

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA

ESTATE OF XAIVEN WILLIAMS,  
by and through LINDA WILLIAMS,  
Personal Representative,

Plaintiff,

v.

CASE NO.: 2021 CA 000988

PENSACOLA CARE, INCORPORATED and  
QUEST MANAGEMENT GROUP, INC.,

Defendants.

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**COMPLAINT**

Plaintiff, ESTATE OF XAIVEN WILLIAMS, by and through LINDA WILLIAMS, Personal Representative, and by and through the undersigned attorneys, hereby sues Defendants, PENSACOLA CARE, INCORPORATED and QUEST MANAGEMENT GROUP, INC., and alleges:

**Jurisdiction, Venue, and Parties**

1. This is an action for damages in excess of Thirty Thousand Dollars (\$30,000.00).
2. Plaintiff, LINDA WILLIAMS, is Personal Representative of the ESTATE OF XAIVEN WILLIAMS. A copy of her Letters of Administration is attached hereto as Exhibit "A."
3. Defendant PENSACOLA CARE, INCORPORATED is a Florida corporation, active and doing business in Tallahassee, Leon County, Florida.

4. Defendant PENSACOLA CARE, INCORPORATED was, at all times material hereto, the licensee of the Intermediate Care facility known as "Tallahassee Developmental Center" (or "TDC") located at 455 Appleyard Drive, Tallahassee, Leon County, Florida, during XAIVEN WILLIAMS' period of residency. Defendant PENSACOLA CARE, INCORPORATED owed a duty to XAIVEN WILLIAMS to exercise reasonable care in its policies, procedures, oversight and operation of that facility.

5. Defendant QUEST MANAGEMENT GROUP, INC. is a Florida corporation, active and doing business in Tallahassee, Leon County, Florida.

6. Defendant QUEST MANAGEMENT GROUP, INC. was a management company of, and provided extensive services at, the facility known as Tallahassee Developmental Center during all or part of XAIVEN WILLIAMS' residency.

7. Defendant QUEST MANAGEMENT GROUP, INC. was substantially involved in the operation of, management of, and/or consultation with the facility known as Tallahassee Developmental Center during all or part of XAIVEN WILLIAMS' residency. Defendant QUEST MANAGEMENT GROUP, INC. owed a duty to XAIVEN WILLIAMS to exercise reasonable care in its management and other activities that pertain to the facility.

#### **Factual Background**

8. XAIVEN WILLIAMS was admitted to Tallahassee Developmental Center facility as a residential client on or about August 6, 2019. MR. WILLIAMS was visually and cognitively impaired, non-verbal, and had a number of other medical conditions, including static quadriplegia and cortical blindness, that rendered him totally dependent on TDC staff for the performance of all his activities of daily living (ADLs). He remained in the sole

custody and control of Tallahassee Developmental Center, except for an intermittent hospitalization, until his death on June 22, 2020.

9. At the time of his admission to TDC, and throughout the entirety of his admission, XAIVEN WILLIAMS had a feeding tube, and all of his medications, nutrition and fluids were delivered through his feeding tube; he was strict "NPO" status, meaning that he was to take nothing by mouth. Further, he had poor lip closure, delayed swallow, difficulty with secretions and thus had a tendency to drool and this required diligence by his caretakers in order to effectuate aspiration precautions, as well as keep him clean and maintain his dignity as much as reasonably possible. Necessary aspiration precautions also included a requirement that he be positioned upright while fed, and that the head of his bed or chair remain elevated about 30 degrees for at least 45 minutes after the tube feeding administration of nutrition or fluids.

10. On the evening of November 20, 2019, XAIVEN WILLIAMS was administered his tube feeding at about 8pm (20:00), but he was laid down too soon thereafter, resulting in aspiration. At 2:25 am on the morning of November 21, 20219, staff found that he was clammy, with nasal congestion a cough, watery eyes, and was having difficulty breathing. EMS was summoned. EMTs reported that TDC staff told them he began having acute respiratory distress in the last hour, but had a mucus sound to throat all night; they found him to have oxygen saturation of 90% on room air, and placed him on a nasal cannula. TDC staff admitted to EMTs that his last tube feeding was around 20:00 and may have been laid down too quickly afterwards; they were concerned that he may have an aspiration. He was taken to Capital Regional Medical Center (CRMC) where he was found to be suffering

from aspiration pneumonitis and acute respiratory failure with hypoxia. He was discharged back from CRMC to the TDC facility on or about November 25, 2019.

11. On the morning of June 22, 2020, XAIVEN WILLIAMS was scheduled to be administered his tube feeding at about 9am (09:00), but when the staff entered his room, they found him sitting in his wheelchair with his head tilted to the right side, his breaths were short and labored, his skin was very cold to the touch, he was extremely lethargic, and he would not keep his eyes open. When staff attempted to get his blood pressure, oxygen saturation level and heart rate, she was unable to obtain these critical vital signs. EMS was summoned and arrived at about 9:26am, where they found MR. WILLIAMS to still be lethargic, cold to touch and difficult to arouse. He was again taken to CRMC where he was found to be in critical condition due to septic shock due to aspiration pneumonia. Unfortunately, his condition was too far advanced for treatment to be effective, the CRMC medical team was unable to revive or save him, he went into cardiac arrest, and he died. His final diagnosis was septic shock due to aspiration pneumonia causing circulatory collapse and cardiac arrest.

12. XAIVEN WILLIAMS died at CRMC on June 22, 2020.

**COUNT I**  
**Statutory Chapter 415 Violations as against**  
**PENSACOLA CARE, INCORPORATED**

13. Plaintiff paragraphs 1 through 12 as if they were set forth fully herein.

14. At all times material hereto, XAIVEN WILLIAMS, was a “vulnerable adult” as defined by §415.102 (27), Florida Statutes.

15. Defendant’s agents and employees had been entrusted with, and had assumed responsibility for XAIVEN WILLIAMS’s frequent and regular care on a permanent or

temporary basis, and they undertook and agreed to provide his care during the entirety of his residency in the Tallahassee Developmental Center, and as such were his “caregivers” (as that term is defined by §415.102(5), Fla. Stat.), and thus owed XAIVEN WILLIAMS a duty to provide services in a reasonably manner, and to otherwise protect XAIVEN WILLIAMS from neglect (as that term “neglect” is defined in §415.102(16), Fla. Stat.).

16. As the persons responsible for neglecting and allowing the abuse of XAIVEN WILLIAMS, Defendant’s agents and employees are “perpetrators” for purposes of §415.1111, Florida Statutes.

17. Pursuant to §415.1111, Florida Statutes, a vulnerable adult who has been neglected by a caregiver has a cause of action against any perpetrator and may recover damages, both actual and punitive, for such conduct.

18. Defendant’s agents and employees, neglected (as that term is defined by §415.102(16), Fla. Stat.) XAIVEN WILLIAMS by their failures and/or omissions which include, but are not necessarily limited to the following:

- (a) failing to take the necessary and appropriate steps to provide for the ongoing physical and mental health of XAIVEN WILLIAMS, specifically including, but not limited to, keeping his bed or chair elevated for an appropriate time following the administration of nutrition and hydration, so as to prevent aspiration;
- (b) failing to make provision for XAIVEN WILLIAMS to receive appropriate care, supervision and services necessary for the maintenance of his physical health;
- (c) failing to adequately and appropriately monitor XAIVEN WILLIAMS’ condition after his last feeding on June 21, 2020 and the early morning hours of June 22, 2020, so as to recognize the early signs and symptoms of his aspiration pneumonia;

- (d) failing to otherwise take adequate and appropriate steps to provide XAIVEN WILLIAMS with a living environment free from abuse and neglect;
- (e) failing to hire, train, and retain qualified personnel;
- (f) failing to provide and/or implement adequate and appropriate policies and procedures to protect residents such as XAIVEN WILLIAMS from abuse and neglect.

19. As a direct and proximate result of the neglect described herein, XAIVEN WILLIAMS suffered serious physical and psychological injury, some of which caused injury, and the last events which caused or substantially contributed to causing his death.

#### **Damages**

20. As a result of the neglect of XAIVEN WILLIAMS as described above, LINDA WILLIAMS, as Personal Representative of the ESTATE OF XAIVEN WILLIAMS, seeks actual damages (and reserves the right to seek punitive damages at such time as is appropriate) for the neglect of XAIVEN WILLIAMS.

21. LINDA WILLIAMS also seeks the recovery of attorneys' fees and costs pursuant to §415.1111, Florida Statutes.

WHEREFORE, Plaintiff demands judgment for actual damages against this Defendant PENSACOLA CARE, INCORPORATED, costs of the action, and attorney's fees. Plaintiff further demands a trial by jury.

**COUNT II**  
**Statutory Violations Under Chapter 393, Florida Statutes,**  
**against Defendants**  
**PENSACOLA CARE, INCORPORATED and**  
**QUEST MANAGEMENT GROUP, INC.**

22. The realleges paragraphs 1 through 12 above, as if they were set forth fully herein.

23. XAIVEN WILLIAMS was an individual within the class of people which §393.13, Florida Statutes, is designed to protect.

24. Pursuant to §393.13(3)(a), Florida Statutes, XAIVEN WILLIAMS had the right to dignity, privacy, and humane care including the right to be free from abuse, neglect and exploitation.

25. Pursuant to §393.13(3)(c), Florida Statutes, XAIVEN WILLIAMS had the right to receive services which protect his personal liberty and are provided in the least restrictive conditions necessary to achieve the purposes of treatment.

26. Pursuant to §393.13(3)(g), Florida Statutes, XAIVEN WILLIAMS had the right to be free from harm, including the right to be free from abuse and/or neglect.

27. Pursuant to §393.13(4)(c), Florida Statutes, XAIVEN WILLIAMS had the right to receive medical treatment and care for the prevention of any illness, consistent with accepted standards in the community.

28. Defendants, PENSACOLA CARE, INCORPORATED and QUEST MANAGEMENT GROUP, INC. violated XAIVEN WILLIAMS' statutory rights, including but not limited to those rights described above, by their acts and omissions including but not limited to the following:

- (a) failing to take adequate and appropriate steps to protect XAIVEN WILLIAMS's right to dignity;
- (b) failing to take adequate and appropriate steps to protect XAIVEN WILLIAMS's right to privacy;
- (c) failing to take adequate and appropriate steps to provide for XAIVEN WILLIAMS's right to receive humane care, free from neglect;
- (d) failing to take adequate and appropriate steps to provide for XAIVEN WILLIAMS's right to receive services which protect his personal

liberty in the least restrictive condition, so as to meet his physical emotional and social needs;

- (e) failing to take adequate and appropriate steps to protect XAIVEN WILLIAMS from preventable harm (such as aspirations);
- (f) failing to hire, train, and retain qualified personnel;
- (g) failing to provide and/or implement adequate and appropriate policies and procedures to provide for XAIVEN WILLIAMS' rights, including but not limited to his right to be free from neglect.

29. Defendants also had vicarious liability for the negligent acts and omissions of all persons or entities under the Defendants' control, either direct or indirect, including their employees, agents, and consultants.

30. The duty alleged in the immediately preceding paragraphs include, but is not limited to, proper training and supervision, proper hiring, background and referral checks, and proper retaining and dismissing of employees, agents, consultants, and independent contractors.

31. As a result of these violations of or his rights, Defendants, PENSACOLA CARE, INCORPORATED and QUEST MANAGEMENT GROUP, INC. are liable for damages as determined by law, as set forth in §393.13(5), Florida Statutes.

32. PENSACOLA CARE, INCORPORATED and QUEST MANAGEMENT GROUP, INC.'s violation of XAIVEN WILLIAMS' rights as protected by §393.13, Fla. Stat., was negligence *per se*.

33. As a direct and proximate result of DEFENDANTS' violation of XAIVEN WILLIAMS' rights as protected by §393.13, Fla. Stat., XAIVEN WILLIAMS suffered injury and harm.

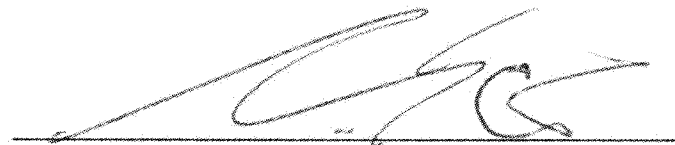


### **Damages**

34. As a result of the Defendant's violation of XAIVEN WILLIAMS' rights as protected by §393.13, Fla. Stat., Defendants caused, or contributed substantially to causing XAIVEN WILLIAMS bodily injury and resulting pain and suffering, disability or physical impairment, disfigurement, mental anguish, inconvenience, loss of capacity for the enjoyment of life, the expense of medical and nursing care and treatment, and the aggravation of his previous existing conditions.

WHEREFORE, Plaintiff demands judgment for damages against Defendants PENSACOLA CARE, INCORPORATED, and QUEST MANAGEMENT GROUP, INC., costs, and such relief as may be otherwise appropriate. Plaintiff further demands a trial by jury.

**BROOKS, LeBOEUF, FOSTER, GWARTNEY,  
LEACE & HOBBS, P.A.**



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IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA

IN RE: ESTATE OF  
XAVIEN WILLIAMS,

PROBATE DIVISION  
CASE NO.: 2021 CP 281

Deceased.

**LETTERS OF ADMINISTRATION  
(single personal representative)**

TO ALL WHOM IT MAY CONCERN

WHEREAS, XAVIEN WILLIAMS, a resident of LEON County, Florida, died on JUNE 22, 2020, owning assets in the State of Florida, and

WHEREAS, LINDA WILLIAMS 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 LINDA WILLIAMS duly qualified under the laws of the State of Florida to act as personal representative of the estate of XAVIEN WILLIAMS deceased, with full power to administer the estate according to law; to ask, demand, sue for, recover and receive the property of the decedent; and to establish an estate bank account to hold all liquid assets of the estate. All distributions from the estate account and real property must be authorized by Order of the Court.

ORDERED on this \_\_\_\_\_ day of April, 2021.



eSigned by Anthony Miller 04/19/2021 10:28:02 DqV36pA

Circuit Judge

