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Jury Returns \$19M Verdict for Elderly Woman's Nursing Home Death

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The plaintiffs alleged that the nursing home in which the woman lived provided neglectful care that resulted in her death.

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A Delaware County jury handed down a \$19 million verdict Wednesday to the estate of a 70-year-old woman who allegedly died as a result of improper care at the nursing facility in which she lived.

Kline & Specter's Colin Burke and Lorraine Donnelly, co-counsel for the plaintiffs, said the advanced age and poor health record of decedent Patricia O'Donnell posed challenges in making the case for significant damages.

The defendants went into the case "banking on a jury undervaluing what the injuries are," Donnelly recalled. "The hardest part is really the causation and getting the jury to value those damages."

Burke added, "We were able to effectively show that despite her age and prior health issues that she was loved."

The defendants, four companies that owned or managed Brinton Manor Nursing and Rehabilitation Center during Donnelly's stay, claimed that she died from the culmination of a number of preexisting health issues.

"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," defense counsel Lawrence Jackson of Lewis Brisbois Bisgaard & Smith argued in a pretrial memo.

Lewis Brisbois' Jackson did not respond to requests for comment.

However, the plaintiffs asserted that O'Donnell's death was the cumulative result of mistreatment extended across her 16 months at Brinton Manor. "You can't look at each injury in a vacuum," Donnelly said.

She explained that plaintiffs counsel sought to show how O'Donnell's various injuries during her time at the facility added up to ultimately cause her death. According to the plaintiffs, several falls left O'Donnell with mobility loss, she became malnourished after the loss of her dentures, and she subsequently developed a severe bedsore and pneumonia.

The plaintiffs—the decedent's two adult daughters acting on behalf of her estate—said O'Donnell's injuries were caused by extreme neglect from the facility's staff. And that neglect, they alleged, was facilitated by inexperienced management, high turnover and a lack of nursing policy procedure implementation at Brinton Manor.

The plaintiffs further claimed the nursing home's ownership deliberately and recklessly understaffed the facility. "We were able to demonstrate that they approached the nursing home as a profit business," Burke said.

The jury found against all four defendants, awarding \$2 million for O'Donnell's pain and suffering and \$2 million for a wrongful death claim. In addition, the jury returned \$15 million for punitive damages.

"The jury was mad," Donnelly said, adding that their anger was stoked by the fact that the corporate defendants failed to appear at the trial. "It showed their cavalier attitude."