

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

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	:	Chapter 11
In Re:	:	
	:	Case No. 23-90086 (CML)
TEHUM CARE SERVICES, INC.	:	
	:	Jointly Administered
<i>et al.</i> , <sup>1</sup>	:	
Debtor	:	

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**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2024, upon consideration of Movant, Robert Johnson and the Estate of Robert Johnson Jr.’s Motion for Relief from Automatic Stay, it is hereby **ORDERED** and **DECREED** that Movant, Robert Johnson and the Estate of Robert Johnson Jr. is allowed to continue their litigation (Robert Johnson v. City of Philadelphia, *et al.*, Philadelphia County Court of Common Pleas, Case ID. 190301405) against Debtor, Tecum Care Services, Inc. d/b/a Corizon Health, Inc., through trial and judgment against the proceeds of the insurance policy applicable to debtor, Tecum Care Services, Inc. d/b/a Corizon Health, Inc.

BY THE COURT:

\_\_\_\_\_  
J.

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal taxpayer identification number, are: Center City Healthcare, LLC (3341), Philadelphia Academic Health System, LLC (8681), St. Christopher’s Healthcare, LLC (8395), Philadelphia Academic Medical Associates, LLC (8165), HPS of PA, L.L.C. (1617), SCHC Pediatric Associates, L.L.C. (0527), St. Christopher’s Pediatric Urgent Care Center, L.L.C. (6447), SCHC Pediatric Anesthesia Associates, L.L.C. (2326), StChris Care at Northeast Pediatrics, L.L.C. (4056), TPS of PA, L.L.C. (4862), TPS II of PA, L.L.C. (5534), TPS III of PA, L.L.C. (5536), TPS IV of PA, L.L.C. (5537), TPS V of PA, L.L.C. (5540). The Debtors’ mailing address is 216 North Broad Street, 4<sup>th</sup> Floor, Philadelphia, Pennsylvania 19102.



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Debtor	:	

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**MOTION FOR RELIEF FROM AUTOMATIC STAY UNDER SECTION 362 OF THE  
BANKRUPTCY CODE**

1. On or about July 29, 2018, Robert Johnson (“Movant”)<sup>2</sup> suffered a stroke while in the custody of the Philadelphia Department of Prisons and was taken to Hahnemann University Hospital. Over the next ten months, Movant was transferred between Hahnemann University Hospital and other facilities at various times for care and/or supervision. During his stay at Hahnemann University Hospital and the other facilities, Movant developed decubitus ulcers over his entire body, including but not limited to his head, his back, his buttocks, his scrotum, and his legs. The decubitus ulcers became infected. On or about June 19, 2019, Movant passed away as a result of infected decubitus ulcers.

2. On or about March 11, 2019, Movant filed a Complaint bringing suit against Center City Healthcare d/b/a Hahnemann University Hospital, in connection with the aforementioned injuries in the Court of Common Pleas of Philadelphia County, No. 190301405 (“State Court Action”), which remains pending before the Philadelphia County Court of Common Pleas and is stayed as a result of this bankruptcy case. See Complaint as *Exhibit A*.

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<sup>2</sup> Movant’s interests are now represented by the Estate of Robert Johnson Jr., Terrence Wells and La Tanya Wells, Executors, who were appointed Executors by the Philadelphia Register of Wills on February 3, 2022.

3. On or about July 15, 2019, the above-named debtor filed a voluntary Petition under Chapter 11 of the Bankruptcy Code. Thereafter, Movant timely filed Proofs of Claim, namely Claims 4 (Debtor Philadelphia Academic Medical Association, LLC), 12 (Debtor TPS of PA , LLC), 14 (Debtor HPS of PA, LLC), 16 (TPS III of PA, LLC), 16( TPS V of PA, LLC) 28 (Debtor TPS IV of PA, LLC), 51 (Debtor TPS III of PA, LLC), 92 (Debtor Philadelphia Academic Health System, LLC) and 482 (Debtor Center City Healthcare, LLC).

4. By provision of 11 U.S.C. Section 362 all persons are enjoined and stayed from commencing or continuing any suit against the debtor.

5. On the aforesaid date, the debtor maintained an insurance policy, whereby the insured, Tecum Care Services, Inc. d/b/a Corizon Health, Inc., believed it was insured for claims of bodily injury occurring whereby said carrier agreed to pay all sums, in which the debtor should become liable to pay as damages imposed upon it by law for bodily injury.

6. Movant, believes and therefore avers that under said policy the insolvency or bankruptcy of the debtor-insured, or the insolvency of its estate shall not release the insurance company from the payment of damages for injuries sustained during the term of and within the coverage of said policy.

7. In the event a judgment against debtor is recovered by the Movant in the aforementioned claim, and such judgment remains unsatisfied at the expiration of the time stated in the Insurance Laws of the State of Texas, Movant will commence an action against debtor's insurance company and the other named defendants.

8. Therefore, the prosecution of this claim will not reduce or jeopardize the assets of the debtor to the detriment of the creditors in bankruptcy.

9. In the event Movant is permitted to pursue the aforementioned claim he will not file

a claim in this proceeding and/or proceed with the claims which have already been filed.

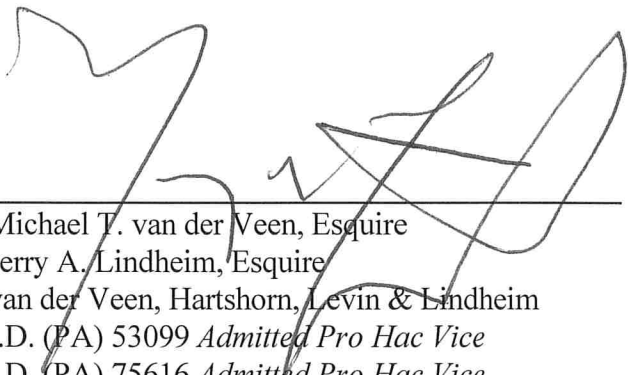
10. Modifying the Automatic Stay will place no undue burden upon the Debtor or the Bankruptcy Estate, but, if not modified, the Movant will suffer extreme prejudice in that he will be unable to pursue his meritorious claims in the State Court Action.

**WHEREFORE**, Movant prays that this Honorable Court grant the within Motion and enter the Proposed Order permitting the stay afforded by 11 U.S.C. Section 362 to be modified so as to permit them to proceed with their case against Tecum Care Services, Inc. d/b/a Corizon Health, Inc., through trial and judgment in an amount not in excess of insurance coverage, in addition to awarding such other and further relief as this Honorable Court deems appropriate and just under the circumstances.

Respectfully submitted,

**VAN DER VEEN, HARTSHORN, LEVIN & LINDHEIM**

BY: \_\_\_\_\_



Michael T. van der Veen, Esquire  
Jerry A. Lindheim, Esquire  
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F: (215) 546-8529  
Attorney for Plaintiff

Dated:

5-6-24

IN THE UNITED STATES BANKRUPTCY COURT  
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In Re:	:	Chapter 11
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TEHUM CARE SERVICES, INC.	:	Case No. 23-90086 (CML)
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<i>et al.</i> , <sup>1</sup>	:	
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Debtor	:	

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**BRIEF IN SUPPORT OF AMENDED MOTION FOR RELIEF  
FROM AUTOMATIC STAY**

**I. FACTS**

On or about July 29, 2018, Movant suffered a stroke while in the custody of the Philadelphia Department of Prisons and was taken to Hahnemann University Hospital. Over the next ten months, Movant was transferred between Hahnemann University Hospital and other facilities at various times for care and/or supervision. During his stay at Hahnemann University Hospital and the other facilities, Movant developed decubitus ulcers over his entire body, including but not limited to his head, his back, his buttocks, his scrotum, and his legs. The decubitus ulcers became infected.

On or about June 19, 2019, Movant passed away as a result of the infected decubitus ulcers. On or about March 11, 2019, Movant filed a Complaint bringing suit against Center City Healthcare d/b/a Hahnemann University Hospital, in connection with the aforementioned injuries in the Court of Common Pleas of Philadelphia County, No. 190301405 (“State Court Action”), which remains pending before the Philadelphia County Court of Common Pleas and is stayed as a result of this bankruptcy case.

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The Bankruptcy Code provides for an automatic stay of all judicial proceedings against a debtor who has filed for bankruptcy protection. This stay is applicable to civil actions arising from personal injury. 11 U.S.C.A. § 362. However, the Code also provides for relief from this automatic stay if cause can be shown. 11 U.S.C.A. § 362(d).

## **II. ARGUMENT**

The Bankruptcy Code provides that the filing of a bankruptcy proceeding imposes an automatic stay of all judicial proceedings at the time of the bankruptcy filing. The automatic stay is “one of the fundamental debtor protections supplied by the Bankruptcy Code.” In re Atlantic Med. Mgmt. Servs., Inc., 387 B.R. 654, 662 (Bankr. E.D. Pa. 2008) (citing University Medical Center v. Sullivan (In re University Medical Center), 973 F.2d 1065, 1074 (3d Cir. 1992)). See also In re Ellis, 339 B.R. 136, 140 n.7 (Bankr. E.D. Pa. 2006) (noting that the automatic stay gives the debtor “a breathing spell from his creditors by stopping all collection efforts, all harassment and all foreclosure actions. It permits the debtor to attempt a repayment or reorganization plan or simply to be free of the financial pressures that drove him into bankruptcy.”). This stay applies to litigation arising out of personal injury claims. See, e.g., In re: A.H. Robbins Company, Inc., 828 F.2d 1023 (4th Cir. 1987).

The code also authorizes the Bankruptcy Court to grant relief from the automatic stay on the request of a party in interest, once cause has been shown. Whether to terminate or modify the bankruptcy stay under section 362(d) is within the discretion of the bankruptcy court and is a determination made by examining the totality of the circumstances. In re Milstein, 304 B.R. 208, 211 (Bankr. E.D. Pa. 2004) (citations omitted). Estimations of "cause" under section 362(d) involve an intentionally broad and flexible inquiry, which permits the Court, as a matter of equity, to respond to inherently fact-sensitive situations. *See In re Texas State Optical, Inc.*, 188 B.R. 552 (Bkrcty. E.D. Tex. 1995). When considering whether to grant such relief, the Bankruptcy Court must evaluate the purpose for the stay, the interest of the bankrupt estate, and the hardship that will be imposed upon the creditor if the relief is not granted. In re: Parkinson, 102 B.R. 141, (Bkrcty. C.D. Ill. 1988).

In the present case, the real party in interest is the Movant, Robert Johnson, by and through the Estate of Robert Johnson, Jr. Absent a relief from the stay so that they may proceed with his action, Movant will be precluded from ever recovering any damages for Movant's injuries against the Defendant's insurance policy. This would be an unjustifiably cruel result.

This motion only seeks relief from the stay so that the Movant may recover against the Defendant's insurance policy. The policy was in full force and effect at the time of the incident. It was specifically purchased to insure against incidents such as the one the Movant suffered.

It has been held that where the debtor or bankrupt estate will suffer no great prejudice from the prosecution of a civil suit and the plaintiff will suffer a hardship by the maintenance of a stay, the motion for relief from a stay should be granted. In re: Bock Laundry Machine Company, 37 B.R. 564 (Bkrcty. N.D. OH. 1984).



The debtor will suffer no hardship from the prosecution of this action, as Movant's prosecution of an action will not affect the assets Tecum Care Services, Inc. d/b/a Corizon Health, Inc..

Tecum Care Services, Inc. d/b/a Corizon Health, Inc.'s insurance company cannot use the proceeds of this policy to pay other creditors, and the insurance policy itself is not imperiled by this action. The debtor and bankruptcy estate will suffer no detrimental effects if this action is allowed to proceed.

For all of the aforementioned reasons, the Movant respectfully requests that this Honorable Court modify the automatic stay to permit them to proceed with their claims up to policy limits, since sufficient cause has been shown, and no hardship to either the debtor or to any other creditor will occur if the stay is modified.

Respectfully submitted,

**VAN DER VEEN, HARTSHORN, LEVIN & LINDHEIM**

BY: 

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Jerry A. Lindheim, Esquire  
van der Veen, Hartshorn, Levin & Lindheim  
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Attorney for Plaintiff

Dated: 5-6-24

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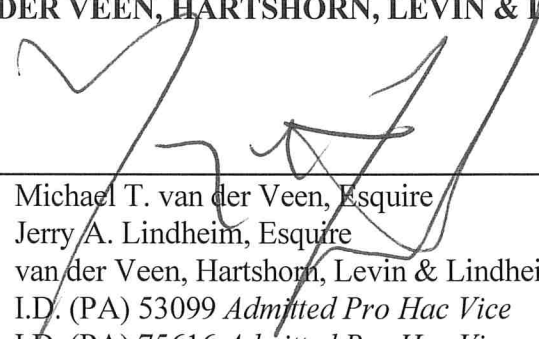
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**VERIFICATION**

I, Jerry A. Lindheim, verify that I am the attorney for Plaintiff herein and that the statements made in the Motion to Compel are true and correct to the best of my knowledge, information and belief.

**VAN DER VEEN, HARTSHORN, LEVIN & LINDHEIM**

**BY:** \_\_\_\_\_



Michael T. van der Veen, Esquire  
 Jerry A. Lindheim, Esquire  
 van der Veen, Hartshorn, Levin & Lindheim  
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 P: (215) 546-1000  
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 Attorney for Plaintiff

Dated: 5-6-24

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*et al.*,<sup>1</sup> : :  
Debtor : :

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**CERTIFICATE OF SERVICE**

I, Jerry A. Lindheim, do hereby certify that service of a true and correct copy of the Motion to Compel Discovery has been served on all parties and counsel of record on today's date via the Court's electronic filing system.

**VAN DER VEEN, HARTSHORN, LEVIN & LINDHEIM**

**BY:** \_\_\_\_\_

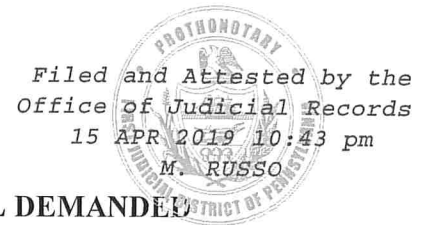
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P: (215) 546-1000  
F: (215) 546-8529  
Attorney for Plaintiff

Dated: 5-2-24

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# EXHIBIT A

VAN DER VEEN, O'NEILL, HARTSHORN & LEVIN  
BY: Michael T. van der Veen  
ID No. 75616  
1219 Spruce Street  
Philadelphia, PA 19107  
P: (215) 546-1000  
F: (215) 546-8529



**JURY TRIAL DEMAND**  
**ATTORNEY FOR PLAINTIFF**

ROBERT JOHNSON :  
7400 Brockton Road, Apt A :  
Philadelphia, PA 19151 :  
Plaintiff, :  
vs. :  
CITY OF PHILADELPHIA :  
c/o Law Department :  
1515 Arch Street :  
Philadelphia, PA 19102 :  
PHILADELPHIA DEPARTMENT :  
OF PRISONS :  
c/o Law Department :  
1515 Arch Street :  
Philadelphia, PA 19102 :  
HAHNEMANN UNIVERSITY :  
HOSPITAL :  
230 North Broad Street :  
Philadelphia, PA 19102 :  
NAZARETH HOSPITAL :  
2601 Holme Avenue :  
Philadelphia, PA 19152 :  
CORIZON HEALTH, INC., T/A :  
PRISON HEALTH SERVICES, INC. :  
7901 State Road :  
Philadelphia, PA 19136 :  
JOHN DOE 1-3, MEDICAL DOCTOR(S):  
AT THE DETENTION CENTER :  
8201 State Road :  
Philadelphia, Pa 19136 :  
\_\_\_\_\_ :

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY  
CIVIL ACTION  
  
MARCH TERM, 2019  
  
No. 01405

JOHN DOE 4-6, MEDICAL NURSE :  
AND/OR PHYSICIAN ASSISTANT(S) :  
AT THE DETENTION CENTER :  
8201 State Road :  
Philadelphia, Pa 19136 :

JOHN DOE 7-9, MEDICAL DOCTOR(S): :  
AT HAHNEMANN HOSPITAL :  
230 North Broad Street :  
Philadelphia, PA 19102 :

JOHN DOE 10-12, MEDICAL NURSE :  
AND/OR PHYSICIAN ASSISTANT(S) :  
AT HAHNEMANN HOSPITAL :  
230 North Broad Street :  
Philadelphia, PA 19102 :

JOHN DOE 13-15, MEDICAL DOCTOR(S): :  
AT NAZARETH HOSPITAL :  
2601 Holme Avenue :  
Philadelphia, PA 19152 :

JOHN DOE 16-18, MEDICAL NURSE :  
AND/OR PHYSICIAN ASSISTANT(S) :  
AT NAZARETH HOSPITAL :  
2601 Holme Avenue :  
Philadelphia, PA 19152 :

Defendants. :

**NOTICE TO DEFEND**

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PHILADELPHIA BAR ASSOCIATION  
LAWYER REFERRAL AND INFORMATION SERVICE  
One Reading Center  
Philadelphia, Pennsylvania 19107  
Telephone: 215-238-6333

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACION DE LICENCIADOS DE FILADELFFIA  
SERVICO DE REFERENCIA E INFORMACION LEGAL  
One Reading Center  
Filadelfia, Pennsylvania 19107  
Telefono: 215-238-6333

VAN DER VEEN, O'NEILL, HARTSHORN & LEVIN

BY: Michael T. van der Veen  
ID No. 75616  
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JURY TRIAL DEMANDED  
ATTORNEY FOR PLAINTIFF

ROBERT JOHNSON  
7400 Brockton Road, Apt A  
Philadelphia, PA 19151

Plaintiff,

vs.

CITY OF PHILADELPHIA  
c/o Law Department  
1515 Arch Street  
Philadelphia, PA 19102

PHILADELPHIA DEPARTMENT  
OF PRISONS  
c/o Law Department  
1515 Arch Street  
Philadelphia, PA 19102

HAHNEMANN UNIVERSITY  
HOSPITAL  
230 North Broad Street  
Philadelphia, PA 19102

NAZARETH HOSPITAL  
2601 Holme Avenue  
Philadelphia, PA 19152

CORIZON HEALTH, INC., T/A  
PRISON HEALTH SERVICES, INC.  
7901 State Road  
Philadelphia, PA 19136

JOHN DOE 1-3, MEDICAL DOCTOR(S):  
AT THE DETENTION CENTER  
8201 State Road  
Philadelphia, Pa 19136

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY  
CIVIL ACTION

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AND/OR PHYSICIAN ASSISTANT(S) :  
AT NAZARETH HOSPITAL :  
2601 Holme Avenue :  
Philadelphia, PA 19152 :  
:  
Defendants. :

**COMPLAINT IN CIVIL ACTION**

1. Plaintiff Robert Johnson (hereinafter referred to as “Plaintiff”) is an adult individual who, at all times relevant hereto, resided at the address indicated above.
2. Defendant City of Philadelphia is a municipal entity existing under the laws of the Commonwealth of Pennsylvania with a principle place of business located at 1515 Arch Street, Philadelphia, PA 19102.
3. Defendant Philadelphia Department of Prisons is a municipal entity existing under the laws of the Commonwealth of Pennsylvania with a principle place of business located at 1515 Arch Street, Philadelphia, PA 19102.



4. Defendant Hahnemann University Hospital is a business, company, partnership entity, fictitious name and/or corporation, with a principle place of business or registered office for the acceptance of service at 230 North Broad Street, Philadelphia, PA 19102.

5. Defendant Nazareth Hospital is a business, company, partnership entity, fictitious name and/or corporation, with a principle place of business or registered office for the acceptance of service at 2601 Holme Avenue, Philadelphia, PA 19152.

6. Defendant, Corizon Health, Inc., t/a Prison Health Services, Inc., (hereinafter referred to as “Corizon Health, Inc.”) is a business, company, partnership entity, fictitious name and/or corporation, with a principle place of business or registered office for the acceptance of service at 7901 State Road, Philadelphia, PA 19136.

7. Defendant, John Doe 1-3 are employed by the Philadelphia Department of Prisons as medical doctors at the Detention Center located at 8201 State Road, Philadelphia, Pennsylvania 19136.

8. Defendant, John Doe 4-6 are employed by the Philadelphia Department of Prisons as medical nurses and/or physician assistants at the Detention Center located at 8201 State Road, Philadelphia, Pennsylvania 19136.

9. Defendant, John Doe 7-9 are employed as medical doctors at Hahnemann University Hospital located at 230 North Broad Street, Philadelphia, PA 19102.

10. Defendant, John Doe 10-12 are employed as medical nurses and/or physician assistants at Hahnemann University Hospital located at 230 North Broad Street, Philadelphia, PA 19102.

11. Defendant, John Doe 13-15 are employed as medical doctors at Nazareth Hospital located at 2601 Holme Avenue, Philadelphia, PA 19152.

12. Defendant, John Doe 16-18 are employed as medical nurses and/or physician assistants at Nazareth Hospital located at 2601 Holme Avenue, Philadelphia, PA 19152.

13. Plaintiff is an inmate with the Philadelphia Department of Prisons, currently detained at the Detention Center located at 8201 State Road, Philadelphia, Pennsylvania 19136.

14. On or about August 7, 2018, Plaintiff suffered a stroke and was taken to Hahnemann University Hospital.

15. Over the next seven months, Plaintiff was transferred between Hahnemann University Hospital, the Detention Center, and Nazareth Hospital at various times for care and/or supervision.

16. During this time and his stays at each of these locations, Plaintiff's care was inadequate and below the standard of care, which caused Plaintiff to develop bed sores over his entire body, including but not limited to his head, his back, his buttocks, and his legs.

17. On or about March 1, 2019, Plaintiff was released from Hahnemann University Hospital and returned to the Detention Center, and is currently situated in the medical wing.

18. Corizon Health, Inc. is the corporation contracted by the City of Philadelphia to provide medical services to inmates housed in the Philadelphia Prison System including the Detention Center.

19. At all times material hereto, there was an obligation on the part of the Defendants to care for and otherwise be responsible for the health and safety of their inmates or patients, more specifically Plaintiff, while dwelling at each institution.

20. At all times material hereto, Defendants acted through their agents, servants, workmen, employees and/or representatives; said individuals acting within the course and scope of their employment and/or agency.

21. At all times material hereto, Defendants herein owed a duty to supervise, care for and otherwise be responsible for the health and safety of their inmates and patients. Specifically, Defendants owed a duty of care to those inmates and patients with physically debilitating conditions such as recovering from a stroke to ensure protection and reasonable accommodations to prevent further injury and ensure proper hygiene.

22. Defendants herein knew and/or should have known of the unique risk of harm posed to Plaintiff by improper hygienic care, specifically bed sores, given Plaintiff's condition and the manner in which Plaintiff came into the care and custody of Defendants.

23. The aforesaid injuries resulted solely from the negligence, carelessness, and deliberate indifference of Defendants and their agents, servants, workmen and/or employees and was due in no manner whatsoever to any act or failure to act on the part of Plaintiff.

**COUNT I - 8<sup>TH</sup> AMENDMENT DENIAL OF MEDICAL CARE**  
**ROBERT JOHNSON**  
**v.**  
**DEFENDANTS, CITY OF PHILADELPHIA,**  
**PHILADELPHIA DEPARTMENT OF PRISONS,**  
**CORIZON HEALTH, INC., T/A PRISON HEALTH SERVICES, INC.,**  
**JOHN DOE 1-3, AND JOHN DOE 4-6.**

24. Plaintiff, Robert Johnson, incorporates herein by reference the above-mentioned paragraphs as though same were set forth at length.

25. At the time of Plaintiff's injuries, Plaintiff was under the care and supervision of the Philadelphia Department of Prisons, the City of Philadelphia, and Corizon Health, Inc. as an inmate of the Detention Center.

26. Defendants John Doe 1-3 and John Doe 4-6 were charged with the responsibility of medical care of Plaintiff while Plaintiff was incarcerated in the Detention Center.

27. The failure of Defendants to provide medical care to Plaintiff constitutes deliberate indifference to the Plaintiff's serious medical needs in violation of the Eighth Amendment's prohibition of cruel and unusual punishment.

**WHEREFORE**, Plaintiff Robert Johnson, demands damages of Defendants, City of Philadelphia, Philadelphia Department of Prisons, Corizon Health, Inc., John Doe 1-3, and John Doe 4-6, jointly and severally, in a sum in excess of Fifty Thousand (\$50,000.00) Dollars, plus costs, interest, attorney's fee, punitive damages and other damages as permitted by law.

**COUNT II – NEGLIGENCE**  
**PLAINTIFF ROBERT JOHNSON**  
**v.**  
**ALL DEFENDANTS**

28. Plaintiff, Robert Johnson, incorporates herein by reference the above-mentioned paragraphs as though same were set forth at length.

29. The negligence and carelessness of Defendants consisted of the following:

- (a) negligently caring for the safety and health of their inmate or patient, Plaintiff Robert Johnson;
- (b) permitting inexperienced and incompetent person(s) to be employed as a health care provider, specifically individuals charged with the care, supervision and protection of Plaintiff;
- (c) failing to act with due care and regard for the health and safety of Plaintiff while in the care and custody of Defendant;
- (d) failing to properly train and supervise its agents, employees, medical providers and/or staff on the procedures and policies regarding stroke patients;
- (e) failing to properly manage and supervise its agents, employees, medical providers and/or staff to ensure compliance with procedure and policies;
- (f) failing to control the acts and conduct of its agents, employees, medical providers and/or staff and instead acquiescing in its agents, employees, medical providers and/or staff negligence and carelessness by failing to attend to Plaintiff;
- (g) establishing, promoting, or endorsing a policy or procedure by which a incapacitated patient can be left unwashed and unattended to while in the care and custody of Defendants;

- (h) failing to establish, promote or otherwise endorse a policy or procedure by which their employees, agents, workman or representatives care for stroke patients, specifically Plaintiff;
- (i) failing to provide adequate and reasonable measures to protect susceptible patients from bed sores, such as Plaintiff;
- (j) failing to recognize the weak and frail state of Plaintiff's health as to understand the unique hazard posed;
- (k) failing to regard the rights, safety and health of Plaintiff during his stays;
- (l) failing to establish, promote or otherwise endorse a policy or procedure which would have protected Plaintiff, an incapacitated patient which Defendants knew or should have known was in a weak condition, from obtaining bed sores;
- (m) failing to adequately monitor Plaintiff under the care and custody of Defendants; and
- (n) violations of standard medical procedures and policies applicable to all health care workers and providers.

30. As a further result of his injuries, specifically his bed sores, Plaintiff was obligated to receive and undergo medical attention and care for his injuries.

31. As a further result of his injuries, Plaintiff suffers severe physical pain, aches, mental anguish and humiliation, inconveniences and a loss of life's pleasures.

32. The negligence, carelessness, and/or deliberate indifference of the Defendants and/or their agents, servants, workmen, employees, representatives, managers and/or independent contractors of Defendants herein which occurred within the course and scope of employment and/or agency with Defendants is imputed to Defendants and therefore Defendants are liable for the same.

**WHEREFORE**, Plaintiff, Robert Johnson, demands damages of all Defendants, jointly and severally, in a sum in excess of Fifty Thousand (\$50,000.00) Dollars, plus interests, costs, and attorney's fees.

**VAN DER VEEN, O'NEILL, HARTSHORN, AND LEVIN**

DATE: 04/15/19

BY: /s/ Michael van der Veen  
Michael T. van der Veen  
Attorney for Plaintiff

**VERIFICATION**

I, the undersigned attorney for Plaintiff, Robert Johnson, hereby verify that the statements made in the foregoing Plaintiff's Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

VAN DER VEEN, O'NEILL, HARTSHORN, and LEVIN

DATE: 04/15/19

By: /s/ Michael van der Veen  
Michael T. van der Veen  
Attorney for Defendant