- s. By failing to ensure that Darlene Kreidler received proper care and treatment to prevent injury and death from at fall;

t. By failing to properly capitalize the facility so it could have enough staff members to provide Darlene Kreidler with the supervision and safety she required; and

u. By failing to take reasonable precautions to prevent Darlene Kreidler from suffering falls.

129. Defendants, as the owners, operators, and/or managers of skilled care nursing facilities licensed by the State of Missouri and accepting Medicare and Medicaid funds, were subject to regulations promulgated by the Missouri Division of Social Services and under the Social Security Act.

130. While providing care and treatment to Darlene Kreidler, defendants and their agents, servants and/or employees breached their duty to Darlene Kreidler and were guilty of acts of negligence and negligence, *per se*, in violating regulatory rules governing skilled care facilities including but not limited to the following:

a. 19 C.S.R. 30-85.042(3). The operator shall be responsible to assure compliance with all applicable laws and rules. The administrator shall be fully authorized and empowered to make decisions regarding the operation of the facility and shall be held responsible for the actions of all employees. The administrator's responsibilities shall include the oversight of residents to assure that they receive appropriate nursing and medical care;

b. 19 C.S.R. 30-85.042(6). The facility shall not knowingly admit or continue to care for residents whose needs cannot be met by the facility directly or in cooperation with outside resources. Facilities which retain residents needing skilled nursing care shall provide licensed nurses for these procedures;

c. 19 C.S.R. 30-85.042(13). The facility shall develop policies and procedures applicable to its operation to insure the residents' health and safety and to meet the residents' needs. At a minimum there shall be policies covering personnel practices, admission, discharge, payment, medical emergency treatment procedures, nursing practices, pharmaceutical services, social services, activities, dietary, housekeeping, infection control, disaster and accident prevention, residents' rights and handling residents' property;

- d. 19 C.S.R. 30-85.042(15). All personnel shall be fully informed of the policies of the facility and of their duties;
- e. 19 C.S.R. 30-85-14.042(16). All persons who have any contact with the residents in the facility shall not knowingly act or omit any duty in a manner which would materially and adversely affect the health, safety, welfare or property of a resident;
- f. 19 C.S.R. 30-85.042(20). The facility shall develop and offer an in-service orientation and continuing educational program for the development and improvement of skills of all the facility's personnel, appropriate for their job function;
- g. 19 C.S.R. 30-85.042(22). The facility must ensure there is a system of in-service training for nursing personnel which identifies training needs related to problems, needs, and care of residents and sufficient to ensure staff's continuing competency;
- h. 19 C.S.R. 30-85.042(37). All facilities shall employ nursing personnel in sufficient numbers and with sufficient qualifications to provide nursing and related services which enable each resident to attain or maintain the highest practicable level of physical, mental and psychosocial well-being. Each facility shall have a licensed nurse in charge who is responsible for evaluating the needs of the residents on a daily and continuous basis to ensure there are sufficient trained staff present to meet those needs;
- i. 19 C.S.R. 30-85.042(38). Failing to ensure that all nursing personnel shall be on duty at all times on each resident-occupied floor;
- j. 19 C.S.R. 30-85.14.042(66). Each resident shall receive twenty-four (24)-hour protective oversight and supervision;
- k. 19 C.S.R. 15-14.042(67). Each resident shall receive personal attention and nursing care in accordance with his/her condition and consistent with current acceptable nursing practice;
- l. 19 C.S.R. 30-85.042(79). In the event of accident, injury or significant change in the resident's condition, facility staff shall notify the resident's physician in accordance with the facility's emergency treatment policies which have been approved by the supervising physician;

- m. 19 C.S.R. 30-85.042(80). In the event of accident, injury or significant change in the resident's conditions, facility staff shall immediately notify the person designated in the resident's record as the designee or responsible party;
- n. 19 C.S.R. 30-85.042(81). Staff shall inform the administrator of accidents, injuries or unusual occurrences which adversely affect, or could adversely affect the resident. The facility shall develop and implement responsive plans of action;
- o. 19 C.S.R. 30-88.010(20). Failing to keep each resident free from mental and physical abuse; and
- p. 19 C.S.R. 30-88.010(22). Each resident shall be free from abuse ... and involuntary seclusion.

131. Darlene Kreidler was a member of the class of persons intended to be protected by the enactment of the aforementioned regulatory rules.

132. The physical injuries Darlene Kreidler incurred were the type of injuries that the regulatory rules were enacted to prevent.

133. As a direct and proximate result of the individual and collective acts of negligence of defendants as described above, Darlene Kreidler suffered severe pain, anxiety, mental distress, and death.

134. As a direct and proximate result of the individual and collective acts of negligence of all defendants as described above, Plaintiffs also suffered damages including, but not limited to, loss of companionship, loss of comfort, loss of guidance, loss of counsel and loss of instruction, pain, suffering, bereavement and mental anguish.

135. At the time defendants failed or refused to recognize the significant changes in Darlene Kreidler's condition and failed to properly respond to those changes, they knew that their conscious disregard to providing adequate care to Darlene Kreidler created a high degree of probability of injury to her and other residents.

136. As a result of defendants inappropriate care related to Darlene Kreidler's fall risks and previous fall injuries from Meadowview Memory Care, defendants were also negligent in providing skin care, repositioning and timely bowel and bladder assistance. As a result, Darlene Kreidler developed pressure injuries on her coccyx and both feet as well as a urinary tract infection.

137. In and of themselves, the additional falls at The Woodlands at Arnold, the pressure injuries on her coccyx and both feet as well as a urinary tract infection were not the sole cause of Darlene Kreidler's death, however, in conjunction with the injuries sustained at Meadowview Memory Care, the falls, pressure injuries on her coccyx and both feet as well as a urinary tract infection developed at The Woodlands at Arnold contributed to her death.

138. As a direct and proximate result of defendants' negligence, and complete indifference to, or conscious disregard, for the care and safety of others, Darlene Kreidler was harmed and suffered damages, including but not limited to pain, suffering, mental anguish, loss of enjoyment of life and death.

WHEREFORE, Plaintiffs in their respective individual and representative capacities, pray for judgment against all defendants in an amount a jury deems fair and reasonable under the circumstances, including, but not limited to, actual damages, the costs of this action, and for such other and further relief as the Court deems just and proper.

COUNT V – MEDICAL NEGLIGENCE

**(Woodland Manor of Arnold, LLC d/b/a Woodland Manor of Arnold
Riley-Spence Management Company, LLC. and Riley Spence & Associates, Inc.)**

139. Plaintiff, Estate of Darlene Kreidler, by and through her Personal Representative Donald Kreidler, incorporates by reference all of the foregoing allegations in this Petition as though fully set forth herein.

140. Defendants owed Darlene Kreidler a duty to use reasonable care to protect her from unreasonable risk of harm and/or death.

141. Defendants owed Darlene Kreidler a duty to ensure that she remained free from mental and physical abuse and physical injuries as a result of negligent conduct.

142. Defendants had a duty to ensure that Darlene Kreidler was treated with consideration, respect and full recognition of her dignity and individuality.

143. During her residency at The Woodlands at Arnold Darlene Kreidler was dependent upon defendants to meet her daily needs, safety, protection, care, treatment, assistance, and determinations of risk to her health.

144. Defendants were aware of Darlene Kreidler's vulnerability and risk of falling and suffering injury or death as a result.

145. Defendants were also aware of Darlene Kreidler's vulnerability and risk of developing pressure injuries.

146. Defendants were also aware of Darlene Kreidler's vulnerability and risk of developing urinary tract infections.

147. Defendants failed to provide Darlene Kreidler with the care, treatment, monitoring, and supervision required to meet her need and to prevent these injuries from occurring.

148. Defendants failed to provide a sufficient number of staff members and sufficiently trained staff members to prevent the injuries sustained by Darlene Kreidler.

149. Defendants failed to provide a sufficient staff-to-resident ratio so that the employees at The Woodlands at Arnold could provide the care, treatment, monitoring and supervision Darlene Kreidler required.

150. By their actions, defendants knew or, in the exercise of ordinary care, should have known that their conduct created a high probability of injury demonstrating a disregarding for the rights of Darlene Kreidler and thereby permitting recovery for her damages.

WHEREFORE Plaintiff, Estate of Darlene Kreidler prays for judgment against all defendants in an amount a jury deems fair and reasonable under the circumstances, including, but not limited to, actual damages, the costs of this action, and for such other and further relief as the Court deems just and proper.

COUNT VI – LOSS CHANCE OF SURVIVAL

**(Woodland Manor of Arnold, LLC d/b/a Woodland Manor of Arnold
Riley-Spence Management Company, LLC. and Riley Spence & Associates, Inc.)**

Plaintiff, Estate of Darlene Kreidler, by and through its Personal Representative Donald Kreidler, incorporates by reference all of the foregoing allegations in this Petition as though fully set forth herein

151. At the time of the negligent acts complained of herein, and at all times mentioned, Plaintiff, Donald Kreidler, has been the surviving biological child of decedent Darlene Kreidler. As such, and pursuant Section 537.021, R.S.Mo., Plaintiff has been properly appointed as Personal Representative for the Estate of Darlene Kreidler and is therefore eligible to pursue any and all claims that survive her death.

152. The negligence of defendants in failing to properly care for Darlene Kreidler, as set forth herein, directly and proximately caused or directly and proximately contributed to cause Darlene Kreidler to lose his material chance of survival.

153. As a direct and proximate result of the carelessness and negligence of the defendants, as set forth previously herein, decedent Darlene Kreidler suffered the following injuries:

- a. Decedent has had her ability to survive and her significant material chance of survival taken away by defendants' negligence;
- b. Decedent suffered the loss of his chance of survival and with it the loss of her future enjoyment of life; and
- c. Decedent was required to undergo surgical treatment for her injuries.

154. By their actions, defendants knew or, in the exercise of ordinary care, should have known that their conduct created a high probability of injury demonstrating a disregarding for the rights of Darlene Kreidler and thereby permitting recovery for her damages.

WHEREFORE Plaintiff, Estate of Darlene Kreidler prays for judgment against all defendants in an amount a jury deems fair and reasonable under the circumstances, including, but not limited to, actual damages, the costs of this action, and for such other and further relief as the Court deems just and proper.

TERRY LAW FIRM, LLC

/s/ David W. Terry

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