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**NURSING HOMES****Abuse or Neglect—Medical Malpractice****Short-staffing at nursing home resulted in alarming injuries****VERDICT**      **\$9,700,000**

**CASE** Earline Groves, by and through Earline Burton her Conservator vs. Beverly Enterprises-Mississippi, Inc., Beverly Health and Rehabilitation services, Inc., David R. Banks, Bobbie Blackard, John Does 1 through 10, and unidentified entities 1 through 10 (as to Beverly Healthcare-Manhattan), No. 251-02-111CIV

**COURT** Hinds County Circuit Court, MS**JUDGE** Tomie Green**DATE** 09/15/2004

**PLAINTIFF ATTORNEY(S)** Kenneth L. Connor, Wilkes & McHugh, Tampa, FL  
Amy J. Quezon, Wilkes & McHugh, Tampa, FL  
Constance Slaughter-Harvey, Law Office of Constance Slaughter-Harvey, Forrest, MS

**DEFENSE ATTORNEY(S)** Norris Cunningham, Hall, Render, Killian, Heath & Lyman, Indianapolis, IN  
Robert Gibbs, Brunini, Grantham, Grower & Hewes, Jackson, MS  
Sharon F. Bridges, Brunini, Grantham, Grower & Hewes, Jackson, MS  
Sheldon Alston, Brunini, Grantham, Grower & Hewes, Jackson, MS

**FACTS & ALLEGATIONS** Plaintiff Erline Groves, 75, was admitted to Beverly-Manhattan Nursing Home in Jackson, Miss., for long term rehabilitation and care, having previously suffered multiple strokes. After her arrival, her daughter, Earline Burton, began to notice several alarming injuries, including multiple pressure sores, poor hygiene, loss of weight, dehydration and contractures. She blamed deterioration on a fall that she argued was avoidable.

Burton, as her mother's conservator, sued parent company Beverly Enterprises-Mississippi Inc., Beverly Health and Rehabilitation services Inc, David Banks, the chairman of Beverly Enterprises, and Bobbie Blackard, the administrator of the Beverly-Manhattan, for ordinary neglect and medical malpractice.

The plaintiff alleged that the Beverly Home was routinely short-staffed, thus unable to clean and help feed the residents, assist them in

passing water and fluids, assist them with the range-of- motion exercises, turn them regularly, and maintain proper hygienic standards.

The defendants denied that the plaintiff was neglected and that the facility was understaffed. However, it violated rules of discovery by concealing records showing that they were understaffed. The court deemed these records conclusive on the question of staffing.

Banks claimed he was too sick to attend any of the trial, but a private investigator revealed that Banks was seen driving around, smoking cigars, and running errands during the trial. A sanctions hearing is pending.

**INJURIES/DAMAGES** The plaintiff claimed that Groves suffered from malnutrition, dehydration, poor hygiene and loss of weight. The plaintiff also claimed that she suffered a significant fall resulting in lacerations, immobility and bed sores.

**VERDICT INFORMATION** The jury found in favor of the plaintiff and awarded her \$1.5 million compensatory damages and punitive damages of \$8.2 million, for a total of \$9.7 million.

**EARLINE GROVES** \$123,000 Personal Injury Past Medical Cost  
\$1,377,000 Personal Injury Past Physical Impairment  
\$8,200,000 Personal Injury Punitive Exemplary Damages

**INSURERS** Zurich Insurance

**PLAINTIFF EXPERT(S)** Calvin Ramsey, Internal Medicine, Lexington, MS  
Olive Brown, Nursing, New York, NY

**DEFENSE EXPERT(S)** Susan Loftin, Medical/Health, Jackson, MS

**EDITOR'S COMMENTS** This was a two-part trial. For the liability portion, the jury deliberated for 3.5 hours and on the damages portion, it deliberated for 2.5 hours. In both cases, the verdict was unanimous, although in Mississippi, a verdict is reached when there is at least a 9-3 majority.

Defense counsel did not respond to a faxed draft of this report or a phone call.