

MISSOURI LAWYERS WEEKLY

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VERDICTS & SETTLEMENTS

Woman Died After Fall In Nursing Home *Family Said Doctor's Orders Not Followed*



TIM DOLLAR



JILL KANATZER

\$425,000 Settlement

The family of Ruth Rushly sued a nursing home for negligence following her death a month after a fall from a bath-lift chair.

Rushly, 86, was placed in Camden Health Center in Harrisonville in 1992. On June 1, 1999 a certified nurse's aide was bathing Rushly using a bath-lift chair. When the aide raised the chair to remove Rushly from the bath, she slipped out of the chair and fell five feet to the ground. She suffered a spiral fracture to her hip and died one month later.

Rushly's family claimed the nursing home was negligent in failing to follow the doctor's order to have two staff members assist her in all transfers.

The nursing home claimed she was not being transferred at the time of the fall.

Type of Action: Nursing home negligence

Type of Injuries: Death

Court/Case Number/Date: Cass County Circuit Court/CV100-149CC/Aug. 6, 2001

Caption: Rushly v. Camden Health Center, et al.

Judge, Jury or ADR: ADR

Name of Judge: Jacqueline Cook

Verdict or Settlement: \$425,000 settlement

Special Damages: \$17,000 medical

Allocation of Fault: N/A

Last Offer: N/A

Last Demand: N/A

Attorneys for Plaintiff: Jill Kanatzer and Tim Dollar, The Law Offices of Tim Dollar, Kansas City and Jim Bartimus, The Law Offices of Bartimus, Frickleton, Robertson & Obetz, Kansas City

Insurance Carrier: Cincinnati Insurance Company

Plaintiff's Experts: None

Defendant's Experts: None