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Dear Dr. Zelinka and Mr. Donigan:

This letter on behalf of Mary Lake's family is to provide you written notice that your gross negligence and willful misconduct regarding the treatment of our mother which lead to her death last night at Lawnwood Regional Medical Center. Port St. Lucie Rehabilitation and Healthcare nursing home and Coastal Primary Care failed to practice medicine with the level of care, skill and treatment recognized as acceptable.

As you know, my mother tested positive for Covid-19 on Wednesday, December 16, 2020, at Port St. Lucie Rehabilitation and Healthcare nursing home, even though she had been symptomatic for several days earlier. I called the nursing home the following day, Thursday, and left a voicemail with the nursing home administrator, Mr. Patrick Donigan (the receptionist informed me that he checks his voicemail regularly and would return the call). Two days went by without any return phone call. I subsequently called the nursing home again on Friday evening, December 18, 2020, to report an assault on my mother by another resident. Reluctantly, Mr. Donigan took the phone call, and proceeded to tell me everything was fine with my mother and he was too busy to call me back. He informed me they had many nursing home residents who were Covid-19 positive and they were very busy. I requested an incident report to be developed for the assault as well as photos to be taken. He told me they would document the call but they refused to take any photos, even though Mr. Donigan acknowledged my mother had a thumb mark on her arm as if she had been restrained. He then proceeded to hang up on me and never called again. Meanwhile, my mother continued to have a severe sore throat that caused issues swallowing pills, persistent cough, aches, pains and very limited appetite (she could barely hold down soup).

Frustrated with the bad-faith efforts at Port St. Lucie Rehab nursing home, on Tuesday, December 22, 2020, my sister, Cindy Lake, called my mother's primary care physician, Dr. Maureen Zelinka, to inquire of what the plan of care was for my mother since she was in the

highest vulnerable population to succumb to Covid-19, over 80 years old with additional underlying health conditions and symptomatic. My sister left a total of four messages that week leading up to Christmas with the receptionist at Dr. Zelinka's office requesting for a return phone call.

The following week on Tuesday, December 29, 2020, my sister called Dr. Zelinka's nurse practitioner, Ms. Leslie Giordano (NPI # 1285125567, License # ARNP9322668, and she is cc'd on this letter via email mrslg98@comcast.net; leslie@gfloral.cc). After some back and forth, my sister and I were able to catch Ms. Giordano between patient visits. We explained our concerns about the lack of care our mother was receiving at the nursing home and inquired why our mother was not receiving any of the prophylactic medicines that have been made widely available EXACTLY for patients like my mother, i.e., baricitinib in combination with remdesivir. We were told by Ms. Giordano that Dr. Zelinka was on vacation that week and there was nothing more they could do since Dr. Zelinka was not an infectious disease specialist. We further inquired why Dr. Zelinka had not consulted with an infectious disease physician to make determinations about our mother's care. We requested that she reach out to Dr. Zelinka and call us back that afternoon with an update on whether our mother should be on any of these preventative medications. After putting us on hold for several minutes, Ms. Giordano returned to the phone to say that she spoke with Dr. Zelinka and was instructed to give us the contact information for the infectious disease specialist, whom we were free to contact ourselves. When informed that we do not have access to my mother's medical records and requested that Dr. Zelinka make the call herself, Ms. Giordano told us the best she could do is to have our mother transferred to the hospital from the nursing home. When being questioned further why Dr. Zelinka would refuse to call the infectious disease specialist herself, Ms. Giordano hung up the phone. As soon as we called back, Ms. Giordano was "in with a patient." We requested the person who answered the phone to have Dr. Zelinka's office contact the nursing home to have our mother transferred to the hospital immediately, which they agreed to do.

Shortly thereafter, we contacted the nursing home to make sure they were aware of the upcoming transfer. One of the nurses stated she received a text message from Ms. Giordano that our mother should NOT be transferred to the hospital and to remain at the nursing home to see if she would improve. We immediately called Dr. Zelinka's office back to speak with Ms. Giordano who refused to come to the phone. Once again, we were placed on hold, this time for almost 30 minutes. Dr. Zelinka and her staff failed to practice medicine with a level of care, skill and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

We called the nursing home again and spoke with the nursing team and strongly requested our mother be transferred to the hospital immediately. They acquiesced and arranged for her transport to Lawnwood Regional Medical Center. Our mother was admitted around 6 p.m. on Tuesday, December 29, 2020. I spoke with her that evening and she told me how wonderful the staff was at the hospital and they were doing many tests to determine the next steps.

On Wednesday, December 30, 2020, my sister and I spoke on the phone with the Lawnwood Hospital nurse caring for our mother and he gave a very detailed and thorough report to us. He informed us our mother tested positive for Covid-19. When we told him she had already tested

positive almost two weeks prior, he was shocked that this had not been disclosed upon admission and dismayed as to why it took so long for her to be admitted to the hospital. He stated the normal standard of care for a Covid-19 positive patient like our mother would be immediate referral to the hospital for evaluations and likely treatments. Testing upon admission revealed that my mother had untreated diverticulitis, which accounted for the terrible pain, diarrhea, and nausea she had exhibited for at least the past week

The hospital immediately started to address our mother's needs. By the following day she had received intravenous antibiotics for the diverticulitis, antibody plasma and began a four-day regimen of remdesivir.

By that point our mother was very weak, was not eating anything and her oxygen level was fluctuating. However, she was still fighting! Our family was in contact with the hospital every day getting reports of progress and set-backs since she was admitted.

We received the horrible news last night that our mother passed away at the hospital.

First, you should be ashamed of your deliberate and reckless disregard for our mother's health and safety which lead to her untimely death.

Second, we are making this situation public so hopefully the many other residents (there were seventeen others who tested positive for Covid-19 on the same day as my mother) who are trapped at the Port St. Lucie Rehabilitation and Healthcare nursing home without the proper treatments are referred to the hospital immediately. Additionally, other patients of Dr. Zelinka, who she is willfully ignoring, may need to seek competent medical advice.

Third, both of you and your organizations are on formal notice of the likelihood of litigation for wrongful death and other possible torts against our mother. You should contact your attorney, insurance carrier and any other fiduciary about the likelihood of adverse litigation. This action will not bring our mother back, however, it will hopefully be a deterrent and prevent your ability to harm another individual and their family. You are also on notice to preserve all electronically stored information, documents and correspondence relevant to this matter (including text messages and emails), as well as interaction between the staffs of Port St. Lucie Rehabilitation and Healthcare and Coastal Primary Care.

I have included Dr. Zelinka's attorney, Frank Petosa, who represented Dr. Zelinka when she was charged with medical malpractice for the death of a 13-year old by the Department of Business and Professional Regulation (renamed the Agency for Health Care Administration). Dr. Zelinka is in violation of the Consent Agreement to settle AHCA Case No. 92-07767, where she swore she "shall not in the future violate Chapters 455, 458 and 893, Florida Statutes, or the rules promulgated pursuant thereto."

I have included Governor Ron DeSantis as well as the appropriate state health and legal officials on this letter, so they can formally begin an investigation of this matter for any possible criminal acts.

I have included local health and law enforcement officials on this letter, so they can immediately intervene and protect the residents of the nursing home as well as review the other patients of Dr. Zelinka and prevent additional harm to this vulnerable population.

I have included federal health and law enforcement officials on this letter, so they can immediately investigate the deliberate and reckless disregard of my mother's health and safety, as well as coordinate with local officials in preventing additional harm to this vulnerable population.

I have included local and state media outlets on this letter, so they can immediately alert the public of what is happening at Port St. Lucie Rehabilitation and Healthcare nursing home as well as the medical practice of Dr. Zelinka. Family members and the general public need to know what is happening and why patients are not getting the medical help during this coronavirus crisis!

Earnestly,



Patrick B. Donohue, JD, MBA
Son of Mary Lake
On behalf of the family of Mary Lake

CC: Governor Ron DeSantis

United States Federal Officials

HHS/CMS (Seema Verma, Calder Lynch, April Weaver, Barbara Stampul, Robert P. Charrow, Brenna Jenny, Janice L. Hoffman, Barbara H. Fisher, Dana Petti, Christine Bradfield, Constance Kossally, April Washington)

United States Attorney Southern District of Florida (Ariana Fajardo Orshan, Jon Juenger, Carmen Lineberger, Diana Acosta, Michael D. Porter, John McMillan, Marlene Rodriguez)

Florida State Officials

Elected Officials (Ashley Moody, Gayle Harrell, Erin Grall, Kaylee Tuck, Toby Overdorf, Dana Trabulsky)

Florida Department of Health (Scott A. Rivkees, M.D., Jennifer S. Johnson, MPH)

Agency for Health Care Administration (Shevaun L. Harris, Mary Gay Templeton, William H. Roberts, Thomas Hoeler, Sandra Haynes, Cathy Belmont, Katie Strickland)

Florida Board of Medicine (Claudia Kemp, Ed Tellechea, Donna McNulty, Lawrence Harris)

Division of Medical Quality Assurance (Lucy C. Lee, Mark Whitten, Adrienne Rodgers, BSN, JD, Lola Pouncey, Joe Baker Jr.)

St. Lucie County Officials (Bruce Colton, Chris Dzadovsky, Sean P. Mitchell, Linda Bartz, Frances Hutchinson, Cathy Townsend, Howard Tipton, Daniel S. McIntyre, Ken Mascara, Clint Sperber, Arlease Hall)

City of Fort Pierce (Linda Hudson, Pete Sweeney, Curtis Johnson Jr., Rufus J. Alexander, III, Thomas Perona, Jeremiah Johnson)

City of Port St. Lucie (Gregory J. Oravec, Stephanie Morgan, David Pickett, Shannon M. Martin, Jolien Caraballo, James Stokes, Richard V. Neill, Jr.)

News Media (Jon Shainman, Tania Rogers, Michael Buczyner, Alex Hagan, Sabirah Ford, Dave Bohman, Janny Rodriguez, Kahtia Hall, Leah Voss, Lina Ruiz, Tiffany Kenney, Jossie Carbonare, Todd McDermott, Gianna Caserta, Terri Parker, Paxton Boyd, Mimi Sigel, Kimberly Ferraro, Danielle Waugh, Denise Sawyer, Teri Hornstein, Ashley Glass, Stefany Valderrama, Lena Salzbank, Jay O'Brien, CD Davidson-Hiers, Alessandro Marazzi Sassoon, Josh Solomon, Olivia McKelvey, Lindsey Leake)

Frank Petosa, Esq.