

IN THE IOWA DISTRICT COURT IN AND FOR CERRO GORDO COUNTY

MELANIE L. HUCKINS and)	
WILLIAM R. HUCKINS, individually)	
And as the Administrators of the Estate)	
of JUSTIN A. HUCKINS,)	
)	LAW No. _____
Plaintiffs,)	
)	
vs)	PETITION AT LAW and
)	JURY DEMAND
ONE VISION)	
f/k/a OPPORTUNITY VILLAGE)	
f/k/a HANDICAP VILLAGE,)	
)	
Defendant.)	

COME NOW Plaintiffs Melanie L. Huckins and William R. Huckins, Individually and as the Administrators of the Estate of Justin A. Huckins, by and through Plaintiffs’ undersigned attorneys, and for their cause of action against Defendant One Vision f/k/a Opportunity Village f/k/a Handicap Village, state as follows:

PARTIES, JURISDICTION & VENUE

1. Plaintiff Melanie L. Huckins is, and at all times material hereto, was an Administrator of the Estate of Justin A. Huckins, was the natural mother of Justin A. Huckins, and was a resident of Cerro Gordo County, Iowa.
2. Plaintiff William R. Huckins is, and at all times material hereto, was an Administrator of the Estate of Justin A. Huckins, was the natural father of Justin A. Huckins, and was a resident of Cerro Gordo County, Iowa.
3. Defendant One Vision f/k/a Opportunity Village f/k/a Handicap Village (hereinafter referred to as “One Vision”) is a business entity organized pursuant to Iowa Code Chapter 504 and assigned business number 58407, and whose registered agent is Jeffrey S.

Nichols, 1200 N. 9th Street W, Clear Lake, IA 50428.

4. The damages resulting from the injuries alleged herein exceed the jurisdictional amount for small claims court and were sustained to a significant degree in Cerro Gordo, Iowa.

FACTUAL BACKGROUND

5. In April 2016, Justin, who had been diagnosed with autism, moderate intellectual disabilities, and epilepsy, lived in a care facility that was owned, operated, staffed and controlled by Defendant One Vision.

6. Pursuant to Justin's individual support plan, an audio monitor was in Justin's bedroom at all times to listen.

7. On or about 6:55 a.m. on April 13, 2016, a loud crash and bang was heard, and staff went to Justin's room. Staff went to the room, but the door was slammed shut when staff went in to look at Justin.

8. It was during this time Justin fell and injured his head.

9. Soon after the fall, (believed to be within five minutes), Justin complained of a headache and dry heaved in front of staff. Over the next hour or so, Justin complained multiple times to multiple employees of One Vision of a headache and stomach ache.

10. Around 8:20 a.m., Justin was on the floor near the door and staff observed that Justin appeared tired when he stood up and that his leg was shaking.

11. Around 8:25 a.m., Justin was given Tylenol for the headache and he was given 7-up. Staff observed Justin throw up and spill pop on the floor.

12. At around 8:30 a.m., staff noted that Justin had a seizure as he sat in a chair. Staff assisted Justin to the floor. Notes indicate that a nurse was called five minutes later, and arrived

at 8:42 a.m. When the nurse arrived, Justin was noted as being non-responsive with his eyes closed and that Justin continued to have seizures. Justin was given one dose of Lorazepam.

13. Justin was moved to the bed. Staff noted that Justin's legs would tighten up and relax, and he breathed heavy.

14. The staff had been unreasonably and inadequately trained regarding Justin's individual support plan, and had been unreasonably and inadequately trained regarding the nature of Justin's seizures.

15. Notes indicate that Plaintiff William R. Huckins, Justin's father, arrived at approximately 9:17 a.m. Justin's symptoms were described in One Vision's notes similarly to the symptoms described over thirty-minutes prior.

16. At William R. Huckins' insistence, an ambulance was called at 9:21 a.m., within minutes of his arrival.

17. Justin was taken by ambulance to a hospital where it was confirmed that Justin had sustained a significant brain injury, including, but not limited to, an active brain bleed for approximately three (3) hours.

18. After multiple surgeries and a lengthy hospital stay, Justin died on May 19, 2016 as a result of complications of intracranial hemorrhage that resulted from the delay in treatment arising out of One Vision's negligence.

COUNT I
NEGLIGENCE

19. One Vision, by its agents, employees and/or apparent agents, rendered care to Justin, and as described above, One Vision, by its agents, employees and/or apparent agents, failed to exercise ordinary care in keeping with the profession and the areas of the profession in

which they specialized and in the manner in which its agents, employees and/or apparent agents rendered services to Justin.

20. As a result of the causal negligence of the agents, employees and/or apparent agents of One Vision, Justin died. As a further result of the causal negligence of the agents, employees and/or apparent agents of One Vision, Justin's estate has suffered loss of the present worth of the value of the estate, burial expenses, and pre-death pain and suffering.

21. As a result of the causal negligence of the agents, employees and/or apparent agents of One Vision, Melanie L. Huckins and William R. Huckins lost the support and services of their child, Justin.

WHEREFORE, Plaintiffs Melanie L. Huckins and William R. Huckins, Individually and as the Administrators of the Estate of Justin A. Huckins, pray for judgment against Defendant One Vision f/k/a Opportunity Village f/k/a Handicap Village to fully and fairly compensate them for the significant injuries and damages they sustained, plus interest and costs as provided by law, and any other relief as may be deemed just and proper.

JURY DEMAND

COME NOW Plaintiffs Melanie L. Huckins and William R. Huckins, Individually and as the Administrators of the Estate of Justin A. Huckins, by and through their attorneys, and hereby request a trial by jury.

Respectfully Submitted,

By: /s/ Jeffrey R. Tronvold
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