

IN THE CIRCUIT COURT OF THE 17th JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

DARREN CARUSO,

Plaintiff,

Case No.:

vs.

HIGH RIDGE MANAGEMENT
CORP., a Florida Profit Corporation,
HOLLYWOOD PAVILION, LLC a
Florida Limited Liability Corporation,
HOLLYWOOD HILLS
REHABILITATION CENTER, LLC,
a Florida Limited Liability Company,

Defendants. /

COMPLAINT & DEMAND FOR JURY TRIAL

COMES NOW the Plaintiff, DARREN CARUSO ("Plaintiff") by and through the undersigned counsel, and files this Complaint against HIGH RIDGE MANAGEMENT CORP. ("HRMC") HOLLYWOOD PAVILION, LLC ("HP") and HOLLYWOOD HILLS REHABILITATION CENTER, LLC ("HHRC") (collectively "Defendants") and states as follows:

PARTIES

1. Plaintiff is an adult individual who resides in Broward County, Florida.
2. Defendants are Florida companies/corporations that operate and conduct business in, among others, Broward County, Florida, and are therefore, within the jurisdiction of this Court.
3. Defendants currently are in receivership, but continue to operate on a day to day basis.

JURISDICTION AND VENUE

4. This is an action for damages exceeding \$15,000.00, exclusive of attorneys' fees, interest and costs.

5. This Court has jurisdiction over Plaintiff's claims because, at all times material to this Complaint, Plaintiff worked for Defendants in Broward County, Florida.

6. The illegal conduct complained of and the resultant injury occurred within the judicial district in and for Broward County, Florida.

STATEMENT OF FACTS

7. In approximately October 2012, Plaintiff was named as Defendant HP and HRMC's CEO/CFO, after the arrest and/or indictment of the former CEO for fraud.

8. In January 2014, due to a non monetary mortgage default, a receiver was appointed to oversee and operate the finances of Defendants' operations.

9. Defendants operate, among other things, a psychiatric hospital, and skilled nursing facility in Hollywood, Florida.

10. Defendants employ in excess of 200 employees who perform services on their behalf.

11. In April 2014, Jon Steinmeyer ("Steinmeyer") was appointed as Defendants' new Receiver, and he appointed Larkin Hospital to manage Hollywood Pavillion.

12. After these appointments, Plaintiff, while retaining the title of CEO/CFO, was told only to work on the financial aspects of Defendants' operations (as CFO) for HP, and not the day to day operations as CEO for HP. Plaintiff continued to maintain global responsibility for HHRC, however.

13. Shortly after this transition in approximately May/June 2014, Plaintiff began noticing that Steinmeyer and Larkin Hospital were engaging in improper and illegal acts such as improper usage of Defendant's funds.

14. In mid June 2014, Plaintiff specifically determined that Defendant (through Steinmeyer and Larkin Hospital management), were not providing the appropriate therapy to psychiatric patients and/or documenting same as required by Florida law.

15. After fully investigating same, Plaintiff, in mid June 2014, reported and objected to this illegal (or perceived illegal) conduct directly to Steinmeyer, and told him that Defendants were violating, or that Plaintiff reasonably believed Defendants were violating, the Code of Federal Regulations governing Defendants (which apply as Defendants were seeking Joint Commission Accreditation which required that federal standards be followed because if such Accreditation did not occur, it would jeopardize licensure and future Medicare licensure) specifically, 42 C.F.R. 482.61(c)(1)(iii); 482.61(c)(1)(v); 482.61(c)(2); 482.61(d); 482.62; 482.62(a)(3); and 482.62(e) and (g), and Florida Statutes, 394.459 2(b) and 2(d), and 395.302.

16. In response to this, Steinmeyer, in mid to late July 2014, after allegedly investigating Plaintiff's concerns over the course of several weeks, dismissed Plaintiff's objections.

17. After Plaintiff reviewed the investigative results, Plaintiff again objected to Steinmeyer and advised that Defendants had illegally altered patient medical charts to feign compliance with federal and state regulations identified above. Plaintiff also advised Steinmeyer at this time that he believed Defendants' conduct to be "a self-reporting event" to AHCA and or Joint Commission, and that Defendants were required

to legally report same. In immediate response to this additional objection raised by Plaintiff, Steinmeyer, illegally stripped Plaintiff of his CEO title and told Plaintiff to "mind his own business."

18. Subsequent to this demotion, Plaintiff continued to raise his objections to the manner in which Steinmeyer and Larkin Hospital were mismanaging and engaging in illegal conduct through the remainder of his employment.

19. Not surprisingly, on September 18, 2014, Defendants (through Steinmeyer) terminated Plaintiff's employment without valid cause or reason, and as a direct result of his opposition to, and reporting of, Defendants' illegal (or perceived illegal) conduct and violation of federal and state laws, rules, and/or regulations.

FLORIDA'S PRIVATE WHISTLEBLOWER ACT – UNLAWFUL RETALIATION

20. Plaintiff realleges and incorporates all allegations contained within Paragraphs 1-19 of the Complaint as if fully set forth herein.

21. On September 18, 2014, Defendants illegally terminated Plaintiff from his employment in violation of Section 448.102, Fla. Stat.

22. As a result of Defendants' intentional, willful and unlawful actions, Plaintiff has suffered damages, including but not limited to lost wages, lost benefits, lost employment status, as well as humiliation, pain and suffering and other monetary and non-monetary losses.

WHEREFORE, Plaintiff requests a judgment in his favor and against Defendants for his actual and compensatory damages, including front pay and back pay, as well as his costs and attorneys' fees, declaratory and injunctive relief and such other relief deemed proper by this Court.

JURY DEMAND

Plaintiff hereby requests that upon trial of this action, all issues be submitted to and determined by a jury except those issues expressly reserved by law for determination by the Court.

Dated this 1 day of February 2015.

By:

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