

# MISSOURI LAWYERS WEEKLY

July 30, 2001

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## VERDICTS & SETTLEMENTS

### 78-Year-Old Died From Infection In Nursing Home *Wife Claimed Ulcers Not Treated*

#### **\$700,000 Settlement**

Conan Smith, 74, who suffered from mild dementia, was temporarily placed in an Illinois nursing home while his wife recovered from a fractured hip in November 1998. His wife sued the nursing home for negligence following his death from an infection in April 1999.

Within five months after he entered the home, Smith could not walk. He lost 30 pounds in 30 days and developed Stage IV decubitus ulcers. The ulcers became infected and caused Smith's death on April 14, 1999.

His wife claimed the nursing home failed to prevent and to properly treat the ulcers. She also claimed that Smith had a fever for several days, and the nursing home failed to monitor him for infection.

The nursing home contended that the ulcer progressed very quickly and was not preventable.

**Type of Action:** Nursing home negligence

**Type of Injuries:** Decubitus ulcer, sepsis, death

**Court/Case Number/Date:** Franklin County Circuit Court/00-L-0015/July 2001

**Caption:** Smith v. nursing home (confidential)

**Judge, Jury or ADR:** ADR

**Name of Judge:** Mediation

**Verdict or Settlement:** \$700,000 settlement

**Special Damages:** \$15,000 medical and funeral expense

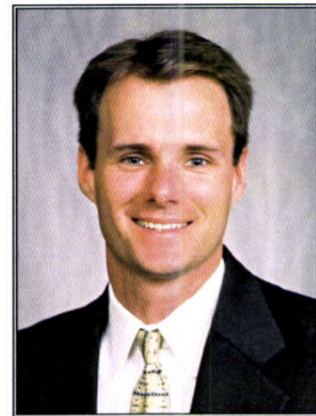
**Allocation of Fault:** N/A

**Last Offer:** N/A

**Last Demand:** N/A

**Attorney for Plaintiff:** Tim Becker, Kansas City

**Insurance Carrier:** Confidential



**TIM BECKER**

**Plaintiff's Experts:** Dr. Jonathan Evans, Rochester, Minn. (geriatric physician)

**Defendant's Experts:** None