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SETTLEMENT RESULT: \$425,000

ELDER & VULNERABLE ADULT

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SETTLEMENT—Daughter alleges skilled nursing facility was negligent in care of her mother

ELDER & VULNERABLE ADULT

Medical Abuse & Neglect

LOS ANGELES COUNTY SUPERIOR COURT

Madrid v. The Rehabilitation Center of Beverly Hills,
No. SC062737, Santa Monica. Settlement date: 4/23/2003.

SETTLEMENT RESULT: \$425,000

The case settled at a mediation before Kevin McIvers, Esq.

COUNSEL

Plaintiff: Scott J. Corwin, Law Offices of Scott J. Corwin, Los Angeles.

Defendant: George E. Nowotny III, Lewis, Brisbois, Bisgaard & Smith, Los Angeles.

FACTS/CONTENTIONS

According to plaintiff: Plaintiff Gloria Madrid's mother, Carrie McClain, age 86, was admitted to defendant The Rehabilitation Center of Beverly Hills, a skilled nursing facility for rehabilitation following a stroke on August 2, 1999. Plaintiff alleged decedent was not attended to properly and developed Stage IV pressure sores. Plaintiff had no reason to suspect inappropriate care of her mother by defendant until after two months plaintiff smelled a foul odor and discovered the pressure sores and feces in her mother's bed. She immediately contacted the Department of Health to file a complaint. Plaintiff had her mother removed to UCLA Medical Center, where she remained for approximately 10 days.

Plaintiff's mother died at home on October 27, 1999. Plaintiff alleged that most of decedent's personal possessions were never returned to plaintiff by defendant.

The Department of Health issued a Citation Class A due to multiple code violations that presented an imminent danger and substantial probability of harm to decedent.

Plaintiff alleged defendant was negligent in that its conduct fell below the standard of care for skilled nursing facilities and that defendant had violated the California Elder Abuse Statutes.

Plaintiff initially alleged defendant's negligence and neglect were the cause of decedent's death but subsequently withdrew that claim. Plaintiff further alleged defendant was guilty of neglect of decedent.

Defendant contended that its conduct was not below the standard of care, that its care for decedent was appropriate, and that it was not responsible for her death.

CLAIMED INJURIES

According to plaintiff: Emotional distress to plaintiff for seeing her mother in such a neglected state while in defendant's care.

CLAIMED DAMAGES

Not reported.

SETTLEMENT DISCUSSIONS

According to plaintiff: At the first settlement conference, plaintiff demanded \$2 million, which was reduced to \$750,000. Defendant offered \$1,000.

EXPERTS

None.

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