

# MISSOURI LAWYERS WEEKLY

July 4, 2005

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## VERDICTS & SETTLEMENTS

### Woman settles wrongful death suit against nursing home

*Claimed nursing home did not seek emergent care*



TIM DOLLAR



JILL KANATZAR

#### **\$325,000 settlement**

A woman has settled her wrongful death suit against the nursing home where her mother died.

Rachel Clayter's mother, Rachel Robinson, became a patient at Saxton Woods Care Center in February 1999. The center's staff assessed Robinson as a risk for dehydration and infection. They then instituted a care plan outlining the nursing interventions to address these risks.

In September 2001, Robinson's intake of nutrition and fluids significantly declined. Despite the change in her condition, the staff failed to implement the approaches outlined in the care plan including monitoring and assessing her for dehydration and infection. The center's staff further failed to notify Robinson's treating physician of the change in her condition.

Clayter believed the delay in admitting her mother to the hospital and the lack of emergent care caused her mother to become septic and led to her death on September 26.

The defense argued that the nursing home staff sought emergent care at the first signs of infection.

The parties reached a settlement on April 19.

**Type of Action:** Wrongful Death

**Type of Injuries:** Dehydration, infection, sepsis and death

**Court/Case Number/ Date:**  
Buchanan County Circuit Court/  
04CV75509/April 19, 2005

**Caption:** Clayter v. Saxton Woods  
Care Center

**Judge, Jury or ADR:** Mediation

**Name of Judge:** Weldon Judah

**Verdict or Settlement:** settlement

**Special Damages:** \$17,000

**Allocation of Fault:** None

**Last Offer:** N/A

**Last Demand:** N/A

**Attorney for Plaintiff:** Jill A.  
Kanatzar and Tim Dollar, Kansas  
City

**Insurer:** Western Heritage

**Plaintiff's Experts:** n/a

**Defendant's Experts:** n/a