

VERDICT

SURVIVAL ACTION NURSING HOME NEGLIGENCE

VERDICT: **\$15 Million**

CASE: Butler v. Brian Center Health & Rehabilitation/Tampa, Inc.

COURT: Thirteenth Judicial Circuit, Hillsborough County, Florida
Case No. 96-7862
Judge Robert H. Bonanno

DATE: March 22, 1999

**PLAINTIFF
ATTORNEYS:** Kenneth L. Connor, Wilkes & McHugh, P.A., Tallahassee, Florida
Bennie Lazzara, Jr., Wilkes & McHugh, P.A., Tampa, Florida
Camille Godwin, Wilkes & McHugh, P.A., Tallahassee, Florida

**DEFENDANT
ATTORNEYS:** Kirsten Ullman, Hinshaw & Culbertson, Tampa, Florida
W. Sam Holland, Hinshaw & Culbertson, Miami, Florida
Thomas S. Harmon, Davis & Scarritt, P.A., Tampa, Florida

**PLAINTIFF
EXPERTS:** Andrew Weinberg, geriatric medicine, Atlanta, Georgia
Maria De los Santos, nursing, Miami, Florida
Rita Jackson, nutrition, Jacksonville, Florida

**DEFENDANT
EXPERTS:** Bruce Robinson, geriatric medicine, Tampa, Florida
Ellen Currey, nursing, Sarasota, Florida

SUMMARY: John Butler, the victim of a violent robbery in 1968, was left with severe brain damage as the result of a brutal beating. His mother, Emma Butler, cared for him at home for years. When, because of her own health problems, she was no longer able to care for her son, she placed him in the Brian Center Health & Rehabilitation/Tampa nursing home. During the course of his five year residency, Butler suffered numerous falls, lost 41 pounds, developed numerous pressure sores and infection, and lost his ability to walk. He required four hospitalizations because of his condition and eventually died at the home in 1994. He was 65. The cause of death was listed as emaciation.

Butler's mother sued the home's licensee, its corporate owner, and a subsidiary that ran the home, alleging negligent care and treatment and violation of his residents' rights. Plaintiff claimed the home was unable to properly care for residents because of corporate pressure to keep the number of residents high while keeping staffing levels low. Plaintiff also asserted violations of various state and federal regulations. Defendants are jointly and severally liable.