

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS**

Justin Roberson,)	
as Administrator of the Estate of)	
Michael Steward, Jr., deceased,)	
)	No. 21L0343
Plaintiff,)	
)	
v.)	
)	
Swansea Rehabilitation & Health Center)	
and SSM Health St. Mary's Hospital,)	
)	
Defendants.)	
)	

COMPLAINT AT LAW

NOW COMES, the Plaintiff, Justin Roberson, as Administrator of the Estate of Michael Steward, Jr., deceased, by and through his attorneys, Kelly & Bracey Law Offices, and in complaining of the Defendants Swansea Rehabilitation & Health Center and SSM Health St. Mary Hospital, alleges and states as follows:

PARTIES

1. At all times material hereto, Plaintiff Justin Roberson was an adult individual residing in Knox County, Illinois and the brother of Michael Steward, Jr., deceased.
2. Justin Roberson, was appointed the Administrator of the Estate of Michael Steward, Jr. on October 19, 2020. Order attached hereto as Exhibit A.
3. At all times material hereto, Defendant Swansea Rehabilitation & Health Care Center (hereinafter referred to as Swansea) was a nursing home in Illinois.

4. At all times material hereto Defendant SSM Health St. Mary's Hospital (hereinafter referred to as St. Mary's Hospital) was a hospital located at 6420 Clayton Road, St. Louis, MO 63117-1811.

GENERAL ALLEGATIONS OF FACT

5. On or about March and April 2019 Michael Steward, Jr. received medical care and nursing home services from Swansea and St. Mary's Hospital.

6. On or about March and April 2019, and at all times mentioned herein duly authorized employee and/or agent of Swansea and St. Mary's Hospital provided medical care and nursing home services to Michel Steward,

7. On or about March and April 2019, and at all times relevant hereto, physicians and nurses staffed at Swansea and St. Mary's Hospital were authorized apparent agents of Defendants and was acting within the scope of his apparent agency.

8. On or about March and April 2019, and at all times relevant hereto, Plaintiff and Michael Steward, Jr. were never informed that the physicians, nurses, and assistants were not agents of Defendants.

9. On or about March and April 2019, and at all times relevant hereto, Plaintiff and Michael Steward, Jr. reasonably relied upon Defendants to provide Michael Steward, Jr. with complete medical care and nursing service

10. Michael Steward suffered from urinary track infection while in the care of Defendants.

11. Defendants caused the urinary track infection by improperly using a catheter or contributed to the worsening of the urinary track infection by failing to properly monitor and treat the infection.

12. On April 12, 2019, Michael Steward Jr. died of acute hypoxic respiratory failure.

13. On and about March and April 2019, and at all times relevant hereto, Defendants had the duty to possess and use the knowledge, skill, and care ordinarily used by a reasonably careful physicians, nurses, hospitals, and nursing homes in the same or similar circumstances.

14. On or about March and April 2019, and at all times relevant hereto, Defendants were professionally negligent in the following ways:

a. failed to take reasonable steps to see that appropriate medical attention was given to Michael Steward, Jr. when it was known, or should have been known, that such care was urgently needed;

b. Failed to provide necessary treatment and services to Michael Steward to minimize physical and mental harm;

c. Failed to properly use the catheter and monitor urinary track infection.

d. Failed to prevent acute hypoxic respiratory failure.

e. Failed to monitor Mr. Stewards airways to make sure they were not obstructed.

f. Caused or contributed to the acute hypoxic respiratory failure by causing obstruction to Mr. Steward's airways.

15. Michael Steward, Jr. died on April 12, 2019 as a result of the negligent medical care and nursing home services.

COUNT I: WRONGFUL DEATH

1-15. The Plaintiff incorporates Paragraphs one (1) through fifteen (15) of this Complaint, by reference, as if the same were set forth in its entirety herein.

16. The Plaintiff, Justin Roberson, as Administrator of the Estate of Michael Steward, Jr., deceased, brings this action pursuant to the provisions of the Illinois Wrongful Death Act (740 ILCS 180/1, et. seq.).

17. The injuries and damages as sustained by the Plaintiff as set forth herein were directly and proximately caused by and resulted from the Defendants breach of their legal responsibilities and duties for which the Defendants are liable.

18. The Plaintiff, Justin Roberson, and Michael Steward, Jr.'s heirs will continue to suffer the loss of society, comfort, companionship and all other losses of a personal and pecuniary nature.

WHEREFORE, the Plaintiff, Justin Roberson, as Administrator of the Estate of Michael Steward, Jr., deceased, prays for judgment against the Defendants Swansea Rehabilitation & Health Center and SSM Health St. Mary Hospital, in an amount in excess of \$50,000.

COUNT II: SURVIVAL ACT

1-15. The Plaintiff incorporates Paragraphs one (1) through fifteen (15) of this Complaint, by reference, as if the same were set forth in its entirety herein.

16. The Plaintiff, Justin Roberson, as Administrator of the Estate of Michael Steward, Jr., deceased, brings this action pursuant to the provisions of the Illinois Survival Act (755 ILCS 5/27-6, et. seq.).

17. The injuries and damages as sustained by Michael Steward, Jr. as set forth herein were directly and proximately caused by and resulted from the Defendants breach of their legal responsibilities and duties for which they are liable.

18. The decedent Michael Steward suffered damages including pain and suffering, loss of normal life, medical expenses, and then death.

19. Michael Steward, Jr. suffered abuse and neglect under the Nursing Home Care Act, 210 ILCS 45.

WHEREFORE, the Plaintiff, Justin Roberson, as Administrator of the Estate of Michael Steward, Jr., deceased, prays for judgment against the Defendants Swansea Rehabilitation & Health Center and SSM Health St. Mary Hospital, in an amount in excess of \$50,000

Respectfully submitted,

s/ Michael G. Kelly

Michael G. Kelly
Attorney for the Plaintiff

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Affidavit Pursuant To Illinois Supreme Court Rule 222(b)

Pursuant to the Illinois Code of Civil Procedure Section 1-109, the undersigned certifies that to the best of his knowledge the damages sought in this matter exceed Fifty Thousand Dollars (\$50,000.00).

s/Michael G. Kelly

4-9-2021

Michael G. Kelly

DATE

Affidavit

Pursuant to Illinois Code of Civil Procedure Section 1-109 the undersigned certifies the following statements:

1. I am the trial attorney in this matter.
2. I was unable to obtain the physicians report pursuant to Section 2-622 before the statute of limitations in this matter.
3. I was unable to obtain a consultation required by paragraph 1 of 753 ILCS 5/2-622 because a statute of limitations would impair the action.