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14 Attorneys for CLARITA SORENSEN, CELIA  
15 SORENSEN, CAROLLYN SORENSEN and  
16 CONRAD SORENSEN, as individuals and as  
17 Successors-in-interest to RALPH SORENSEN,  
18 deceased

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**SUPERIOR COURT OF CALIFORNIA**  
**COUNTY OF HUMBOLDT**

CLARITA SORENSEN, CELIA SORENSEN,  
CAROLLYN SORENSEN and CONRAD  
SORENSEN, as individuals and as successors-  
in-interest to RALPH SORENSEN, deceased,

Plaintiff,

vs.

SEAVIEW REHABILITATION &  
WELLNESS CENTER, LP, SEAVIEW  
WELLNESS GP, LLC, ROCKPORT  
HEALTHCARE SUPPORT SERVICES, LLC,  
EUREKA-LET, LP, EUREKA-LET GP, LLC,  
SHLOMO RECHNITZ, and DOES 1 through  
100, inclusive,

Defendants.

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**FILED**

NOV 30 2016

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF HUMBOLDT

Case No.:

**DR 1 60631**

COMPLAINT FOR WRONGFUL DEATH  
AND ELDER ABUSE – NEGLECT  
(WELFARE AND INSTITUTIONS CODE  
SECTION 15610.57)

1 **GENERAL ALLEGATIONS**

2 1. Plaintiffs Clarita Sorensen and Celia Sorensen are residents Humboldt County,  
3 California. Plaintiff Carollyn Sorensen is a resident of the Pitt County, North Carolina.  
4 Plaintiff Conrad Sorensen is a resident of Santa Clara, California. In making the claims herein,  
5 plaintiffs bring this action on behalf of themselves and the decedent, Ralph Sorensen, who died  
6 on January 26, 2016. Pursuant to Code of Civil Procedure §377.60, et seq., plaintiffs act as  
7 personal representatives of their now deceased spouse and father. Plaintiffs have complied with  
8 Code of Civil Procedure sections 364 and 377.32. In addition, plaintiffs have standing under  
9 Welfare and Institutions Code section 15657.3(d) to commence and maintain this action as  
10 decedent's lawful heirs and have standing as individuals to bring this said cause of action for the  
11 wrongful death of their spouse and father.

- 12 2. The sole heirs of Ralph Sorensen are:
- 13 i. Clarita Sorensen, his spouse;
  - 14 ii. Celia Sorensen, his daughter;
  - 15 iii. Carollyn Sorensen, his daughter; and
  - 16 iv. Conrad Sorensen, his son.

17 3. Plaintiffs are informed and believe, and based thereon allege, that at all times  
18 mentioned herein defendant SEAVIEW REHABILITATION & WELLNESS CENTER, LP,  
19 (hereinafter referred to as "Seaview") was and is a limited partnership formed and existing  
20 under the laws of the State of California. Seaview is skilled nursing facility, licensed to operate  
21 99 beds by the California Department of Public Health.

22 4. Plaintiffs are informed and believe, and based thereon allege, that at all times  
23 mentioned herein defendant SEAVIEW WELLNESS GP, LLC was and is a limited partnership  
24 formed and existing under the laws of the State of California.

25 5. Plaintiffs are further informed and believe, and based thereon allege, that at all  
26 times mentioned herein defendant ROCKPORT ADMINISTRATIVE SERVICES, LLC DBA  
27 ROCKPORT HEALTHCARE SERVICES (hereinafter referred to as "Rockport") was and is a  
28 limited liability company formed and existing under the laws of the State of California.

1 Rockport contracts with Seaview to provide all management of the facility, including nursing  
2 personnel and all resident assessment functions.

3 6. Plaintiffs are further informed and believe, and based thereon allege, that at all  
4 times mentioned herein defendant BRIUS MANAGEMENT CO., INC. was and is a California  
5 corporation.

6 7. Plaintiffs are further informed and believe, and based thereon allege, that at all  
7 times mentioned herein defendant BRIUS, LLC, was and is a California limited liability  
8 company.

9 8. Plaintiffs area also informed and believe, and based thereon allege, that at all  
10 times mentioned herein defendant EUREKA-LET, LP was and is a limited partnership formed  
11 and existing under the laws of the State of California.

12 9. Plaintiffs are additionally informed and believe, and based thereon allege, that at  
13 all times mentioned herein defendant EUREKA-LET GP, LLC was and is a limited liability  
14 company formed and existing under the laws of the State of California.

15 10. Plaintiffs area informed and believe, and based thereon allege, that at all times  
16 mentioned herein defendant SHLOMO RECHNITZ is a citizen of the State of California, with a  
17 place of residence in Los Angeles, California.

18 11. The true names and capacities, whether individual, corporate, associate, or  
19 otherwise of the defendant designated herein as DOES 1 through 100 are presently unknown to  
20 plaintiffs, who, therefore, sue said defendants by such fictitious names. Plaintiffs are informed  
21 and believe, and based thereon, allege, that each of the defendants designated herein as a "Doe"  
22 is legally responsible for the events and happenings hereinafter referred to, and proximately  
23 caused or contributed to the injuries and damages as hereinafter described. Plaintiffs will seek  
24 leave of the court to amend this complaint, in order to show the true names and capacities of  
25 such parties, when the same has been ascertained.

26 12. Plaintiffs are informed and believe, and based thereon allege, that at all times  
27 herein mentioned, each of the defendants was the agent, partner, joint venturer, aider and  
28 abetter, alter ego, and/or employee of each of the remaining defendants, and was acting within

1 the course and scope of such agency, partnership, joint venture, and/or employment or in the  
2 capacity of an aider and abetter or alter ego.

3 13. Plaintiffs are informed and believe, and based thereon allege that defendants  
4 required to provide skilled nursing care, room and board, twenty-four-hour supervision, and  
5 personal care and assistance to the residents. Care and supervision required of said defendants  
6 included custodial care and services, physician services, skilled nursing services, dietary  
7 services, pharmaceutical services, and activities services as more specifically described in 22  
8 California Code of Regulations section 72301, *et seq.*

9 14. It is well known and has been expressly noted by the California Legislature due  
10 to its adoption of Welfare and Institutions Code section 1560(a)-(d) that the elderly segment of  
11 the population is particularly subject to various forms of abuse and neglect. Physical infirmity  
12 or mental impairment, such as those experienced by Ralph Sorensen, often place the elder in a  
13 dependent and vulnerable position. At the same time, such infirmity and dependence leave the  
14 elderly, such as Ralph Sorensen, incapable of asking for help or protection.

15 15. Recognizing the problems described in the preceding paragraph, the California  
16 legislature promulgated the Elder Abuse and Dependent Adult Civil Protection Act  
17 (“EADACPA”). This act is codified in Welfare and Institutions Code section 15600. Pursuant  
18 to additions, the California legislature found and declared that infirm, elderly, and dependent  
19 adults are a disadvantaged population, and that few civil cases are brought in connection with  
20 their abuse due to the problems of proof and delays, plus the lack of incentive to prosecute such  
21 suits.

22 16. The EADACPA defines an “elder” as any person residing in California who is an  
23 adult sixty-five (65) years of age or older.

24 17. As further defined under EADACPA, “abuse of an elder” is either:

25 (a) Physical abuse, neglect, financial abuse, abandonment, isolation, abduction,  
26 or other treatment with resulting physical harm or pain or mental suffering; or

27 (b) The deprivation by a care custodian of goods or services necessary to avoid  
28 physical harm or mental suffering. (Welfare & Institutions Code section 15610.07.)

1           18.     The Welfare and Institutions Code section 15610.57 defines “neglect” as: “The  
2 negligent failure of any person having the care or custody of an elder or a dependent adult to  
3 exercise that degree of care that a reasonable person in a like position would exercise.” (Welfare  
4 & Institutions Code section 15610.57(a)(1).) Under the code, neglect includes but is not limited  
5 to:

6                   (a) Failure to provide medical care for physical or mental health needs; and

7                   (b) Failure to protect from health and safety hazards.

8 (Welfare & Institutions Code section 15610.57(b).)

9           19.     On November 18, 2015, Ralph Sorensen was admitted to Seaview for skilled  
10 nursing services and rehabilitation following an aortic valve replacement. He was 76 years of  
11 age.

12           20.     At the time of his admission to Seaview, Ralph Sorensen did not have  
13 Methicillin-resistant Staphylococcus aureus (“MRSA”) or a decubitus ulcer on his ischial  
14 tuberosity (sitz bone).

15           21.     That same day, Seaview developed a Resident Care Plan with respect to Ralph  
16 Sorensen’s skin, as he was at risk for skin breakdown or ulcer formation. Seaview was to  
17 monitor for signs and symptoms of infection. As Ralph Sorensen was incontinent, his care plan  
18 also included observing his skin for any abnormalities during toileting and/or changing.

19           22.     Seaview also determined that Ralph Sorensen was at risk for weight loss, and as  
20 a result it was to weigh Ralph Sorensen every week.

21           23.     While at Seaview, Ralph Sorensen spent most of his day in a wheelchair and was  
22 taken to bed after lunch. Evening staff got him up and put him back to bed after dinner.  
23 Prolonged time in his wheelchair attributed to a more rapid skin breakdown, and Ralph  
24 Sorensen’s care plan did not provide for redistributing devices for his chair and bed (which  
25 would have provided alternating pressure and prevented pressure ulcers). Nor did the facility  
26 have sufficient nursing staff as required by California law to ensure that Ralph Sorensen  
27 received all of the care identified in his care plan or as required due to his acuity.

1           24.    Laws applicable to skilled nursing facilities such as Seaview provide that (1) a  
2 resident who enters the facility without a pressure ulcer does not develop one unless the clinical  
3 condition demonstrates that such an injury is unavoidable, and (2) a resident having pressure  
4 ulcers receives necessary treatment and services to promote healing, prevent infection, and  
5 prevent new sores from developing.

6           25.    A pressure ulcer is a lesion caused by unrelieved pressure that results in damage  
7 to the underlying tissue. They occur when pressure has impaired circulation to the tissue.  
8 Critical steps in pressure ulcer prevention and healing include identifying residents at risk,  
9 identifying risk factors due to the resident's condition, removing risk factors where possible,  
10 implementing individualized interventions, monitoring the impact of interventions, and  
11 modifying interventions where appropriate. Among the risk factors for pressure ulcers are  
12 impaired or decreased mobility and decreased functional ability, cognitive impairment,  
13 exposure of skin to urinary and fecal incontinence, and nutrition and hydration deficits.

14           26.    On December 2, 2015, a Certified Nurse Assistance ("CNA") first noticed a  
15 pressure ulcer on Ralph Sorensen's right buttock. The ulcer was reported to a licensed nurse on  
16 duty, but neither Mr. Sorensen's family nor his physician was told about the ulcer.

17           27.    On December 5, 2015, another licensed nurse at Seaview saw the ulcer on Mr.  
18 Sorensen's buttock during the evening shift. The nurse failed to measure or document the  
19 wound, only passing the information on to the night nurse at Seaview. Neither Mr. Sorensen's  
20 family nor physician were told of the wound.

21           28.    That same date, Mr. Sorensen began running a fever.

22           29.    On December 6, 2015, Mr. Sorensen's temperature rose to 101 degrees  
23 Fahrenheit and he began to have tremors in his hands and arms.

24           30.    On the morning of December 7, 2015, Mr. Sorensen's fever rose to 102 degrees  
25 Fahrenheit, and his tremors increased. That same date, Seaview first charted an "abscess" on a  
26 "non-pressure skin report" on Ralph Sorensen's right ischial tuberosity (sitz bone).

27           31.    On December 8, 2015, Ralph Sorensen was transferred via ambulance to St.  
28 Joseph Hospital of Eureka due to continued fever and possible sepsis. According to the

1 ambulance records, a licensed nurse at Seaview told responders that Ralph Sorensen had a Stage  
2 IV pressure ulcer on his coccyx. When Ralph Sorensen arrived at St. Joseph Hospital of  
3 Eureka, it was determined that he had MRSA and a Stage IV decubitus ulcer on his sitz bone  
4 with clear necrotic tissue. The wound measured 6.52 cm in length, with 100% non-viable tissue  
5 in the wound bed, which required excisional debridement (the surgical cutting away of necrotic  
6 tissue).

7 32. After lengthy treatment to save his life, Ralph Sorensen died on January 27,  
8 2016.

9 33. On August 16, 2016, the CDPH issued two Class A citations to Seaview, for (1)  
10 failing to report the change in Ralph Sorensen's status to his physician and family and (2)  
11 failing to provide treatment for or prevent a pressure sore.

12 34. During his stay at Seaview, Ralph Sorensen never once received a shower or a  
13 bath. Nor was his weight monitored regularly, his nutrition intake was not recorded, and regular  
14 assessments of Ralph Sorensen's skin were not made as required of his care plan. Plaintiffs are  
15 informed and believe, and based thereon allege that defendants failed to meet the regulatory  
16 requirement that a licensed skilled nursing facility employ and have on duty sufficient staff in  
17 number and qualifications to provide the necessary nursing services for admitted residents.

18 35. Additionally, plaintiffs are informed and believe, and based thereon allege that  
19 Seaview has a history of failing to follow infection control best practices and placing residents'  
20 health and lives at risk.

21 36. In owning, operating, managing, and/or supervising the subject facility,  
22 defendants and DOES 1 through 100, inclusive, and each of them, held themselves out to the  
23 general public, and Ralph Sorensen in particular, as being in compliance with all applicable  
24 federal and state laws.

25 **FIRST CAUSE OF ACTION FOR VIOLATION OF PATIENT'S RIGHTS PURSUANT**  
26 **TO HEALTH AND SAFETY CODE §1430(b)**

27 37. Plaintiffs refer to and incorporate herein by reference all preceding paragraphs  
28 above as though fully set forth herein.

1           38. Pursuant to Health and Safety Code §1430(b), in addition to all other remedies  
2 provided by law, plaintiffs are entitled to statutory and civil penalties against defendants for  
3 violation of Ralph Somerson's rights, as well as costs and attorneys' fees incurred in this  
4 proceeding.

5           39. Health and Safety Code §1430(b) provides in relevant part that a former resident  
6 of a skilled nursing facility may bring an action against the licensee of a facility who violates  
7 any of the rights of the residents as set forth in the Patient's Bill of Rights.

8           40. Ralph Somerson was an elderly resident of defendants' skilled nursing facility  
9 and as such was entitled to the protection of the Nursing Home Patient's Bill of Rights.  
10 Defendants, as owners, operators, managers, and/or administrators of the subject licensee had a  
11 mandatory duty to ensure that Ralph Somerson's rights were not violated. The acts and  
12 omissions alleged above constitute violations of nursing home patient's rights within the  
13 meaning of 22 C.C.R. §72527(a) and Health and Safety Code §1599.1.

14           41. Ralph Somerson had the right to receive care in a manner and in such an  
15 environment as would have promoted maintenance and enhancement of the quality of his life  
16 and be provided services that would help him attain the highest possible physical, mental, and  
17 psychosocial well-being. He was also to show evidence of good personal hygiene, be given  
18 care to prevent pressure ulcers, and measures to prevent and reduce incontinence. Defendants  
19 were also to staff Seaview with an adequate number of qualified personnel to carry out all of the  
20 functions of the facility, including the care needed by Ralph Sorensen.

21                           **SECOND CAUSE OF ACTION FOR WRONGFUL DEATH**

22           42. Plaintiffs refer to and incorporate herein by reference all preceding paragraphs  
23 above as though fully set forth herein.

24           43. As a consequence of the injuries suffered by Ralph Sorensen at Seaview, he died  
25 on January 26, 2016.

26           44. Prior to his death, the decedent was the spouse of plaintiff Clarita Sorensen and  
27 the father of plaintiffs Celia Sorensen, Carollyn Sorensen, and Conrad Sorensen.





- 1 e. Accurately monitor and provide for Ralph Sorensen's health, comfort and
- 2 safety;
- 3 f. Maintain accurate records of Ralph Sorensen's condition and activities;
- 4 g. Adopt, observe, and implement written infection control policies;
- 5 h. Maintain in number and qualification sufficient staff to meet residents'
- 6 needs; and
- 7 i. Treat Ralph Sorensen with dignity and respect, without abuse.

8 Additionally, Title 22 C.C.R. §72311(a)(3) required Seaview to promptly notify Ralph  
9 Sorensen's healthcare practitioner of "[a]ny sudden and/or marked adverse change in signs,  
10 symptoms or behavior exhibited by a patient," and §72315(f) required Seaview to prevent  
11 decubiti formation and progression and notify a physician "when a decubitus ulcer first  
12 occurs...." Title 22 C.C.R. §72315(f) provides that nursing home residents are to be provided  
13 good hygiene. And, Title 22 C.C.R. § 72329.1 requires specific levels and types of nursing staff  
14 to meet resident needs. Seaview violated all of these regulations.

15 51. During Ralph Sorensen's residency at Seaview, defendants, and each of them,  
16 failed to use the degree of care that a reasonable person in the same situation would have used  
17 in protecting Mr. Sorensen from health and safety hazards. Defendants, and each of them,  
18 declined to provide Mr. Sorensen with appropriate assessment with respect to his risk of skin  
19 breakdown and failed to practice infection control within the facility. Defendants, and each of  
20 them, deliberately did not staff Seaview in such a way as to permit Seaview employees to  
21 properly care Mr. Sorensen or maintain and implement infection control measures. Defendants'  
22 deliberate decision was in an effort to avoid increased labor costs with Mr. Sorensen's  
23 continued residency. As a result, defendants withheld care from Mr. Sorensen and deliberately  
24 disregarded the high degree of probability that injury to Mr. Sorensen would result.  
25 Defendants' actions were a conscious choice of a course of action with respect to Mr.  
26 Sorensen's risk assessment and the determination of his needs, with knowledge of the serious  
27 danger in which Mr. Sorensen was placed as a result such actions. Additionally, defendants  
28 represented in billing records that Mr. Sorensen received some of the highest levels of care and

1 therapy available at a skilled nursing facility licensed as Seaview is, but defendants failed to  
2 provide such care, choosing instead to provide some level of care less than needed and less than  
3 that for which it charged. Defendants' decision to provide levels of care less than needed but  
4 represent that ultimate care was provided was defendants' conscious decision, made with  
5 knowledge of the serious danger in which Mr. Sorensen was placed as a result such decisions.  
6 Defendants' decisions to offer care less than needed but bill for higher levels of care than were  
7 provided were decisions made by management and ratified by all defendants, including  
8 Seaview.

9         52. As a direct result of each defendant's neglect, Ralph Sorensen was injured in his  
10 person and health, and sustained serious physical injuries and damages, including serious  
11 physical injuries such as decubitus ulcer, subcutaneous ulcer, MRSA infection, sepsis, and  
12 ultimately death.

13         53. Defendants' conduct constitutes "neglect" as that term is defined in Welfare and  
14 Institutions Code §§15610.63 and 15610.57 in that defendants failed to use the degree of care  
15 that a reasonable person having the custody of Ralph Somerson would exercise. Under Welfare  
16 and Institutions Code §15651(a)-(b), defendants are liable to plaintiffs for damages related to  
17 Ralph Sorensen's damages related to personal injuries and medical expenses.

18         54. As a result of defendants' neglect as alleged, plaintiffs, on behalf of themselves  
19 and as Ralph Sorensen's successors in interest, seek all economic damages to which they are  
20 entitled according to proof at trial.

21                                 **FOURTH CAUSE OF ACTION FOR NEGLIGENCE**

22         55. Plaintiffs refer to and incorporate herein by reference all preceding paragraphs  
23 above as though fully set forth herein.

24         56. At all times herein mentioned, defendants failed to exercise the degree of skill  
25 and care commonly required of skilled nursing facilities for the elderly pursuant to states laws  
26 detailed above.

27         57. As a legal result of defendants' negligence and carelessness, Ralph Sorensen was  
28 severely injured and thereafter died.

1 **PRAYER FOR RELIEF**

2 WHEREFORE, plaintiffs pray for judgment as follows:

- 3 1. For damages pursuant to Health and Safety Code §1430(b);  
4 2. For general damages in a sum to be proven at the time of trial;  
5 3. For special damages in a sum to be proven at the time of trial;  
6 4. For pre-death pain and suffering pursuant to Welfare and Institutions  
7 Code §15657;  
8 5. For pre-judgment and post-judgment interest, according to law;  
9 6. For attorneys' fees;  
10 7. For costs of suit herein; and  
11 8. For such other and further relief as the Court may deem just and  
12 proper.

13 Dated: November 30, 2016

JANSSEN MALLOY LLP

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15  
16 By: 

17 Amelia F. Burroughs  
18 Attorneys for Clarita Sorensen, Celia  
19 Sorensen, Carollyn Sorensen and Conrad  
20 Sorensen, as individuals and as Successors-in-  
21 interest to Ralph Sorensen  
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