

IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT, IN AND FOR  
CLAY COUNTY, FLORIDA

CASE NO.:

DIVISION:

FRED MOONEYHAM, as Personal  
Representative of the Estate of DOROTHY MOONEYHAM,  
FRED MOONEYHAM, Individually, and  
PATTI MOONEYHAM, Individually,

Plaintiffs,

vs.

ORANGE PARK MEDICAL CENTER, INC.,

Defendant.

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**PLAINTIFFS' COMPLAINT**

Plaintiffs, FRED MOONEYHAM, as Personal Representative of the Estate of DOROTHY MOONEYHAM ("Estate of Mooneyham"), FRED MOONEYHAM individually, and PATTI MOONEYHAM, individually, sue Defendant, ORANGE PARK MEDICAL CENTER, INC. ("OPMC"), and allege as follows:

1. This an action for damages which exceed \$15,000.00, exclusive of interest and costs.
2. At all material times, Defendant, OPMC, operated a hospital in Orange Park, Clay County, Florida.

3. At all material times Fred Mooneyham and Patti Mooneyham were and are the children of Dorothy Mooneyham.

4. On or about November 13, 2015, Dorothy Mooneyham was admitted to OPMC where she remained until December 11, 2015.

5. During her admission to OPMC, Dorothy Mooneyham's mouth and other parts of her body became infested with maggots on multiple occasions.

6. At all material times, the nurses, aides, therapists and technicians who provided care to Dorothy Mooneyham at OPMC were agents of or were operating within the course and scope of their employment with OPMC and OPMC is vicariously liable for their actions.

7. At all material times, the janitorial, maintenance, and other hospital staff responsible for maintaining the hospital in a safe and sanitary condition were agents of or were operating within the course and scope of their employment with OPMC and OPMC is vicariously liable for their actions.

8. Fred Mooneyham is the Personal Representative of the Estate of Dorothy Mooneyham and is authorized to bring this action on behalf of the Estate. A copy of the Letters of Administration is attached hereto as Exhibit "A".

**COUNT I – ABUSE AND NEGLECT OF VULNERABLE ADULT**

9. Plaintiff, Estate of Mooneyham, realleges paragraphs 1 through 8 herein.

10. On or about November 25, 2015, during her admission to OPMC, Dorothy Mooneyham went into cardiac arrest after which she was mentally and physically impaired and unable-to-perform-the-normal-activities-of-daily-living-or-provide-for-her

own care or protection, rendering her a vulnerable adult as defined in Chapter 415, Florida Statutes.

11. After Dorothy Mooneyham became a vulnerable adult, OPMC, through its employees, became her caregiver as defined in Chapter 415, Florida Statutes, by retaining Dorothy Mooneyham as a patient and assuming the responsibility of providing her with frequent and regular care and services including, but not limited to, shelter, nutrition, hygienic services and medical services.

12. During the period in which OPMC served as Dorothy Mooneyham's caregiver, it abused and neglected her in violation of Chapter 415, Florida Statutes, in the following ways:

- a. Allowing Dorothy Mooneyham's mouth and other areas of her body to become infested with maggots on multiple occasions;
- b. Failing to maintain the hospital's ICU in a safe and sanitary condition to prevent Dorothy Mooneyham from becoming infested with maggots;
- c. Allowing flies into the hospital's ICU which laid eggs upon Dorothy Mooneyham and developed into maggots;
- d. Failing to provide Dorothy Mooneyham with appropriate oral care, bathing, and other hygienic services to prevent her from becoming infested with maggots;
- e. Failing to remove maggots from Dorothy Mooneyham after they infested her;

- f. Failing to implement appropriate policies and procedures to prevent blow flies from gaining entry into the hospital's ICU; and
- g. Allowing Dorothy Mooneyham to remain for extended periods of time in inappropriate, slumped over positions making it difficult for her to breathe.

13. As a direct and proximate result of the abuse and neglect of Dorothy Mooneyham as alleged herein, she suffered bodily injury, pain and suffering, emotional distress, aggravation of pre-existing injuries, and loss of enjoyment of life. Dorothy Mooneyham and her family also incurred obligations to provide and pay for varied services, including medical care and medications. In addition, Dorothy Mooneyham and her family suffered other damages as permitted under Chapter 415, Florida Statutes, including attorney's fees and costs of this action.

WHEREFORE, Plaintiff, Estate of Mooneyham, seeks judgment for compensatory damages, attorney's fees, and costs of this action.

**COUNT II – INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS**

14. Plaintiffs, Fred Mooneyham and Patti Mooneyham, reallege paragraphs 1 – 13 herein.

15. Fred Mooneyham and Patti Mooneyham visited their mother, Dorothy Mooneyham, on an almost daily basis during her admission to OPMC.

16. During that time, OPMC intentionally and/or recklessly failed to provide appropriate hygienic services to Dorothy Mooneyham and intentionally and/or recklessly

failed to maintain the ICU in a safe and sanitary condition such that Dorothy Mooneyham became infested with maggots.

17. During Dorothy Mooneyham's admission to OPMC, Fred Mooneyham and Patti Mooneyham learned that their mother had been infested with maggots on multiple occasions and saw one or more maggots which had infested her body.

18. After being assured by OPMC that all maggots had been removed from their mother, her bed, and her room, and that appropriate steps would be taken to prevent further maggot infestations, OPMC again intentionally and/or recklessly failed to provide appropriate hygienic services to Dorothy Mooneyham and intentionally and/or recklessly failed to maintain the ICU in a safe and sanitary condition resulting in at least one additional maggot infestation which her children, Fred Mooneyham and Patti Mooneyham, learned of and/or witnessed.

19. OPMC knew or should have known that its extreme and outrageous conduct noted above would cause severe emotional distress to Fred Mooneyham and Patti Mooneyham.


20. As a direct and proximate result of the actions of OPMC noted above, Fred Mooneyham and Patti Mooneyham suffered severe emotional distress and other statutorily permitted damages.

WHEREFORE, Plaintiffs, Fred Mooneyham and Patti Mooneyham, seek judgment for compensatory damages and costs of this action.

**DEMAND FOR JURY TRIAL**

Plaintiffs demand a trial by jury on all issues so triable.

HARDESTY, TYDE, GREEN & ASHTON, P.A.



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# *EXHIBIT "A"*

IN THE CIRCUIT COURT  
FOR CLAY COUNTY, FLORIDA

PROBATE DIVISION  
File Number: 2016-CP-000102  
Division:

IN RE: ESTATE OF  
  
DOROTHY M. MOONEYHAM  
  
Deceased.

*LETTERS OF ADMINISTRATION*

TO ALL WHOM IT MAY CONCERN

WHEREAS, DOROTHY M. MOONEYHAM, a resident of Clay County, Orange Park, Florida, died on December 14, 2015, owning assets in the State of Florida, and

WHEREAS, FRED MOONEYHAM has been appointed personal representative of the estate of the decedent and has performed all acts prerequisite to issuance of Letters of Administration in the estate,

NOW, THEREFORE, I, the undersigned circuit judge, declare FRED MOONEYHAM duly qualified under the laws of the State of Florida to act as personal representative of the estate of DOROTHY M. MOONEYHAM, deceased, with full power to administer the estate according to law; to ask, demand, sue for, recover and receive the property of the decedent; to pay the debts of the decedent as far as the assets of the estate will permit and the law directs; and to make distribution of the estate according to law.

ORDERED on April 13, 2016.

TARA S. GREEN  
CLERK OF THE CIRCUIT COURT  
CLAY COUNTY, FLORIDA  
A CERTIFIED COPY, and the  
same is in full force and effect.

DATE: June 17, 2016  
BY: Holly Ricks, D.C.



[Signature]  
Circuit Judge