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Evergreen Frontier Nursing Home Settles Negligence Suit over Woman's Death from Fall

Woman with severe head injuries left undiagnosed for two days

Longview, Wash. (May 20, 2006) – The family of a 76-year-old Longview woman, who died after suffering a head injury from a fall in a nursing home and being left undiagnosed for more than two days, will receive a nearly \$1.9 million settlement.

According to court documents, Gertrude “Trudy” Wart was admitted to the Evergreen Frontier nursing home in January 2004 for rehabilitation from a stroke, where she was making good progress in her recovery.

On April 2, 2004, a nursing assistant student left Wart unattended – contrary to Wart’s care plan - and she fell from her bed, striking her head on the floor, according to court papers.

Although Wart showed symptoms of serious head injury including vomiting and increased blood pressure, she was left untreated for 48 hours until she was found comatose. She was transferred to St. John’s hospital where she died two days later.

On April 5, 2006, Judge Theresa Doyle of the King County Superior Court of Washington found Evergreen Frontier negligent in seven different areas. In addition, the court found that this misconduct constituted “neglect” under the Abuse of Vulnerable Adults Act - a Washington law designed to protect nursing home patients.

Judge Doyle ruled that the nursing home failed to ensure proper supervision, properly assess Wart’s injuries and recognize her increased risk for hemorrhage, immediately transfer her to a hospital, and promptly notify her physician after she became lethargic, among other things.

The incident also led the state to conclude that patients at Evergreen Frontier faced “immediate jeopardy” and ordered the facility to stop accepting new patients.

Robert Gellatly, the attorney representing Wart, stated that Evergreen Frontier was particularly obstinate in living up to its responsibility. “They threw up roadblock after roadblock in this case, including threats of filing bankruptcy to escape responsibility,” Gellatly said. “Evergreen asserted one meritless defense after another, including blaming the injuries on an ‘act of God,’ a defense dismissed by court.”

According to Gellatly, it is an increasingly common practice for nursing home chains to hide behind a series of limited liability corporations.

“Rather than live up to their responsibilities, these nursing home operators threaten to close the home and file bankruptcy without having any financial effect on the parent company,” said Gellatly. “The effect is that they can deliver sub-standard care without fear of being held accountable.”

“Only after the judge’s ruling and days before a jury trial was set to start did Evergreen Frontier settle this case,” said Gellatly. “We believe their motive was purely financial and they still have not offered an apology or other consideration to the family who lost Mrs. Wart because of their actions.”

Evergreen Frontier is managed and controlled by Evergreen Healthcare Management LLP, which operates about 60 nursing homes in Washington and other states. It is based in Vancouver, Washington.

While the \$1,892,200 settlement was reached last month, the final documents were signed this week.

About Luvera Law Firm

Luvera Law Firm is a nationally recognized firm, with high standards of ethical conduct. The firm specializes in medical malpractice, brain injury, death and other major damage cases, and seeks justice for clients as well as positive changes in corporate and governmental behavior.

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