

Pa. Nursing Home Hit With \$19M Verdict In Death Suit

By **P.J. D'Annunzio**

Law360 (January 26, 2023, 6:02 PM EST) -- A Pennsylvania jury has returned a \$19 million verdict against a nursing home that was sued for the death of a resident who died after falling and injuring her hip, something her daughters said was allowed to happen due to neglect.

The **verdict** — \$15 million of which is composed of punitive damages against Brinton Manor Nursing Home and its corporate owners — was handed up by a Delaware County jury Wednesday evening after a week of trial.

Bevin Newlin and Stacey Loehrs, the administrators of the late Patricia O'Donnell's estate, sued Brinton Manor and its corporate entities for negligence over O'Donnell's death, claiming the nursing home failed to mitigate the 70-year-old's risk of falling, which is the reason she had been admitted in the first place.

The plaintiffs said in their pretrial memorandum that changes in ownership of the nursing home caused high turnover and a lack of leadership among staff that led to discontinuity in O'Donnell's care.

Additionally, the nursing home was on notice from the Pennsylvania Department of Health as having insufficient staff to take care of its residents, according to the memorandum.

Newlin and Loehrs alleged that O'Donnell fell multiple times, causing her "extreme anxiety." They also said that staff lost her dentures, leaving her unable to eat solid foods.

The memorandum said that, with the defendants' "combined negligence and recklessness, Patricia O'Donnell suffered multiple falls, including a fall with hip fracture requiring surgical repair, severe dehydration and malnutrition, and developed an infected stage IV pressure injury to her sacrum with osteomyelitis (infection to the bone), all of which caused her decline and untimely death at the age of 70."

In their pretrial memorandum, the defendants said O'Donnell was "already in decline" when she entered the Brinton Manor facility and that they did everything they could for her.

"The evidence will also show that, despite the significant efforts of the Brinton Manor nursing staff, Patricia O'Donnell's health continued to decline, resulting in her suffering unavoidable falls and developing unavoidable wounds," the defense memorandum said.

Kline & Specter PC attorneys Lorraine Donnelly and Colin Burke said in a joint statement, "This Delaware County jury delivered a clear message that nursing home neglect will not be tolerated in their community. The substantial punitive damage award puts all nursing home operators on notice and will serve to achieve accountability and deter similar conduct in the future."

An attorney for the defendants did not immediately respond to a request for comment.

Brinton Manor and its related entities are represented by Lawrence D. Jackson of Lewis Brisbois Bisgaard & Smith LLP.

The plaintiffs are represented by Lorraine Donnelly and Colin Burke of Kline & Specter PC.

The case is Bevin Newlin et al. v. Vita Healthcare Group et al., case number CV-2020-008216, in the Delaware County Court of Common Pleas.

--Editing by Melissa Treolo.