

IN THE CIRCUIT COURT OF THE
7TH JUDICIAL CIRCUIT IN AND FOR
ST. JOHNS COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

CASE NO.: 552025CA001571A000MX

ILLA J. CONNER,

Plaintiff,
vs.

ST. AUGUSTINE FL OPCO LLC d/b/a
THE LILAC AT BAYVIEW,

Defendant.

COMPLAINT

Plaintiff, ILLA J. CONNER, by and through undersigned counsel, sues ST. AUGUSTINE FL OPCO LLC d/b/a THE LILAC AT BAYVIEW, (hereinafter referred to as "THE LILAC AT BAYVIEW") and alleges:

1. This action is within the jurisdiction of this Court for damages in excess of Fifty Thousand and 00/100 Dollars (\$50,000.00), exclusive of interest and costs.
2. At all times material to this cause of action, ILLA J. CONNER was an adult resident of St. Johns County, Florida.
3. At all times material hereto, ILLA J. CONNER was a person who was impaired in her ability to adequately provide for her own care and protection.
4. At all times material herein, Defendant, ST. AUGUSTINE FL OPCO LLC d/b/a THE LILAC AT BAYVIEW, was licensed and authorized to do business in St. Johns County, Florida, as THE LILAC AT BAYVIEW. The Defendant was in the business of owning, managing

and maintaining nursing homes and related health care facilities such as THE LILAC AT BAYVIEW, located at 161 Marine Street St. Augustine FL, 32084.

5. At all times material hereto, Defendant, THE LILAC AT BAYVIEW, was subject to the provisions of Chapter 400 of the Florida Statutes, which sets the standards for operating nursing homes, such as THE LILAC AT BAYVIEW.

FACTS

6. On or about November 23, 2024, ILLA J. CONNER was first admitted to THE LILAC AT BAYVIEW as a nursing home resident. ILLA J. CONNER was elderly and suffered from the afflictions of the aged, including but not limited to high risk for the development and deterioration of pressure ulcers, malnutrition, infection, and dehydration given her condition.

7. Specifically, the staff and employees failed to develop an adequate care plan and properly monitor and supervise the care and treatment provided to ILLA J. CONNER in order to prevent her from suffering from injuries, including but not limited to the development and/or deterioration of decubitus ulcers, weight loss, dehydration and the development of infections.

8. During the course of ILLA J. CONNER's admission, employees failed to render appropriate care, failed to follow doctor's orders or to utilize appropriate safety devices and treatment to prevent ILLA J. CONNER from suffering from the development and/or deterioration of pressure ulcers and the drastic decline in her overall physical condition.

9. As a direct result of THE LILAC AT BAYVIEW's negligent acts and/or omissions, ILLA J. CONNER suffered from the development and/or deterioration of pressure ulcers, weight loss, scabies, dehydration and the development of infections and general neglect.

10. THE LILAC AT BAYVIEW's staff negligently failed to recognize, document and inform doctors of the injuries mentioned above in a timely and appropriate manner. As a result of

THE LILAC AT BAYVIEW's substandard care and treatment, ILLA J. CONNER developed decubitus ulcers and suffered a drastic decline in her physical condition.

11. This is a claim under Florida Statute §400 for violation of ILLA J. CONNER's Resident's Rights to receive adequate and appropriate healthcare and protective and support services; her right to be treated courteously, fairly, and with the fullest measure of dignity; and her right to be free from mental and physical abuse.

12. In an abundance of caution, and to the extent that any of the allegations set forth below fall under Florida Statutes §400.022, Plaintiff has complied with the nursing home pre suit provisions.

13. Plaintiff has satisfied, or has made a good faith effort to satisfy all conditions precedent to the filing of this action.

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

15. It has been necessary for ILLA J. CONNER, to retain the undersigned, VIDIAN C. MALLARD, ESQ. and the firm of MALLARD & SHARP, P.A. and pay said firm a reasonable fee for their services.

COUNT I
CHAPTER 400 CLAIM AGAINST ST. AUGUSTINE FL OPCO LLC
d/b/a THE LILAC AT BAYVIEW

Plaintiff hereby realleges paragraphs 1 through 15 as if fully stated herein and further alleges:

16. Defendant had a statutorily mandated responsibility to ILLA J. CONNER to provide her with her nursing home Residents' Rights as set forth in Florida Statute 400.022, which responsibility included, but was not limited to, the following:

- a. Providing adequate and appropriate protective and support services;
- b. Preventing mental and physical abuse of ILLA J. CONNER;
- c. Complying with regulations for the operation of nursing homes promulgated by the Department of Health and Rehabilitative Services and contained in the Florida Administrative Code §59A 4.
- d. Treating residents, courteously, fairly and with the fullest measure of dignity.

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

18. That in addition to Defendant's direct responsibility under Florida Statute §400.022 and as alleged in the preceding paragraph, Defendant had vicarious liability for the acts and omissions of all persons or entities under Defendant's control either direct or indirect including its employees, agents, consultants and independent contractors, whether in-house or outside entities, individuals, agencies or pools causing any deprivations or infringements of ILLA J. CONNER's resident's rights as set forth in Florida Statutes §400.022.

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

20. Notwithstanding this direct duty imposed by law, and described with particularity in the paragraphs above, the Defendant, THE LILAC AT BAYVIEW, acting through its agents

and/or employees, committed the following acts or omissions, breached its duty owed to ILLA J. CONNER, including but not limited to as follows:

- a. Failing to ensure ILLA J. CONNER was timely given proper care while she was a resident at THE LILAC AT BAYVIEW;
- b. Failing to initiate the facility chain of command when ILLA J. CONNER began experiencing adverse changes and failed to come to her aid in order to evaluate her to ascertain whether a higher level of care was necessary, and thus no steps were taken by Defendant to timely obtain someone to evaluate the patient or to send her out promptly for evaluation;
- c. Failing to properly address ILLA J. CONNER's decubitus ulcers, fall risk, dehydration, nourishment or infection while she was a resident at Defendant's facility;
- d. Providing nursing medical services to ILLA J. CONNER in a wrongful manner;
- e. Failing to provide adequate and appropriate protective and support services to ILLA J. CONNER;
- f. Failing to follow appropriate wound and infection protocol;
- g. Failing to provide ILLA J. CONNER with adequate and appropriate supervision;
- h. Failing to develop, implement and update an adequate and appropriate resident care plan to meet the custodial needs of ILLA J. CONNER;
- i. Failing to protect ILLA J. CONNER from foreseeable harm including, but not limited to the development and deterioration of pressure ulcers, falls and drastic decline in her physical condition;
- j. Failing to properly supervise staff;
- k. Failing to properly train staff;
- l. Improper retention of staff;
- m. Inadequate staffing;
- n. Failing to protect the dignity of ILLA J. CONNER;
- o. Failing to protect the privacy of ILLA J. CONNER;

- p. Failing to have proper policy and procedures to address residents who suffer from fall and pressure ulcer risks at their facility;
- q. Failing to ensure facility policies and procedures are followed by staff;
- r. Failing to address ILLA J. CONNER'S family and physicians of significant changes in her condition including falls and the development and deterioration of pressure ulcers and drastic decline in her physical condition;
- s. Negligently performing fall prevention and pressure ulcer prevention and care;
- t. Failing to maintain records which contain sufficient information to justify the treatment and to document the results, including at a minimum, documented evidence of assessments of the needs of the resident, of establishment of appropriate plans of care and treatment, and of the care and services provided
- u. Failing to provide ILLA J. CONNER with an adequate and clean living space; and
- v. Other acts of negligence to be discovered;

21. As a direct and proximate result of the failure of the Defendant to comply with the requirements of Florida Statute §400.022, and to provide adequate and appropriate and protective support services, ILLA J. CONNER suffered damages including loss of dignity; humiliation; bodily injury; pain and suffering, disability, physical impairment; disfigurement; mental anguish, inconvenience; loss of capacity to enjoy life; discomfort; aggravation of existing diseases or physical defect; medical, hospital and nursing expenses.

WHEREFORE, Plaintiff, ILLA J. CONNER demands any and all compensatory damages available under Florida Law, that were caused by Defendant, THE LILAC AT BAYVIEW's negligence and/or violation of ILLA J. CONNER's resident's rights as stated above.

DEMAND FOR JURY TRIAL

Plaintiff, ILLA J. CONNER, hereby demands trial by jury of all issues so triable as of right as to Defendant.

DATED this 6th day of November, 2025.

Respectfully submitted,

MALLARD & SHARP, P.A.

Counsel for Plaintiff

7685 S.W. 104 Street, Suite 200

Miami, FL 33156

Tel. No.: (305) 461-4800

Fax. No.: (305) 397-2557

Primary E mail: vidian@mslawcenter.com

Secondary E mail: jackie@mslawcenter.com

By: /s/ *Vidian C. Malard*

VIDIAN C. MALLARD, ESQ.

Florida Bar No. 110980