

MISSOURI LAWYERS WEEKLY

August 9, 1999

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VS VERDICTS & SETTLEMENTS

Cerebral Palsy Patient Scalded In Bathtub Was Resident In Mental Health Facility

\$1.4 Million Settlement

The plaintiff was a 26-year old resident of a mental health facility who sued after he was burned by bathtub water.

The incident happened on May 29, 1996. The plaintiff, who required 24-hour care because he had cerebral palsy, spastic quadriplegia and a seizure disorder, was placed in a bathtub of scalding water and left unattended. Due to his disabilities, he was unable to get out of the tub or scream for help. He suffered burns over 26 percent of his body, including third-degree burns over 5 percent of his body. He required skin-graft surgery, was on a ventilator for two to three weeks, required a tracheostomy, and remained a patient in the burn unit of a medical facility for five weeks. He also needed additional rehabilitation and outpatient care after discharge.

The plaintiff claimed the staff at the facility had not been properly trained, was negligent in placing him in the water without testing the temperature, and waited too long before seeking proper treatment for him.

The defendant argued that the plaintiff made a good recovery and that some of his injuries were the result of a pre-existing pulmonary condition. The plaintiff's expert agreed that the plaintiff had a pre-existing pulmonary condition but said no injury would have occurred if he had not been placed in the hot water.

The settlement was structured to provide a \$1.4 million guaranteed payout and a \$1.8 million maximum payout.

Type of Action: Negligence

Type of Injuries: Burns

Court/Case Number/Date: Boone County Circuit Court/97CC072277/ June 25, 1999

Caption: Swenson v. Doe

Judge, Jury, or ADR: Mediation

Name of Judge: Frank Conley

Special Damages Claimed: \$150,000 past medical expense

Verdict or Settlement: \$1.8 million settlement

Allocation of Fault: N/A



TIM DOLLAR

Last Offer: N/A

Last Demand: N/A

Attorney for Plaintiff: Tim Dollar

Insurance Carrier: Not disclosed

Plaintiffs' Experts: George Harris, Kansas City (psychologist); Kurt Kruger, Prairie Village, Kan. (economist)

Defendants' Expert: None