

Lowe**Resident was dehydrated, malnourished, had bed sores**

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<b>Settlement</b>	\$3,850,000
<b>Case</b>	Brenda Lowe v. Summit Care-Texas, Inc., No. 2000-C1-18008
<b>Court</b>	Bexar County District Court, 150 th, TX
<b>Judge</b>	Janet P. Littlejohn
<b>Neutral(s)</b>	Pat Boone
<b>Date</b>	7/1/2004
<b>Plaintiff Attorney(s)</b>	David T. Marks(lead), The Marks Firm, Houston, TX Jacques G. Balette, The Marks Firm, Houston, TX Henry P. Giessel, The Marks Firm, Houston, TX Tom Rhodes, Lyons & Rhodes, San Antonio, TX
<b>Defense Attorney(s)</b>	William Baine, Fulbright & Jaworski, San Antonio, TX Robert R. Biechlin, Jr., Thornton, Summers, Biechlin, Dunham & Brown, San Antonio Stephen R. Darling, Gonzales Hoblit Ferguson, San Antonio, TX Jerry A. Gibson, Plunkett & Gibson, San Antonio, TX

**FACTS  
ALLEGATIONS**

**&** Plaintiffs' decedent Brenda Lowe, 82, entered a Bexar County nursing home on Nov. 16, 1998. The facility was owned by Summit Care-Texas Inc. Her medical history included congestive heart failure, hypertension, atrial fibrillation and a recent hip fracture that required a hip implant. Lowe's physician ordered that the staff should turn and reposition her every two hours. Lowe was removed from the facility on Jan. 9, 1999, and at that time was noted to be suffering from severe bed sores, malnourishment and dehydration. She died on Jan. 20.

Lowe's family sued Summit Care-Texas Inc., San Antonio, for medical malpractice and wrongful death. The plaintiffs alleged that the facility was understaffed, and that the staff violated the physician's order to turn and reposition Lowe. They further alleged that the staff violated general policies and procedures of Summit Care-Texas, including not notifying the attending physician of significant changes in Lowe's condition and not meeting her needs in a timely and appropriate manner. They argued that these negligent acts led directly to Lowe's suffering and premature death.

Summit Care-Texas contended that the staffing and care at its facility were adequate. The company further contended that Lowe's death resulted from the continuing deterioration of her preexisting health problems.

**INJURIES/DAMAGES** *Bed Sore; Death; Dehydration; Malnutrition*

Lowe's family claimed damages for severe pain and suffering and mental anguish on behalf of the estate and for loss of consortium as wrongful death beneficiaries.

**RESULT** The parties settled for \$3.85 million.**EXPERT(S)** None reported