

[Bailey](#)**Plaintiffs alleged nursing home was routinely understaffed**

<b>Settlement</b>	\$13,500,000
<b>Case</b>	Georgia Ann Bailey Smith, Individually and as Legal Heir and Representative of the Estate of Dud Grover Bailey, Deceased v. Senior Living Properties, LLC, SLP Management, Inc., Complete Care Services, L.P., Complete Care Services of Texas, Inc., Electra Healthcare Center, Robert D. Caird, Cathryn J. Orona, Sharon A. Hohenstein, Susan Crume, No. 155,318-B
<b>Court</b>	Wichita County District Court, 78 th, TX
<b>Judge</b>	Roy T. Sparkman
<b>Neutral(s)</b>	Pat Boone
<b>Date</b>	7/23/2003
<b>Plaintiff Attorney(s)</b>	David T. Marks, The Marks Firm, Houston, TX Jacques G. Balette, The Marks Firm, Houston, TX Henry P. Giessel, The Marks Firm, Houston, TX Jason N. Young, The Marks Firm, Houston, TX David Hill, Wellborn, Houston, Adkison, Mann, Sadler & Hill, Henderson, TX
<b>Defense Attorney(s)</b>	Lee Cameron, Jr., Wilson, Elser, Moskowitz, Edelman & Decker, Dallas, TX (Orona, Electra Healthcare Center, SLP Management Inc., Senior Living Properties LLC, Hohenstein, Crume) Steve Spitzer, Cowles & Thompson, Tyler, TX (Complete Care Services L.P., Complete Care Services of Texas Inc., Caird)
<b>FACTS ALLEGATIONS</b>	<p>&amp; Plaintiffs' decedent Dud Grover Bailey, 90, resided at Electra Healthcare Center from February 1992 until his death on Oct. 14, 2000. While there, his diagnoses included organic brain syndrome, neurogenic bladder with suprapubic catheter after prostate-removal, multiple strokes, myocardial infarction, hypotension, iron deficiency anemia, dementia with psychosis, skin breakdown, constipation and urinary tract infections.</p> <p>Alleging that Bailey suffered injuries and died as the result of the facility's neglect, Bailey's estate and his adult daughter sued Senior Living Properties LLC, of Carmel, Ind., operating as Electra Healthcare Center; SLP Management Inc., Complete Care Services L.P., of Horsham, Pa., and Complete Care Services of Texas Inc., one or more of which allegedly staffed and managed the facility; administrator Robert D. Caird; nursing director Cathryn J. Orona; Sharon A. Hohenstein; and Susan Crume. The plaintiffs alleged that Bailey was completely dependent on the facility for his daily care, and that the defendants failed to follow their own policies and procedures, staff the nursing department adequately, notify his attending physician of significant changes, follow physician orders, and care for Bailey's needs timely and appropriately. These failures resulted from understaffing at the facility generally, of which the corporate defendants were aware, the plaintiffs alleged.</p> <p>The defense denied the allegations and contended that the defendants' staffing levels were sufficient to meet the minimum needs of their patients.</p>
<b>INJURIES/DAMAGES</b>	<p><i>Dehydration; Infection; Malnutrition; Pressure Sores</i></p> <p>Bailey developed massive, painful, infected pressure sores; became severely malnourished; suffered multiple episodes of dehydration; and frequently fell. Although Bailey's daughter alleged wrongful death, the core theory of damages in the case was Bailey's pain and suffering.</p> <p>The defense contended that Bailey's injuries were unavoidable and resulted from the natural progression of his underlying medical condition. In the alternative, the defense contended that Bailey's family caused the pressure sores by refusing to allow the nursing home to place a feeding tube.</p> <p>The defense also contended that, because of Bailey's underlying medical condition and age, he could not feel pain.</p>
<b>RESULT</b>	The case settled for \$13.5 million. Neither Complete Care Services entity nor Caird contributed to the settlement, their lawyer said. Senior Living Properties is in bankruptcy, and the bankruptcy court approved the settlement on July 23, 2003. The plaintiffs' attorneys reported that the settlement will be funded by a combination on an insurance police, an alter ego source and funds pooled by creditors.
<b>EXPERT(S)</b>	None reported
<b>EDITOR'S NOTE</b>	Senior Living's counsel did not respond to a faxed draft of this report and a phone call.