



IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

HEATHER RENEE COX, as Personal Representative and Administratrix of the Estate of **MATTHEW CHARLES COX**, deceased,

Plaintiff,

v.

CIVIL ACTION NO.

02-CV-2018-_____

NEW WAY OUT, CORPORATION; FRENCH RESIDENTIAL FACILITIES, INC.; ALTAPOINTE HEALTH SYSTEMS, INC.; ALTAPOINTE HEALTHCARE MANAGEMENT, LLC; A, B, C, D, E, F and/or G, the persons, firms or corporations responsible for the housing, care and support of **MATTHEW COX** at the times and places made the basis of this lawsuit; **H, I, J, and/or K**, the persons, firms and/or corporations who assigned, controlled, supervised and/or trained the persons responsible for providing housing, care and support to **MATTHEW COX** at the times and places made the basis of this lawsuit; **L, M and/or N**, any other persons, firms or corporations whose actions and/or inactions contributed to the death of **MATTHEW COX**; all of whose true names and legal identities are otherwise unknown to the Plaintiff at this time, but who will be added by amendment when ascertained, individually and jointly,

Defendants.

COMPLAINT

Plaintiff HEATHER RENEE COX, as Personal Representative and Administratrix of the Estate of MATTHEW CHARLES COX, deceased, files this Complaint against Defendants NEW WAY OUT, CORPORATION; FRENCH RESIDENTIAL FACILITIES, INC.; ALTAPOINTE HEALTH SYSTEMS, INC.; ALTAPOINTE HEALTHCARE MANAGEMENT, LLC; and fictitious defendants A through N; individually and jointly, as follows:

PARTIES

1. Plaintiff **HEATHER RENEE COX** is a resident of the State of Alabama, is over the age of nineteen (19) years, and is the biological mother of Matthew Charles Cox, deceased. Heather Cox was a Legal Guardian of Matthew Cox for his entire life.

2. **MATTHEW CHARLES COX** was autistic. As a result of his autism, Matthew Cox had special needs and disabilities. On October 27, 2018, at the age of twenty-one, Matthew Cox was killed as a direct result of blunt force trauma.

3. On November 5, 2018, Heather Renee Cox was appointed as the Personal Representative and Administratrix of the Estate of Matthew Charles Cox, deceased. A copy of the Letters of Administration appointing Heather Cox as the Personal Representative of the Estate of Matthew Cox, deceased, is appended hereto as Exhibit A.

4. Defendant **NEW WAY OUT, CORPORATION** (sometimes referred to hereinafter as “New Way Out” or “Defendant” or included within the term “Defendants”) is a domestic corporation that is presently and was at all times material hereto, a legal entity doing business in Mobile County, Alabama. Defendant New Way Out was involved in the ownership, operation, management, staffing, training, support, oversight and/or control of

a special needs home located at 5329 Colonial Circle South, where Matthew Cox was a special needs resident at the time of his death.

5. Defendant **FRENCH RESIDENTIAL FACILITIES, INC.** (sometimes referred to hereinafter as “French Residential Facilities” or “Defendant” or included within the term “Defendants”) is a domestic corporation that is presently and was at all times material hereto, a legal entity doing business in Mobile County, Alabama. Defendant French Residential Facilities was involved in the ownership, operation, management, staffing, training, support, oversight and/or control of a special needs home located at 5329 Colonial Circle South, where Matthew Cox was a special needs resident at the time of his death.

6. Defendant **ALTAPOINTE HEALTH SYSTEMS, INC.** (sometimes referred to hereinafter as “Altapointe”) is a domestic corporation that is presently and was at all times material hereto, a legal entity doing business in Mobile County, Alabama. Defendant Altapointe was involved in the ownership, operation, management, staffing, training, support, oversight and/or control of a special needs home located at 5329 Colonial Circle South, where Matthew Cox was a special needs resident at the time of his death. Defendant Altapointe was also involved in the management, assignment, support, training, oversight and/or control of Matthew Cox’s housing, supervision and/or support. Defendant Altapointe was also involved in the assignment and/or selection of Matthew Cox to the special needs home located at 5329 Colonial Circle South.

7. Defendant **ALTAPOINTE HEALTHCARE MANAGEMENT, LLC** (sometimes referred to hereinafter as “Altapointe Healthcare”) is a domestic corporation that is presently and was at all times material hereto, a legal entity doing business in Mobile

County, Alabama. Defendant Altapointe Healthcare was directly involved in the ownership, operation, management, staffing, training, support, oversight and/or control of a special needs home located at 5329 Colonial Circle South, where Matthew Cox was a special needs resident at the time of his death. Defendant Altapointe Healthcare was also involved in the management, assignment, support, training, oversight and/or control of Matthew Cox's housing, supervision and/or support. Defendant Altapointe Healthcare was also involved in the assignment and/or selection of Matthew Cox to the special needs home located at 5329 Colonial Circle South.

8. **TRENT YATES** (sometimes referred to hereinafter as "Yates") was an agent, servant and/or employee of New Way Out, French Residential Facilities, Altapointe and/or Altapointe Healthcare. On or about October 27, 2018, Trent Yates was working at a special needs home located at 5329 Colonial Circle South, where Matthew Cox was a special needs resident at the time of his death. At all times material to this Complaint, Yates was acting within the line and scope of his employment with New Way Out, French Residential Facilities, Altapointe and/or Altapointe Healthcare.

9. Defendants **A, B, C, D, E, F and/or G**, are the persons, firms, or corporations responsible for providing housing, care and/or support to MATTHEW COX at the times and places made the basis of this lawsuit.

10. Defendants **H, I, J, and/or K**, are the persons, firms and/or corporations who assigned, controlled, supervised and/or trained the persons responsible for providing housing, supervision and/or support to MATTHEW COX at the times and places made the basis of this lawsuit.

11. Defendants **L, M and/or N**, are any other persons, firms or corporations whose actions and/or inactions contributed to the death of MATTHEW COX.

12. The true names and legal identities of the Defendants, **A, B, C, D, E, F, G, H, I, J, K, L, M and/or N** are unknown to the Plaintiff at this time, but will be substituted by amendment when ascertained.

FACTS

13. On or about October 27, 2018, while a special needs resident at a special needs home located at 5329 Colonial Circle South in Mobile County, Alabama, Matthew Cox was caused to suffer severe internal injuries to his abdomen, internal organs, head, and brain.

14. On the morning of October 27, 2018, Matthew Cox was emergently transported from the group home to Springhill Medical Center where he was pronounced dead.

15. Matthew Cox was caused to die as a result of blunt force trauma.

FIRST CAUSE OF ACTION **Negligence**

16. Plaintiff adopts and incorporates by reference the allegations contained in Paragraphs 1 through 15 hereinabove.

17. Plaintiff further alleges that Defendants NEW WAY OUT, CORPORATION; FRENCH RESIDENTIAL FACILITIES, INC.; ALTAPOINTE HEALTH SYSTEMS, INC.; ALTAPOINTE HEALTHCARE MANAGEMENT, LLC; and fictitious defendants A through N, were negligent in one or more of the following respects:

- A. Negligently operating a group home for special needs individuals;
- B. Negligently failing to provide a safe environment for Matthew Cox;
- C. Negligently failing to properly supervise, monitor, support and care for Matthew Cox;
- D. Negligently failing to provide appropriate and/or qualified personnel to care for Matthew Cox;
- E. Negligently hiring Trent Yates;
- F. Negligently failing to adequately supervise, oversee, and monitor Trent Yates;
- G. Negligently entrusting Trent Yates with responsibility for supervising, monitoring, supporting, and caring for special needs individuals;
- H. Negligently allowing Trent Yates to supervise, monitor, support, and care for special needs individuals in light of his history of abusive behavior;
- I. Negligently retaining Trent Yates;
- J. Negligently failing to properly train or educate Trent Yates;
- K. Negligently failing to properly monitor and supervise Matthew Cox;
- L. Negligently failing to implement safety precautions to protect special needs patients from injury, neglect or abuse;
- M. Negligently failing to adopt, implement and/or follow policies, procedures, and protocols for the supervision, monitoring, support, and care of special needs patients;
- N. Negligently hiring New Way Out, Corporation to provide supervision, monitoring, support, and care for Matthew Cox;
- O. Negligently failing to properly train or educate New Way Out, Corporation relative to providing supervision, monitoring, support, and care for special needs patients;
- P. Negligently failing to adequately supervise, oversee, and monitor New Way Out, Corporation;

- Q. Negligently entrusting New Way Out, Corporation with responsibility for providing supervision, monitoring, support, and care for special needs patients;
- R. Negligently retaining New Way Out, Corporation;
- S. Negligently hiring French Residential Facilities, Inc. to provide supervision, monitoring, support, and care for Matthew Cox;
- T. Negligently failing to properly train or educate French Residential Facilities, Inc. relative to providing supervision, monitoring, support, and care for special needs patients;
- U. Negligently failing to adequately supervise, oversee, and monitor French Residential Facilities, Inc.;
- V. Negligently entrusting French Residential Facilities, Inc. with responsibility for providing supervision, monitoring, support, and care for special needs patients;
- W. Negligently retaining French Residential Facilities, Inc.;
- X. Negligently failing to institute a safety program for purposes of protecting special needs individuals;
- Y. Negligently failing to procure or obtain adequate employment information in order to ensure only qualified employees were entrusted with the safety and well-being of special needs individuals;
- Z. Negligently failing to timely seek medical care and treatment for Matthew Cox.

18. As a proximate consequence of the above described negligent conduct of the Defendants, Matthew Cox was caused to suffer injuries which proximately led to his death on October 27, 2018.

WHEREFORE, Plaintiff HEATHER RENEE COX, as Personal Representative and Administratrix of the Estate of MATTHEW CHARLES COX, deceased, demands judgment against the Defendants NEW WAY OUT, CORPORATION; FRENCH RESIDENTIAL

FACILITIES, INC.; ALTAPOINTE HEALTH SYSTEMS, INC.; ALTAPOINTE HEALTHCARE MANAGEMENT, LLC; and fictitious defendants A through N; individually and jointly, in an amount deemed appropriate by the jury and which will adequately reflect the enormity of the Defendants' wrong in causing the death of Matthew Cox and which will effectively prevent and deter similarly caused deaths in the future, plus costs.

SECOND CAUSE OF ACTION

Wantonness

19. Plaintiff adopts and incorporates by reference the allegations contained in Paragraphs 1 through 15 hereinabove.

20. Plaintiff further alleges that Defendants NEW WAY OUT, CORPORATION; FRENCH RESIDENTIAL FACILITIES, INC.; ALTAPOINTE HEALTH SYSTEMS, INC.; ALTAPOINTE HEALTHCARE MANAGEMENT, LLC; and fictitious defendants A through N, were wanton in one or more of the following respects:

- A. Wantonly operating a group home for special needs individuals;
- B. Wantonly failing to provide a safe environment for Matthew Cox;
- C. Wantonly failing to properly supervise, monitor, support and care for Matthew Cox;
- D. Wantonly failing to provide appropriate and/or qualified personnel to care for Matthew Cox;
- E. Wantonly hiring Trent Yates;
- F. Wantonly failing to adequately supervise, oversee, and monitor Trent Yates;
- G. Wantonly entrusting Trent Yates with responsibility for supervising, monitoring, supporting, and caring for special needs individuals;

- H. Wantonly allowing Trent Yates to supervise, monitor, support, and care for special needs individuals in light of his history of abusive behavior;
- I. Wantonly retaining Trent Yates;
- J. Wantonly failing to properly train or educate Trent Yates;
- K. Wantonly failing to properly monitor and supervise Matthew Cox;
- L. Wantonly failing to implement safety precautions to protect special needs patients from injury, neglect or abuse;
- M. Wantonly failing to adopt, implement and/or follow policies, procedures, and protocols for the supervision, monitoring, support, and care of special needs patients;
- N. Wantonly hiring New Way Out, Corporation to provide supervision, monitoring, support, and care for Matthew Cox;
- O. Wantonly failing to properly train or educate New Way Out, Corporation relative to providing supervision, monitoring, support, and care for special needs patients;
- P. Wantonly failing to adequately supervise, oversee, and monitor New Way Out, Corporation;
- Q. Wantonly entrusting New Way Out, Corporation with responsibility for providing supervision, monitoring, support, and care for special needs patients;
- R. Wantonly retaining New Way Out, Corporation;
- S. Wantonly hiring French Residential Facilities, Inc. to provide supervision, monitoring, support, and care for Matthew Cox;
- T. Wantonly failing to properly train or educate French Residential Facilities, Inc. relative to providing supervision, monitoring, support, and care for special needs patients;
- U. Wantonly failing to adequately supervise, oversee, and monitor French Residential Facilities, Inc.;

- V. Wantonly entrusting French Residential Facilities, Inc. with responsibility for providing supervision, monitoring, support, and care for special needs patients;
- W. Wantonly retaining French Residential Facilities, Inc.;
- X. Wantonly failing to institute a safety program for purposes of protecting special needs individuals;
- Y. Wantonly failing to procure or obtain adequate employment information in order to ensure only qualified employees were entrusted with the safety and well-being of special needs individuals;
- Z. Wantonly failing to timely seek medical care and treatment for Matthew Cox.

21. As a proximate consequence of the above described wanton conduct of the Defendants, Matthew Cox was caused to suffer injuries which proximately led to his death on October 27, 2018.

WHEREFORE, Plaintiff HEATHER RENEE COX, as Personal Representative and Administratrix of the Estate of MATTHEW CHARLES COX, deceased, demands judgment against the Defendants NEW WAY OUT, CORPORATION; FRENCH RESIDENTIAL FACILITIES, INC.; ALTAPOINTE HEALTH SYSTEMS, INC.; ALTAPOINTE HEALTHCARE MANAGEMENT, LLC; and fictitious defendants A through N; individually and jointly, in an amount deemed appropriate by the jury and which will adequately reflect the enormity of the Defendants' wrong in causing the death of Matthew Cox and which will effectively prevent and deter similarly caused deaths in the future, plus costs.

CUNNINGHAM, BOUNDS, LLC
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PLAINTIFF RESPECTFULLY DEMANDS TRIAL BY JURY.

BY: /s/ Robert L. Mitchell

The following Defendants may be served VIA PROCESS SERVER as follows:

New Way Out, Corporation
c/o David Petway
4618 General Road
Mobile, AL 36619

French Residential Facilities, Inc.
c/o Danny F French
5855 Wood Creek Court
Mobile, AL 36609

The following Defendants may be served VIA CERTIFIED MAIL as follows:

Altapointe Health Systems, Inc.
c/o J T Schlesinger
5750-A Southland Drive
Mobile, AL 36693

Altapointe Healthcare Management, LLC
c/o J T Schlesinger
5750-A Southland Drive
Mobile, AL 36693

/s/ Robert L. Mitchell

THE STATE OF ALABAMA

COURT OF PROBATE

EXHIBIT A

COUNTY OF MOBILE

CASE NO. 2018-2142

LETTERS OF ADMINISTRATION

Letters of Administration of the Estate of MATTHEW CHARLES COX, are hereby granted to HEATHER RENEE COX, who has duly qualified and given bond as such Personal Representative and is authorized to administer such estate with authority to take actions as set forth in §43-2-830, et seq. (1975). The powers and duties of said Personal Representative specifically include, but are not limited to, gathering and retaining estate assets, preparing an inventory of estate assets, paying taxes, uncontested claims, fees, and expenses, including court costs, incident to the administration of the estate. The authority of the Personal Representative is restricted as follows:

Restrictions:

- (1) With the exception of wrongful death matters, the Personal Representative shall not distribute any monies or estate assets to heirs, legatees, and/or beneficiaries resulting from litigation or settlement of litigation without prior Court approval.**
- (2) Personal Representative must immediately report to the Court the receipt of any monies or assets which were not reported in the initial inventory and/or are received while these Letters are in effect.**
- (3) Personal Representative shall not sell, mortgage, or lease real or personal property of the estate without prior Court approval.**

Ordered this 5th day of November, 2018.



DON DAVIS, Judge of Probate