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VIA FEDEX AND EMAIL

District Attorney Jackie Lacey
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**Re: Hollywood Premier Healthcare Center and the Death of Vincent Paul Martin
Request to Open a Criminal Investigation**

Dear District Attorney Lacey:

This firm represents the family of Vince Martin. Mr. Martin was a resident at Hollywood Premier Healthcare Center (“HPHC”) located at 5401 Fountain Ave. in the City of Los Angeles from January 2014 until his untimely death in the early hours of April 4, 2020. I am writing to request that your office open a criminal investigation into the troubling circumstances surrounding Mr. Martin’s death. To that end, I address HPHC’s disconcerting conduct below, as well as the experiences of Mr. Martin and his family.

Vincent Paul Martin was an 84-year-old Army Reserve turned graphic artist from Brooklyn, New York. He and his wife Emma had been married for fifty-six years and have two daughters and five grandchildren. In January 2014, Vince Martin had spinal stenosis after undergoing surgery and went to HPHC for post-surgical rehabilitation. Needless to say, Mr. Martin was Coronavirus-free when he entered HPHC. Throughout his residency at HPHC, he enjoyed a quiet life filled with reading and frequent visits from family members. All of this changed in the weeks leading up to Mr. Martin’s death.

In the family’s final visits to Mr. Martin on February 28 and February 29, they were surprised to see that HPHC staff were not wearing personal protective equipment (“PPE”), including masks and gloves, given the sensitivity of the HPHC population. Even in March after the facility was in “lockdown,” Vince’s daughter Kathy went to HPHC to drop off reading material for her father and was distressed to see that HPHC was **still not wearing PPE**. Simply

put, despite public knowledge of a pandemic, HPHC was ill-prepared to protect its patients from COVID-19 and endangered their lives.

By the first week of March, the Martin family was told that visitors were no longer allowed. Vince's wife and daughters regularly called HPHC to check in on him – sometimes the staff would pick up and sometimes they would not. It was frustrating and scary to not know how he was doing on a daily basis. On March 19, Vince's daughter Lisa asked if she could send a care package of historical magazines and was told it was best not to mail anything. Vince's family remained in the dark about his wellbeing and the welfare of the facility as a whole. At this point, Vince was essentially a captive at the mercy of HPHC and their unsafe practices. The Martin family became increasingly, and understandably, anxious about the ongoing COVID-19 pandemic and the sheer lack of information from HPHC. Unbeknownst to the family, *HPHC's own administrator was out battling COVID-19* and HPHC had been chronically understaffed for years.

On April 1, 2020, HPHC staff called Emma Martin to say that her husband had a fever, was not eating or drinking, and was confused. This was the first time Vince's family was informed that he was sick. Later that evening, Vince's daughter Kathy called HPHC to see how her father was doing and insist that tests be performed. She spoke with a nurse ("Elizabeth"), who the family would later find out was out with COVID-19 herself and asked if there were any COVID-19 cases at HPHC. Elizabeth reluctantly told her that there was "at least one case." Later in the conversation, Elizabeth admitted to Kathy that there were actually *four* active COVID-19 cases in the facility and only *two nurses tending to 83 residents*. The family's concern grew as they knew the residents were packed into tight quarters and the limited staff was incapable of protecting the residents from active COVID-19 cases. After it was too late, the family learned that a chest x-ray was secretly performed on April 1, which strongly suggests Vince was suspected to be COVID-19 positive by HPHC nursing staff.

The next day, on April 2, 2020, Kathy called to inquire about the results of tests performed and was told there were no results yet. On Friday April 3, 2020, Vince's daughter Lisa called to check on her father and was told he was doing worse. Lisa called again later that evening to inquire about Vince's condition, the status of test results, and to speak with her father. He was unable to carry on a conversation. This was the last time that anyone in the family heard Vince speak.

Vincent Paul Martin died in the early hours of Saturday April 4, 2020 in a single room housed with three other residents. His body was removed from the HPHC facility two hours later.

On Sunday April 5, 2020, the day after Vince had passed, the COVID-19 **positive** test result came back, although HPHC did not inform the family until April 7, 2020 when Emma specifically called to ask. The death certificate, issued on April 9, 2020, and certified by the facility's director Dr. Marcel Filart, **did not list COVID-19 as the cause of death**. This is shocking because (i) Dr. Filart was aware of an ongoing COVID-19 outbreak at the HPHC

facility at the time the death certificate was prepared, (ii) Dr. Filart authorized Mr. Martin's COVID-19 test, (iii) the positive COVID-19 results were reported *four days before* the death certificate was prepared, (iv) the positive COVID-19 results were not reported to the family until they called to ask days later for additional information. It appears that Dr. Filart had no intention of correcting Mr. Martin's death certificate until Lisa insisted it was fraudulent to leave COVID-19 off her father's death certificate.

On information and belief, neither the mobile imaging company nor the funeral home who entered the HPHC facility on Vince's behalf in the early days of April 2020 were informed of the COVID-19 outbreak at the HPHC facility. This put others at risk.

The Martin family has been attempting to obtain Vince's medical records from HPHC since April 10, 2020 (by phone and e-mail). They have been told that "corporate needs to review the records request before records are released." As of the time of filing their Complaint against HPHC and other responsible parties (including Dr. Filart) on May 21, 2020, the Martin family still had not received medical records in violation of California *Health & Safety Code* § 123110. A copy of the Complaint is attached for your reference.

Left with more questions than answers, the Martin family has continued to investigate the practices at HPHC. In the aftermath of Mr. Martin's death, much more information has come to light about HPHC – including how it managed its response to COVID-19. For example, it is believed that HPHC pressured and permitted staff to work, including those who were COVID-19 positive. The Martin family has learned from the nursing staff and social media that the thin HPHC staff was chronically overworked and fatigued. Additionally, it appears that **HPHC did not require any staff to wear any personal protective equipment**, allowing the presumably healthy (and potentially asymptomatic) staff members to spread COVID-19 throughout the facility to its vulnerable resident population.

HPHC is criminally negligent if, in fact, it knew member(s) of its staff had tested positive for the virus yet permitted that same staff to work for them without requiring the use of any personal protective equipment. Moreover, it appears HPHC failed to advise its patients or their families, within a reasonable amount of time, about the magnitude of risk the patients were incurring by having roommates, facilities-mates, and/or staffers (some who had tested positive for COVID-19 or showed signs of having acquired it) to continue to live and work in the relatively small facility – stripping the residents' families of the ability to rescue their loved ones.

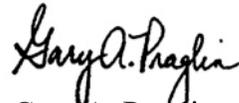
It has been reported that HPHC had 87 confirmed cases of COVID-19 as of May 19, 2020 and is now a dedicated COVID-19-only facility. Between the time of Mr. Martin's death and this letter, the National Guard was deployed to HPHC to assist with the crisis.

Statistics reveal that 40% or more COVID-19-related death have occurred at skilled nursing facilities and assisted living facilities. If the ongoing COVID-19 pandemic has taught us anything, it's that our vulnerable populations need more protection – *not less*.

We, the Martin family, and the Los Angeles community hope that there doesn't have to be one more person that is unnecessarily harmed by HPHC's conduct. Moreover, the Martin family requests those persons who engaged in this conduct that was so far below the standard of reasonable medical care that it constitutes reckless disregard of Mr. Martin's life be held accountable. To that end, the Martin family, as well as the other families whose loved ones unnecessarily perished at HPHC, implore you to open a criminal investigation of HPHC and its mishandling of patients during the spread of the COVID-19 virus.

I thank you in advance for your consideration and look forward to your prompt response.

Sincerely,



Gary A. Praglin

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