

FILED

IN THE COURT OF COMMON PLEAS  
LAKE COUNTY, OHIO

2016 SEP 22 P 3:35

Rosa Rideout )  
2644 Larchview Drive )  
Painesville, OH 44077 )

CASE NO.:

MAUREEN G. KELLY  
LAKE CO. CLERK OF COURT

Plaintiff )

JUDGE

-vs- )

COMPLAINT

Nightingale Home Support )  
And Care, Inc. )  
89 Chester Street )  
Painesville, OH 44077 )

16CV001594  
JOHN P O'DONNELL

And )

John Doe 1 through 10, names and )  
addresses unknown at this time, are )  
employees, and/or agents, and/or )  
supervisors, and/or managers, and/or )  
corporate officers )

Defendant )

Now comes Plaintiff and for their Complaint against Defendant Nightingale  
Home Support and Care, Inc. state as follows:

**PARTIES**

1. At all times relevant, Plaintiff Rosa Rideout was citizen of the city of Painesville, County of Lake, State of Ohio.
2. At all times relevant, Defendant Nightingale Home Support and Care, Inc. (herein after "Nightingale") was a duly registered Ohio corporation with entity number 1175588.
3. At all times relevant, Defendant Nightingale is a home health care agency that caters to the needs of affluent retired professionals and older adults who wish to delay or avoid the need for Assisted Living and Nursing Home facilities.

4. John Does 1 through 10, names and addresses unknown to Plaintiff at this time but the Complaint will be amended when this is known, are employees and/or agents and/or corporate officers, and/or LLC members of Defendant Nightingale.

5. At all times relevant, Defendant Nightingale is vicariously responsible for the acts and omissions of any of its agents and employees under the principles of estoppel and/or respondeat superior and/or otherwise.

### FACTS

6. Plaintiff incorporates all preceding paragraphs as if fully restated herein.

7. On or about September 3, 2015, Plaintiff Rosa Rideout contracted with Defendant Nightingale to provide home support and care for Plaintiff Rosa Rideout, to wit – a qualified and competent caregiver.

8. Plaintiff Rideout trusted and was led to believe that Defendant Nightingale was going to provide a qualified and competent caregiver for her.

9. Defendants were trained to know that care of affluent individuals carried special responsibilities and risks, to wit: the need for integrity control checks, the need for criminal background checks, employees having exposure to valuable household items, employees having access to valuable real estate, employees having access to valuable personal items, and employees having access to valuable vehicles.

10. However, rather than provide a competent caregiver, Defendants provided Plaintiff Rideout with a caregiver who has a criminal history of stealing from the elderly.

11. Had Defendants performed even a quick google search on their employee they sent into Plaintiff Rideout's home, they would have discovered her criminal past.

12. They would have also discovered that authorities have called her the 'Sweetheart Swindler' and she has spent much of her time since the 1960s in state and federal prisons in Ohio and Florida for stealing from the elderly.

13. As a result of not performing a background check on the employee/caregiver, Defendants sent into Plaintiff's home, breached the duty it owed to Plaintiff.

14. As a result of this breach, Plaintiff had many of her personal belongings stolen.

**COUNT I  
NEGLIGENT HIRING AND SUPERVISION**

15. Plaintiff incorporates all preceding paragraphs as if fully restated herein.

16. Defendants hired Tonya Weiss as their employee to be a caregiver to the elderly.

17. Defendant Nightingales employee Tonya Weiss was not competent to be a caregiver to the elderly due to her extensive criminal past including specific acts of taking advantage of the elderly.

18. Defendants knew or should have known of Tonya Weiss's criminal history which would have turned up on a background or simple google search.

19. Defendants negligent hiring and supervision of employee Tonya Wise caused damage to plaintiff.

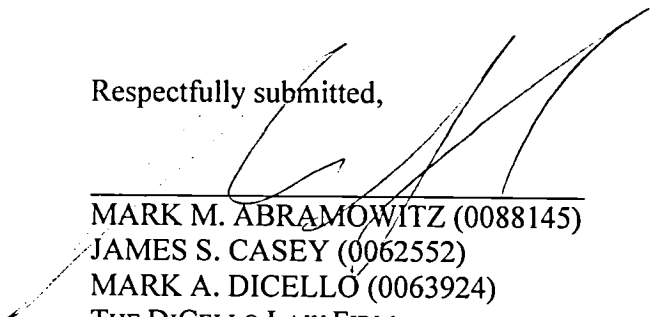
20. Had Defendants hired an appropriate employee to be Plaintiff's caregiver, Plaintiff would not have been injured.

21. These injuries include but are not limited to, the stealing of personal and family belongings, emotional distress, unauthorized expenditures out of Plaintiff's bank account, and the transferring of titles of real property.

WHEREFORE, Plaintiff demands judgment against Defendants jointly and severally, in an amount of excess of Twenty Five Thousand Dollars (\$25,000.00) for

compensatory damages, together with interest, reasonable attorney fees, the costs of this action and whatever further relief this Court deems just and equitable.

Respectfully submitted,



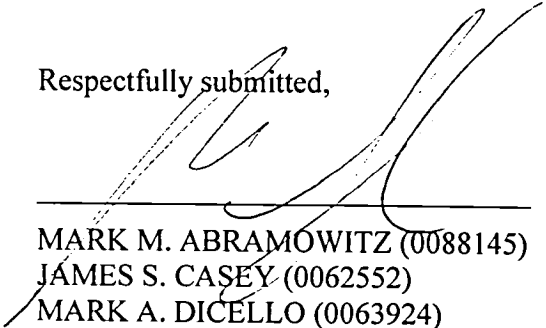
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*Counsel for Plaintiff*

### **JURY DEMAND**

Plaintiff demands a trial by jury with the maximum number of jurors as permitted by law as to all issues in this case.

Respectfully submitted,



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JAMES S. CASEY (0062552)  
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*Counsel for Plaintiff*



**COMMON PLEAS COURT  
LAKE COUNTY, OHIO  
Case Designation Form Loc. R II(C)(1)  
For all cases except Foreclosure**

Rosa Rideout \_\_\_\_\_ Case No. **16CV001594**  
**VS**  
 Nightingale Home Support \_\_\_\_\_ Judge **JOHN P O'DONNELL**

Per LOC R. II (C)(3), refiling of cases previously dis-  
 designation upon the face of the complaint that the action is being refilled. THE WORD  
 "REFILING" must appear in upper case letter under the word "COMPLAINT". Directly  
 beneath the word "REFILING" the complaint shall identify the case number of this dismissed  
 action. Former Case no. \_\_\_\_\_

**Case Categories (Mark one category only)**

- Administrative Appeal (Specific ORC Sec.)** Section \_\_\_\_\_  
**Consumer Sales Practices:** Actions commenced under applicable section of ORC Chapters:  
 109, 1315, 1317, 1321, 1322, 1333, 1334, 1345, 1349, 3953, 4505, 4549, 4710, 4712, 4719,  
 4775, 4905 or 5311
- Contract or Quasi Contract**
  - Criminal**
  - Declaratory Judgment**
  - See Foreclosure Case Designation Form*
  - Foreign Judgment**
  - Malpractice (specify) \_\_\_\_\_**
  - Credit Card (CI)**
  - Personal Injury**
  - Product Liability**
  - Professional Tort**
  - Provisional Remedy (Replevin, Attachment, Garnishment)**
  - Workers Compensation**
  - Other Tort** *Negligent Hiring and Supervision*
  - Other Civil** \_\_\_\_\_

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The designation "money only" may not be used if one of the above specific categories is applicable. Further, the caption shall note any statutory provision that is unique to the particulate cause and controls the time within which the case is to proceed, once filed. (EX. Miscellaneous – Contest of Election (ORC Section 3515.10 – Hearing within 30 days.)

Revised Code Section unique to this particular cause which controls the time within which the case is to proceed: \_\_\_\_\_

\_\_\_\_\_  
**Signature**  
 Mark M. Abramowitz (0088145) \_\_\_\_\_  
**Printed name & Registration No.**  
 The DiCello Law Firm \_\_\_\_\_  
**Firm name**  
 7556 Mentor Avenue, Mentor, OH 44060 \_\_\_\_\_  
**Address**  
 440-953-8888 \_\_\_\_\_  
**Phone number**

**MAUREEN G. KELLY**

**CLERK OF COURTS**

**Lake County Common Pleas Court**

**ATTENTION ALL PARTIES TO THE CASE**

**Whether you are represented by an Attorney or representing yourself in this Legal action, LAKE COUNTY LOCAL COURT RULES require that all participants familiarize themselves with, and follow the requirements of each court.**

**Pre-trial orders and procedures are available on our website at**

**[www.lakecountyohio.gov/coc](http://www.lakecountyohio.gov/coc)**

**Select DOWNLOADS**

**Scroll to PRE-TRIAL ORDERS**

**Select the appropriate pre-trial order/procedure for YOUR respective case and Judge.**

**If you are unable to access or unclear as to which pre-trial order/procedure applies to you, contact the Office of the Clerk of Courts, New Case Department (440.350.2657) during normal business hours and a copy will be immediately mailed to you.**

**Maureen G. Kelly, Clerk of Courts**

Revised 7/1/2013 Pretrial orders