

## Hughes

### Father fell 50 times in two years, son alleged

<b>Settlement</b>	\$2,500,000
<b>Case</b>	Billye M. Hughes, Individually, and as Representative of all Wrongful Death Beneficiaries, and as Representative and Legal Heir of the Estate of Billy Hughes, Deceased v Senior Living Properties, LLC, d/b/a Childress Healthcare Center, SLP Management, Inc., Complete Care Services, L.P., Faye Houston, Sharon Wadley, R.N., Angela Klepper, LVN, and Michele E. Bogges, LVN, No. 8640
<b>Court</b>	Childress County District Court, 100 th, TX
<b>Judge</b>	David McCoy
<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 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
<b>FACTS ALLEGATIONS</b>	<p><b>&amp;</b> Plaintiffs' decedent Billy Hughes, 82, resided at Childress Healthcare Center from Jan. 1, 1998, until his death, on Dec. 26, 1999, He fell there at least 50 times, and 37 of the falls were unwitnessed.</p> <p>Alleging that the nursing home's negligence caused Hughes' falls, injuries and death, his estate and adult son sued Senior Living Properties LLC, of Carmel, Ind., operating as Childress Healthcare Center; SLP Management Inc., of Carmel, Ind., and Complete Care Services L.P., of Horsham, Pa., one or both of which allegedly staffed and managed the facility; administrator Faye Houston; nursing director Sharon Wadley, R.N.; Angela Klepper, LVN; and Michele E. Bogges, LVN.</p> <p>The nursing home allegedly failed to monitor Hughes adequately, train its employees adequately, assess Hughes for pain appropriately and prevent him from falling. These failures resulted for understaffing, of which the corporate defendants were aware, the plaintiffs alleged.</p> <p>The defense contended that Hughes was properly supervised and that no amount of supervision could have prevented his falls.</p>
<b>INJURIES/DAMAGES</b>	<p><i>Fracture; Lacerations</i></p> <p>Hughes fell at least 50 times during his two years at the defendants' facility. As a result, he sustained broken bones, lacerations and decreased functional ability. Despite these injuries, the defendants allegedly did not monitor Hughes for pain or provide him with pain medication. Although Hughes' son alleged wrongful death, the core damages theory in this case was Hughes' pain and suffering.</p> <p>The defense contended that Hughes could not feel pain, due to his underlying medical condition.</p>
<b>RESULT</b>	<p>The case settled for \$2.5 million. At the time of the settlement, Senior Living Properties was in bankruptcy. The bankruptcy court approved the settlement of July 23, 2003.</p> <p>Sources of funding for the settlement were insurance proceeds and a solvent third-party general partner, said the plaintiffs' attorneys.</p>
<b>EXPERT(S)</b>	None reported
<b>EDITOR'S NOTE</b>	Defense counsel did not respond to a faxed draft of this report and a phone call.