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HEALTH LAW**Nursing Home—Wrongful Death****Resident, 47, left for days in own feces and urine****VERDICT** **\$6,500,000**

CASE Nevonna Turner, administratrix of the Estate of Charles E. Edwards v. Mariner Health Care, Inc. et al., No. 2001-0172 CI

COURT Circuit of Leflore County, MS

JUDGE Richard Smith

DATE 12/19/2003

PLAINTIFF

ATTORNEY(S) **Kenneth L. Connor**, Wilkes & McHugh, Tampa, FL
Rae Turner, Wilkes & McHugh, Hattiesburg, MS

DEFENSE

ATTORNEY(S) **Kirsten K. Ullman**, Tampa, FL

FACTS & ALLEGATIONS By 2000, plaintiff's decedent Charles Edwards, a 47-year-old mentally retarded man, had been a resident of Greenwood [Miss.] Health & Rehabilitation Center for more than five years, after his mother and sole caretaker passed away. When Edwards died, his estate alleged that years of neglect by the home led to his dying of malnutrition and dehydration.

The estate sued Mariner Health Care, Inc., operating as Greenwood Health and Rehabilitation Center, as well as several of its licensees and administrators, claiming that Edwards was left for days lying in his own dried feces and urine. The estate further claimed that he developed severe bed sores because he was not turned over for long periods.

The defense maintained that it provided more than adequate care for Edwards and that his health problems and death were a result of his deteriorating physical condition due to his severe brain damage.

The estate pointed to inconsistencies in Edwards' chart and, particularly, instances where he was claimed to have received treatment at the home when he was actually at the hospital.

INJURIES/DAMAGES Edwards, a severely mentally handicapped man, died at 47. His estate argued that, when he died, he had up to 18 bed sores, including four level 4 (going to the bone) bedsores

on his hip, shoulder and coccyx. The estate claimed that he suffered from malnutrition and dehydration before dying. His estate asked the jury to award \$25 million in punitive damages.

VERDICT INFORMATION The jury found the defendants jointly liable and awarded Edwards' estate \$6.5 million, \$5 million of that in punitives.

ESTATE OF CHARLES E. EDWARDS

\$5,000,000 Personal Injury Punitive Exemplary Damages
 \$1,500,000 Personal Injury compensatory damages

PLAINTIFF EXPERT(S)

Ellen Lewis R.N., Nursing, Atlanta, GA
Kenneth Olson M.D., Nutrition, Birmingham, AL

DEFENSE EXPERT(S)

Wood Hiatt M.D., Neuropsychiatry, Jackson, MS
Rita Ray R.N., Nursing, Jackson, MS