

VERDICT

WRONGFUL DEATH NURSING HOME NEGLIGENCE

VERDICT: **\$2.73 Million**

CASE: Lowe v. Beverly California Corp.

COURT: Fifth Judicial Circuit, Marion County, Florida
Case No. 94-2006-CA
Judge

DATE: May 21, 1996

**PLAINTIFF
ATTORNEYS:** Kenneth L. Connor, Wilkes & McHugh, P.A., Tallahassee, Florida
Scott E. Gwartney., Wilkes & McHugh, P.A., Tallahassee, Florida
James L. Wilkes, Wilkes & McHugh, P.A., Tampa, Florida

**PLAINTIFF
EXPERTS:** Karen Kraker, geriatric nursing/nursing home administration,
Chicago, Illinois
Andrew Weinberg, geriatric medicine, Boston, Massachusetts
Victoria Fierro, time card analysis, Tallahassee, Florida

SUMMARY: James Earl Lowe, 59, suffered a stroke that left him quadriplegic. Although he was unable to communicate with others, he could feel pain, experience emotions, and know what was going on around him.

He was admitted to a nursing home in January 1992. During his nine month stay, he developed lung infections requiring hospitalizations, suffered mental decline, developed multiple bedsores, suffered aspiration pneumonia, and experienced urinary blockage. He died in September.

Lowe's wife, on behalf of his estate, sued the nursing home, alleging that its staff had (1) failed to keep Lowe's tracheostomy tube sterile; (2) administered inadequate oxygen supplies to him and failed to keep his breathing tube clear; (3) mismanaged his feeding by failing to provide continuous feedings as prescribed, putting the wrong substances in the tubes, and failing to flush the tubes properly; (4) allowed the bed sores to develop by failing to reposition him and keep him clean; (5) failed to promptly notify his physician of his extremely

elevated temperatures; and (6) failed to regularly change and monitor his urinary catheter. Further, plaintiff claimed the nursing home was routinely understaffed, inadequately supplied, and infested with cockroaches.

The jury awarded \$2.73 million, including \$2.5 million punitive damages. Defendants appealed. The appellate court rejected the defendants' arguments and upheld the verdict.