

# VIRGINIA LAWYERS WEEKLY

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## Patient dies from complications from multiple pressure sores

### Confidential Settlement

This case involved a mandatory arbitration clause in a nursing home contract. Plaintiff's decedent's son signed the contract as "responsible party". The son did not have power of attorney nor had he been appointed legal guardian or conservator.

Defendant filed a motion to dismiss because arbitration was a condition precedent under the contract to commencing litigation. The trial court ruled that the son did not legally bind the decedent to arbitrate the dispute and denied the motion to dismiss.

Decedent was admitted to the nursing home in March 2007. Her disabilities included diabetes, a colostomy, a feeding tube, partial paralysis from a stroke and susceptibility to pressure sores.

Her care plan included repositioning every two hours, but records did not reflect that the plan was carried out.

Before she died on March 18, 2008, decedent



ZYDRON



GILL



SIX

developed seven pressure sores, including one on her left ankle that became black and necrotic. Complications from that wound were the cause of her death.

Family members contended the nursing home assured them that decedent was doing fine and spending part of the day in a day room when in fact she had not been out of bed for more than a year before her death. At one point, they found an air mattress prescribed by a physician in August 2007 to relieve the pressure sores was flat because it had been unplugged from the socket.

[10-T-170]

**Type of case:** Medical malpractice -  
Nursing home neglect

**Injuries alleged:** Wrongful death

**Name of case:** Confidential

**Court:** Confidential

**Tried before:** Mediation

**Name of mediator:** Thomas S.  
Shadrick

**Verdict or Settlement:** Settlement

**Amount:** Confidential

**Date:** Aug. 19, 2010

**Demand:** \$750,000

**Highest Offer:** \$150,000

**Plaintiff's Attorneys:** John E.  
Zydron, Catherine M. Six and  
C. Stewart Gill Jr., Virginia Beach