

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT,  
IN AND FOR ESCAMBIA COUNTY, FLORIDA**

JOANNE COOK,  
as co-guardian of the person of  
J■■■■ E■■■■ C■■■■,  
an incapacitated person,

Plaintiff,

Case No.

vs.

NATIONAL MENTOR HEALTHCARE,  
LLC d/b/a FLORIDA MENTOR, and  
d/b/a PENSACOLA CLUSTER, JOYCE  
STOKES, SHANEICE PACE, and  
JENNIFER PROROCK a/k/a JENNIFER  
PROROCK-LOPOSKY,

Defendants.

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**COMPLAINT**

Joanne Cook (“Guardian”), as co-guardian of the person of J■■■■ E■■■■ C■■■■ (“Plaintiff”), an incapacitated person, by and through her undersigned attorneys, sues Defendant, NATIONAL MENTOR HEALTHCARE, LLC d/b/a FLORIDA MENTOR, and d/b/a PENSACOLA CLUSTER, JOYCE STOKES, SHANEICE PACE, and JENNIFER PROROCK a/k/a JENNIFER PROROCK-LOPOSKY, and alleges:

**General Allegations**

1. This is an action for damages and other relief where the amount in controversy exceeds \$15,000, exclusive of interest and costs.
2. This Court has jurisdiction pursuant to Section 26.012(2) of the Florida Statutes.
3. J■■■■ E■■■■ C■■■■ is a resident of Leon County, Florida.

4. Joanne Cook is J. [REDACTED] E. [REDACTED] C. [REDACTED] mother and court-appointed co-guardian. A true and correct copy of the Guardianship Order and Order Approving Acts are attached hereto as **Exhibits 1 and 2.**

5. National Mentor Healthcare, LLC (“National Mentor”), is a foreign limited liability company that is registered with the State of Florida for the purpose of and is conducting business within the State of Florida, using the fictitious name Florida Mentor and doing business as Pensacola Cluster.

6. Joyce Stokes is a resident of the State of Florida.

7. Shaneice Pace is a resident of the State of Florida.

8. Jennifer Prorock a/k/a Jennifer Prorock-Loposky is a resident of the State of Florida.

9. Venue is proper pursuant to Section 47.011, Florida Statutes, in Escambia County, Florida because the cause of action arose in Escambia County, Florida.

#### **Facts Applicable to All Counts**

##### **Plaintiff’s Background**

10. Plaintiff is a developmentally disabled twenty-three (23) year old woman with profound mental retardation, Rett Syndrome, seizure disorder, kyphoscoliosis, gastrostomy, chronic constipation, foot contractures, status post Harrington Rod placement, and a history of aspiration pneumonia, among other things.

11. Plaintiff is non-verbal, immobile, lacks dexterity in her hands and arms, and requires a Gastro-Jejunal tube (“G-J tube”) for feeding, in addition to multiple other physical limitations.

12. Due to Plaintiff's numerous developmental disabilities, Plaintiff was and is totally and completely dependent upon and at the mercy of National Mentor staff.

13. Plaintiff has been determined eligible by the Agency for Persons with Disabilities for services under Chapter 393, Florida Statutes, and therefore is a "client" as defined under Section 393.063(7), Florida Statutes.

### **Defendants' Background**

14. National Mentor and its agents, affiliates and parent or related companies operate a nationwide network of "local health and human services providers in thirty-six states offering an array of community-based services to adults and children with intellectual and developmental disabilities, brain and spinal cord injuries and other catastrophic injuries and illnesses." The Mentor Network, <https://www.thementornetwork.com> (Last visited 12/14/2018).

15. National Mentor operates a facility in Pensacola known as the Pensacola Cluster located at 9460 University Parkway, Pensacola, Florida 32514.

16. Pensacola Cluster is an intermediate care facility for the developmentally disabled (ICFDD) as defined under Section 400.960(6), Florida Statutes.

17. National Mentor holds the license under Section 400.962, Florida Statutes, for its Pensacola Cluster facility, and is certified to provide Medicaid services under 42 C.F.R. § 442.101.

18. Plaintiff resided at National Mentor's Pensacola Cluster facility from September 28, 2010, and remained there until on or about February 7, 2018.

19. While residing at National Mentor's Pensacola Cluster, Plaintiff attended Escambia Westgate School ("Westgate") on week days.

20. Westgate is a school for children and young adults with intellectual and physical disabilities and is operated by the Escambia County School District.

21. National Mentor provided Plaintiff transportation to and from Westgate. Westgate is the only place Plaintiff went. Plaintiff was under the control and supervision of National Mentor while she was at Pensacola Cluster, and while she was being transported to and from Westgate. The only time Plaintiff was not under National Mentor's supervision and control is when she was at Westgate.

22. Defendant, Jennifer Prorock a/k/a Jennifer Prorock-Loposky ("Prorock"), is and was an employee of National Mentor under the title of Area Director, Administrator, and/or Financial Officer for National Mentor's Pensacola Cluster facility at all times pertinent to this Complaint.

23. Defendant, Joyce Stokes ("Stokes"), is and was an employee of National Mentor under the title of Director of Nursing for National Mentor's Pensacola Cluster facility at all times pertinent to this Complaint.

24. Defendant, Shaneice Pace ("Pace"), is and was an employee of National Mentor under the title of Assistant Director of Nursing for National Mentor's Pensacola Cluster facility at all times pertinent to this Complaint.

25. In late January 2018, Westgate employees observed behavioral changes in Plaintiff. Westgate employees when changing Plaintiff's diapers observed physical injuries including bruising on Plaintiff's hip. Westgate only permits females to attend to females when changing diapers and has video coverage outside of the changing rooms.

26. On February 1, 2018, Westgate notified National Mentor of Plaintiff's behavioral changes and physical injuries.

27. Upon information and belief, on February 1, 2018, Westgate staff specifically spoke to Defendant Stokes via telephone and notified her of Plaintiff's behavioral changes and physical injuries.

28. Upon information and belief, on February 5, 2018, Westgate staff again spoke to Defendant Stokes via telephone and notified her of Plaintiff's physical injuries.

29. Upon information and belief, despite being notified of Plaintiff's physical injuries twice by Westgate, Defendant Stokes failed to report Plaintiff's physical injuries to the Florida Adult Abuse Hotline, failed to notify the physician responsible for Plaintiff's care, failed to seek and/or provide medical treatment to care for Plaintiff's physical injuries, failed to investigate Plaintiff's physical injuries and the cause(s) thereof, and failed to take any action to protect Plaintiff from future abuse or neglect.

30. Westgate staff also sent an email notifying National Mentor of Plaintiff's physical injuries on or about February 5, 2018.

31. Upon information and belief, on or about February 5, 2018, Defendant Prorock received an email from Westgate staff which notified her of Plaintiff's physical injuries.

32. Upon information and belief, despite being notified of Plaintiff's physical injuries by Westgate via email, Defendant Prorock failed to report Plaintiff's physical injuries to the Florida Adult Abuse Hotline, failed to notify the physician responsible for Plaintiff's care, failed to seek and/or provide medical treatment to care for Plaintiff's physical injuries, failed to investigate Plaintiff's physical injuries and the cause thereof, and failed to take any action to protect Plaintiff from future abuse or neglect until pressed by the Adult Protective Services Investigator.

33. Upon information and belief, on February 6, 2018, Westgate staff again contacted National Mentor and spoke to Defendant Pace via telephone.

34. Upon information and belief, despite being notified of Plaintiff's physical injuries by Westgate, Defendant Pace failed to report Plaintiff's physical injuries to the Florida Adult Abuse Hotline, failed to notify the physician responsible for Plaintiff's care, failed to seek and/or provide medical treatment to care for Plaintiff's physical injuries, failed to investigate Plaintiff's physical injuries and the cause thereof, and failed to take any action to protect Plaintiff from future abuse or neglect until Adult Protective Services became involved.

35. National Mentor repeatedly failed to investigate the claims made by Westgate and failed to provide Plaintiff with medical care until February 6, 2018.

36. On February 6, 2018, Plaintiff was seen at the Pensacola Cluster facility by Dr. Manning Hanline who ordered an x-ray on Plaintiff's left hip.

37. On February 7, 2018, Plaintiff was taken to Baptist Hospital for an x-ray of her hip and it was discovered that her hip was broken.

38. On February 7, 2018, Plaintiff was taken from Baptist Hospital by ambulance and admitted to Sacred Heart Hospital.

39. Surgery to repair Plaintiff's hip was scheduled for February 8, 2018.

40. On February 8, 2018, prior to her surgery, hospital staff administered a routine pre-operation pregnancy test to Plaintiff which indicated Plaintiff was pregnant.

41. On February 8, 2018, a sexual assault exam was performed on Plaintiff. The exam revealed significant bruising on her outer hip, left inner thigh, and left calf. The exam also confirmed that she was pregnant, and identified the presence of lacerations and bruising on

Plaintiff's vagina and hymenal ring. Due to the nature of her developmental disabilities, Plaintiff is physically incapable of causing such injury to herself.

42. Due to her developmental disabilities Plaintiff is unable to knowingly and voluntarily give consent to sexual intercourse and she has been declared legally incompetent.

43. As a result of what transpired at the Pensacola Cluster and to protect Plaintiff from additional misconduct at the hands of National Mentor, Joanne Cook transferred Plaintiff to a different facility.

**COUNT I – NATIONAL MENTOR  
VIOLATION OF SECTION 3(A) OF THE BILL OF RIGHTS OF PERSONS WITH  
DEVELOPMENTAL DISABILITIES**

44. Plaintiff incorporates the allegations contained in paragraphs 1 through 43 above.

45. Plaintiff is a person with developmental disabilities.

46. As a person with developmental disabilities, Section 393.13(3)(a), Florida Statutes, grants Plaintiff the right to “dignity, privacy, and humane care, including the right to be free from abuse, including sexual abuse, neglect, and exploitation.”

47. National Mentor violated Plaintiff's rights under Section 393.13(3)(a), Florida Statutes, in the following ways:

- a. While Plaintiff was in National Mentor's care, custody, and control, Plaintiff's hip was broken to the extent it required surgery and the placement of screws to repair it.
- b. While Plaintiff was in National Mentor's care, custody, and control, Plaintiff was raped at least one time and impregnated. In addition to pregnancy, the rape caused lacerations and bruising to Plaintiff's vagina and hymenal ring. Plaintiff's behavior has also changed since the rape including crying and apparent nightmares.

- c. While Plaintiff was in National Mentor's care, custody, and control, National Mentor failed to provide Plaintiff with humane care and committed neglect when it failed to adequately investigate the information relayed to it by Westgate.
- d. While Plaintiff was in National Mentor's care, custody, and control, National Mentor failed to provide Plaintiff with humane care and committed neglect when it failed to provide medical care to Plaintiff after Westgate notified it of Plaintiff's injuries.

48. As a direct and proximate result of National Mentor's actions, Plaintiff suffered physical injuries including a broken hip, lacerations and bruising to her vagina, lacerations and bruising to her hymenal ring, impregnation, and miscarriage, as well as severe emotional distress, pain, and suffering.

49. In addition to suffering physical injuries as a result of National Mentor's actions, Plaintiff has incurred medical expenses, both past and future, and consequential damages resulting from the necessary transfer from the Pensacola Cluster.

50. National Mentor is liable for its violations of Plaintiff's rights under Section 393.13(5), Florida Statutes.

WHEREFORE, Plaintiff requests an award of compensatory damages against National Mentor, including the costs of this action, interest, together with such other relief as the Court deems just and proper.

**COUNT II – NATIONAL MENTOR  
VIOLATION OF SECTION 3(G) OF THE BILL OF RIGHTS OF PERSONS WITH  
DEVELOPMENTAL DISABILITIES**

- 51. Plaintiff incorporates the allegations contained in paragraphs 1 through 43 above.
- 52. Plaintiff is a person with developmental disabilities.



53. As a person with developmental disabilities, Section 393.13(3)(g), Florida Statutes, grants Plaintiff the right “to be free from harm, including unnecessary physical, chemical, or mechanical restraint, isolation, excessive medication, abuse, or neglect.”

54. National Mentor’s violated Plaintiff’s rights under Section 393.13(3)(g), Florida Statutes, in the following ways:

- a. While Plaintiff was in National Mentor’s care, custody, and control, Plaintiff’s hip was broken to the extent it required surgery and the placement of screws to repair it.
- b. While Plaintiff was in National Mentor’s care, custody, and control, Plaintiff was raped and impregnated. In addition to pregnancy, the rape caused lacerations and bruising to Plaintiff’s vagina and hymenal ring. Plaintiff’s behavior has also changed since the rape including crying and apparent nightmares.
- c. While Plaintiff was in National Mentor’s care, custody, and control, National Mentor failed to provide Plaintiff with humane care and committed neglect when it failed to adequately investigate the information relayed to it by Westgate.
- d. While Plaintiff was in National Mentor’s care, custody, and control, National Mentor failed to provide Plaintiff with humane care and committed neglect when it failed to provide medical care to Plaintiff after Westgate notified it of Plaintiff’s injuries.

55. As a direct and proximate result of National Mentor’s actions, Plaintiff suffered physical injuries including a broken hip, lacerations and bruising to her vagina, lacerations and bruising to her hymenal ring, impregnation, and miscarriage, as well as severe emotional distress, pain, and suffering.

56. In addition to suffering physical injuries as a result of National Mentor's actions, Plaintiff has incurred medical expenses, both past and future, and consequential damages resulting from the necessary transfer from the Pensacola Cluster.

57. National Mentor is liable for its violations of Plaintiff's rights under Section 393.13(5), Florida Statutes.

WHEREFORE, Plaintiff requests an award of compensatory damages against National Mentor, including the costs of this action, interest, and such other relief as the Court deems just and proper.

**COUNT III – NATIONAL MENTOR  
VIOLATION OF SECTION 4(C) OF THE BILL OF RIGHTS OF PERSONS WITH  
DEVELOPMENTAL DISABILITIES**

58. Plaintiff incorporates the allegations contained in paragraphs 1 through 43 above.

59. Plaintiff is a person with developmental disabilities who has been determined eligible to receive services under Chapter 393 by the Agency for Persons with Disabilities and is therefore a "client" of the Agency for Persons with Disabilities as defined under Section 393.063(7), Florida Statutes.

60. As a client of the Agency for Persons with Disabilities, Section 393.13(4)(c), Florida Statutes, grants Plaintiff "the right to receive prompt and appropriate medical treatment and care for physical and mental ailments and for the prevention of any illness or disability."

61. National Mentor violated Plaintiff's rights under Section 393.13(3)(c), Florida Statutes, in the following ways:

- a. While Plaintiff was in National Mentor's care, custody, and control, Plaintiff's hip was broken to the extent it required surgery and the placement of screws to repair it.

- b. While Plaintiff was in National Mentor's care, custody, and control, Plaintiff was raped and impregnated. In addition to pregnancy, the rape caused lacerations and bruising to Plaintiff's vagina and hymenal ring. Plaintiff's behavior has also changed since the rape including crying and apparent nightmares.
- c. While Plaintiff was in National Mentor's care, custody, and control, National Mentor failed to provide Plaintiff with humane care and committed neglect when it failed to adequately investigate the information relayed to it by Westgate.
- d. While Plaintiff was in National Mentor's care, custody, and control, National Mentor failed to provide Plaintiff with humane care and committed neglect when it failed to provide medical care to Plaintiff after Westgate notified it of Plaintiff's injuries.

62. As a direct and proximate result of National Mentor's actions, Plaintiff suffered physical injuries including a broken hip, lacerations and bruising to her vagina, lacerations and bruising to her hymenal ring, impregnation, and miscarriage, as well as severe emotional distress, pain, and suffering.

63. In addition to suffering physical injuries as a result of National Mentor's actions, Plaintiff has incurred medical expenses, both past and future, and consequential damages resulting from the necessary transfer from the Pensacola Cluster.

64. National Mentor is liable for its violations of Plaintiff's rights under Section 393.13(5), Florida Statutes.

WHEREFORE, Plaintiff requests an award of compensatory damages against National Mentor, including the costs of this action, interest, and such other relief as the Court deems just and proper.

**COUNT IV – NATIONAL MENTOR  
ABUSE, NEGLECT, OR EXPLOITATION OF A VULNERABLE ADULT**

65. Plaintiff incorporates the allegations contained in paragraphs 1 through 43 above.

66. Plaintiff is a person eighteen (18) years of age or older whose ability to perform the normal activities of daily living or to provide for her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability.

67. Plaintiff has a mental impairment that causes her to lack sufficient understanding or capacity to make or communicate responsible decisions concerning person or property.

68. Due to her mental impairment, Plaintiff lacks capacity to provide consent.

69. Plaintiff was sexually abused while in the care, custody and control of the National Mentor.

70. Plaintiff was raped, impregnated, suffered a miscarriage, and suffered lacerations and bruising to her vagina and hymenal ring.

71. Plaintiff was neglected and abused in the following ways:

- a. While Plaintiff was in National Mentor's care, custody, and control, Plaintiff's hip was broken to the extent it required surgery and the placement of screws to repair it.
- b. While Plaintiff was in National Mentor's care, custody, and control, Plaintiff was raped and impregnated. In addition to pregnancy, the rape caused lacerations and bruising to Plaintiff's vagina and hymenal ring. Plaintiff's behavior has also changed since the rape including crying and apparent nightmares.
- c. While Plaintiff was in National Mentor's care, custody, and control, National Mentor failed to provide Plaintiff with humane care and committed neglect when it failed to adequately investigate the information relayed to it by Westgate.

d. While Plaintiff was in National Mentor's care, custody, and control, National Mentor failed to provide Plaintiff with humane care and committed neglect when it failed to provide medical care to Plaintiff after Westgate notified it of Plaintiff's injuries.

72. As direct and proximate a result of National Mentor's actions, Plaintiff suffered physical injuries including a broken hip, lacerations and bruising to her vagina, lacerations and bruising to her hymenal ring, impregnation, and miscarriage, as well as severe emotional distress, pain, and suffering.

73. Plaintiff has retained the undersigned attorneys and is obligated to pay those attorneys for their representation in this action.

74. Pursuant to Section 415.1111, Florida Statutes, Plaintiff is entitled to an award of actual damages, and of reasonable attorney's fees and costs of the action.

75. In addition to suffering physical injuries as a result of National Mentor's actions, Plaintiff has incurred medical expenses, both past and future, and consequential damages resulting from the necessary transfer from the Pensacola Cluster.

WHEREFORE, Plaintiff requests an award of damages against National Mentor, including actual damages, reasonable attorney's fees, interest, and the costs of this action, together with such other relief as the Court deems just and proper.

**COUNT V – NATIONAL MENTOR  
NEGLIGENCE**

76. Plaintiff incorporates the allegations contained in paragraphs 1 through 43 above.

77. As an intermediate care facility for the developmentally disabled licensed under Section 400.962, Florida Statutes, and Medicaid provider certified under 42 C.F.R. § 442.101, National Mentor had a duty to provide Plaintiff with a safe living environment which ensured she was free from abuse and neglect, including physical, verbal, sexual or psychological abuse or

punishment, to thoroughly investigate all allegations of mistreatment, neglect or abuse, and to prevent further potential abuse while any investigation is in progress.

78. National Mentor breached those duties in the following ways:

- a. While Plaintiff was in National Mentor's care, custody, and control, Plaintiff's hip was broken to the extent it required surgery and the placement of screws to repair it.
- b. While Plaintiff was in National Mentor's care, custody, and control, Plaintiff was raped and impregnated. In addition to pregnancy, the rape caused lacerations and bruising to Plaintiff's vagina and hymenal ring. Plaintiff's behavior has also changed since the rape including crying and apparent nightmares.
- c. While Plaintiff was in National Mentor's care, custody, and control, National Mentor failed to thoroughly investigate the abuse allegations relayed to it by Westgate and failed to take any action to prevent further abuse to Plaintiff.
- d. While Plaintiff was in National Mentor's care, custody, and control, National Mentor failed to provide Plaintiff with appropriate and necessary medical care after Westgate notified it of Plaintiff's injuries.

79. As a direct and proximate result of National Mentor's negligent actions, Plaintiff suffered physical injuries including a broken hip, lacerations and bruising to her vagina, lacerations and bruising to her hymenal ring, impregnation, and miscarriage, as well as severe emotional distress, pain, and suffering.

80. In addition to suffering physical injuries as a result of National Mentor's actions, Plaintiff has incurred medical expenses, both past and future, mental anguish, pain and suffering and the loss of enjoyment of life, and consequential damages resulting from the necessary transfer from the Pensacola Cluster.

WHEREFORE, Plaintiff requests an award of compensatory damages against National Mentor, including the costs of this action, interest, and such other relief as the Court deems just and proper.

**COUNT VI - STOKES**  
**ABUSE, NEGLECT, OR EXPLOITATION OF A VULNERABLE ADULT**

81. Plaintiff incorporates the allegations contained in paragraphs 1 through 43 above.

82. Plaintiff is a person eighteen (18) years of age or older whose ability to perform the normal activities of daily living or to provide for her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability.

83. Plaintiff has a mental impairment that causes her to lack sufficient understanding or capacity to make or communicate responsible decisions concerning person or property.

84. As an employee of National Mentor, Defendant Stokes was a “caregiver” as defined under Section 415.102, Florida Statutes.

85. Defendant Stokes was notified of Plaintiff’s physical injuries twice by Westgate.

86. Defendant Stokes committed neglect against Plaintiff when she failed to provide Plaintiff with the care, supervision, and services necessary to maintain Plaintiff’s physical and mental health.

87. Defendant Stokes also failed to make a reasonable effort to protect Plaintiff from the abuse, neglect, or exploitation of others.

88. Defendant Stokes committed neglect against Plaintiff in the following ways:

- a. Defendant Stokes failed to report Plaintiff’s physical injuries to the Florida Adult Abuse Hotline.
- b. Defendant Stokes failed to notify the physician responsible for Plaintiff’s care of Plaintiff’s physical injuries.

- c. Defendant Stokes failed to seek and/or provide medical treatment to care for Plaintiff's physical injuries.
- d. Defendant Stokes failed to investigate Plaintiff's physical injuries and the cause(s) thereof.
- e. Defendant Stokes failed to take any action to protect Plaintiff from future abuse or neglect.

89. As a direct and proximate result of Defendant Stokes's actions, Plaintiff suffered physical injuries, as well as severe emotional distress, pain, and suffering.

90. Plaintiff has retained the undersigned attorneys and is obligated to pay those attorneys for their representation in this action.

91. Pursuant to Section 415.1111, Florida Statutes, Plaintiff is entitled to an award of actual damages, and of reasonable attorney's fees and costs of the action.

92. In addition to suffering physical injuries as a result of Defendant Stokes's actions, Plaintiff has incurred medical expenses, both past and future, and consequential damages resulting from the necessary transfer from the Pensacola Cluster.

WHEREFORE, Plaintiff requests an award of damages against Defendant Stokes, including actual damages, reasonable attorney's fees, interest, and the costs of this action, together with such other relief as the Court deems just and proper.

**COUNT VII - PACE  
ABUSE, NEGLECT, OR EXPLOITATION OF A VULNERABLE ADULT**

93. Plaintiff incorporates the allegations contained in paragraphs 1 through 43 above.

94. Plaintiff is a person eighteen (18) years of age or older whose ability to perform the normal activities of daily living or to provide for her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability.



95. Plaintiff has a mental impairment that causes her to lack sufficient understanding or capacity to make or communicate responsible decisions concerning person or property.

96. As an employee of National Mentor, Defendant Pace was a “caregiver” as defined under Section 415.102, Florida Statutes.

97. Defendant Pace was notified of Plaintiff’s physical injuries by Westgate.

98. Defendant Pace committed neglect against Plaintiff when she failed to provide Plaintiff with the care, supervision, and services necessary to maintain Plaintiff’s physical and mental health until Adult Protective Services became involved.

99. Defendant Pace also failed to make a reasonable effort to protect Plaintiff from the abuse, neglect, or exploitation of others until Adult Protective Services became involved.

100. Defendant Pace committed neglect against Plaintiff in the following ways:

- a. Defendant Pace failed to report Plaintiff’s physical injuries to the Florida Adult Abuse Hotline.
- b. Defendant Pace failed to notify the physician responsible for Plaintiff’s care of Plaintiff’s physical injuries.
- c. Defendant Pace failed to seek and/or provide medical treatment to care for Plaintiff’s physical injuries.
- d. Defendant Pace failed to investigate Plaintiff’s physical injuries and the cause(s) thereof.
- e. Defendant Pace failed to take any action to protect Plaintiff from future abuse or neglect.

101. As a direct and proximate result of Defendant Pace’s actions, Plaintiff suffered physical injuries, as well as severe emotional distress, pain, and suffering.

102. Plaintiff has retained the undersigned attorneys and is obligated to pay those attorneys for their representation in this action.

103. Pursuant to Section 415.1111, Florida Statutes, Plaintiff is entitled to an award of actual damages, and of reasonable attorney's fees and costs of the action.

104. In addition to suffering physical injuries as a result of Defendant Pace's actions, Plaintiff has incurred medical expenses, both past and future, and consequential damages resulting from the necessary transfer from the Pensacola Cluster.

WHEREFORE, Plaintiff requests an award of damages against Defendant Pace, including actual damages, reasonable attorney's fees, interest, and the costs of this action, together with such other relief as the Court deems just and proper.

**COUNT VIII - PROROCK  
ABUSE, NEGLECT, OR EXPLOITATION OF A VULNERABLE ADULT**

105. Plaintiff incorporates the allegations contained in paragraphs 1 through 43 above.

106. Plaintiff is a person eighteen (18) years of age or older whose ability to perform the normal activities of daily living or to provide for her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability.

107. Plaintiff has a mental impairment that causes her to lack sufficient understanding or capacity to make or communicate responsible decisions concerning person or property.

108. As an employee of National Mentor, Defendant Prorock was a "caregiver" as defined under Section 415.102, Florida Statutes.

109. Defendant Prorock was notified of Plaintiff's physical injuries by Westgate.

110. Defendant Prorock committed neglect against Plaintiff when she failed to provide Plaintiff with the care, supervision, and services necessary to maintain Plaintiff's physical and mental health until pressed to do so by Adult Protective Services.

111. Defendant Prorock also failed to make a reasonable effort to protect Plaintiff from the abuse, neglect, or exploitation of others until pressed to do so by Adult Protective Services.

112. Defendant Prorock committed neglect against Plaintiff in the following ways:

- a. Defendant Prorock failed to report Plaintiff's physical injuries to the Florida Adult Abuse Hotline.
- b. Defendant Prorock failed to notify the physician responsible for Plaintiff's care of Plaintiff's physical injuries.
- c. Defendant Prorock failed to seek and/or provide medical treatment to care for Plaintiff's physical injuries.
- d. Defendant Prorock failed to investigate Plaintiff's physical injuries and the cause(s) thereof.
- e. Defendant Prorock failed to take any action to protect Plaintiff from future abuse or neglect.

113. As a direct and proximate result of Defendant Prorock's actions, Plaintiff suffered physical injuries, as well as severe emotional distress, pain, and suffering.

114. Plaintiff has retained the undersigned attorneys and is obligated to pay those attorneys for their representation in this action.

115. Pursuant to Section 415.1111, Florida Statutes, Plaintiff is entitled to an award of actual damages, and of reasonable attorney's fees and costs of the action.

116. In addition to suffering physical injuries as a result of Defendant Prorock's actions, Plaintiff has incurred medical expenses, both past and future, and consequential damages resulting from the necessary transfer from the Pensacola Cluster.

WHEREFORE, Plaintiff requests an award of damages against Defendant Pace, including actual damages, reasonable attorney's fees, interest, and the costs of this action, together with such other relief as the Court deems just and proper, and a trial by jury on all issues so triable.

Respectfully submitted this 15th day of January, 2019.

*/s/ James R. Green, Jr.* \_\_\_\_\_

**JASON W. PETERSON**

Florida Bar No.: 174701

**JAMES R. GREEN, JR.**

Florida Bar No.: 0047326

**KELSEY K. STONE**

Florida Bar No.: 0096144

CLARK PARTINGTON

Post Office Box 13010 (32591)

125 East Intendencia Street

Pensacola, Florida 32502

Telephone: (850) 434-9200

Fax: (850) 432-7340

*Attorneys for Plaintiff*

# EXHIBIT 1

IN THE CIRCUIT COURT IN AND FOR ESCAMBIA COUNTY, FLORIDA  
PROBATE/GUARDIANSHIP DIVISION

IN RE: THE GUARDIANSHIP OF:

J [REDACTED] E [REDACTED] C [REDACTED],

CASE NO. 2014-GA-000063  
DIVISION:

Incompetent.

ORDER APPOINTING PLENARY CO-GUARDIANS OF THE PERSON

On the Petition of MICHAEL COOK and JOANNE COOK for appointment as plenary co-guardians of the person J [REDACTED] E [REDACTED] C [REDACTED] (the Ward), the Court finding that the Ward is totally incapacitated as adjudicated by Order of this Court entered October 28, 20 14, and that it is necessary for a plenary co-guardians to be appointed for the person of the Ward, it is:

ADJUDGED as follows:

1. MICHAEL COOK and JOANNE COOK are qualified to serve and are hereby appointed plenary co-guardians of the person of JACLYN ELEANOR COOK.

2. Upon taking the prescribed Oath, filing Designation of Resident Agent and Acceptance and entering into a bond in the amount of \$ 0 payable to the Governor of the State of Florida and to his successors in office, conditioned on the faithful performance of all duties by the co-guardians, Letters of Guardianship shall be issued.

ORDERED this 28<sup>th</sup> day of October, 2014.

  
CIRCUIT COURT JUDGE

Conformed copies to:

Larry D. Kellar, Esquire via e-service at LDKlegalsecretary@yahoo.com  
Karen Lessard, Esquire via e-service at KLLatty@aol.com

# EXHIBIT 2

IN THE CIRCUIT COURT FOR ESCAMBIA COUNTY,  
PROBATE / GUARDIANSHIP DIVISION

IN RE: GUARDIANSHIP OF  
J [REDACTED] E [REDACTED] C [REDACTED],

File No.: 2014 GA 000063

Ward.

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**ORDER AUTHORIZING ACTIONS**

This matter came before the Court on Co-Guardian Joanne Cook's Petition for Approval of Acts and First and Second Petitions Order Approving Change of Ward's Residence, and the Court having reviewed the petitions, the Court file, and being fully advised in the premises, it is:

ORDERED AND AJUDGED:

1. Co-Guardian Joanne Cook is authorized to take all actions reasonably necessary to investigate, prosecute, and conclusively resolve any potential claims the Ward may have relating to the facts detailed in the confidential statement of facts attached as Exhibit A to the Petition for Approval of Acts, with the consultation of Co-Guardian Michael Cook pursuant to section 744.361(8), Florida Statutes.
2. Co-Guardian Joanne Cook's retention of Clark Partington Law Firm to investigate, prosecute, and conclusively resolve the Ward's claims as stated in paragraph 1 above is hereby authorized and approved.
3. The contingency fee agreement between Co-Guardian Joanne Cook and Clark Partington Law Firm is reasonable, in compliance with Rule 4-1.5 of the Rules Regulating the Florida Bar, and approved by the Court.

DONE AND ORDERED in Pensacola, Escambia County, Florida, this \_\_\_\_ day of September, 2018.



eSigned by Michael Jones, Sr. Circuit Judge, 1st Judicial Circuit in 2014 GA 000063 on 10/04/2018 14:42:08 vLOSQkmo

Conformed copies to:

James R. Green, Jr., Esq. (jgreen@clarkpartington.com; tmanley@clarkpartington.com)



Kelsey K. Stone, Esq. (kstone@clarkpartington.com)  
Christopher Crawford, Esq. (chris@bettercallchris.net)