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## NEWS

*See Attorney Steve Gugenheim interviewed by WRAL:*

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### Gugenheim Law Appellate Opinions:

Sarah Williamson, Administratrix of the Estate of James Ward Carver v. Windsor House One, LLC, Third Street Management, LLC and Charles E. Trefzger, Jr., 2010 WL (N.C.App. 2010).

Hardin v. Liberty Commons Nursing & Rehabilitation Center of Alamance County, LLC, 2010 WL 521113 (N.C.App. 2010)

Brown v. Kindred Nursing Centers East, L.L.C., 675 S.E.2d 687 (N.C.App. 2009).

Hayes v. Premier Living, Inc., 181 N.C.App. 747, 641 S.E.2d 316(2007).

Alston v. Britthaven, Inc., 177 N.C.App. 330, 628 S.E.2d 824 (2006), pet. disc. rev. denied, 361 N.C. 218, 642 S.E.2d 242 (2007) (trial counsel)

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### GUIDE TO NURSING HOME NEGLIGENCE IN NORTH CAROLINA

By Stephen Gugenheim

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*Gugenheim Law Lawyer's Weekly Articles:*

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**1. NEWS STORY - 03.01.10: - NORTH CAROLINA LAWYERS WEEKLY  
PARTY WHO BALKED AT SETTLING NOT ON THE HOOK FOR FEES**

An Alamance County court had no basis to award attorney fees to the defendants in a nursing-home negligence case in which the plaintiff changed her mind and refused to sign a settlement contract after an agreement had been reached, the Court of Appeals ...

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**2. VERDICTS & SETTLEMENTS - 10.26.09: - NORTH CAROLINA LAWYERS WEEKLY  
PATIENT DIED AFTER BED-RAIL ENTRAPMENT**

The patient, a 61-year-old suffering from Alzheimer's disease, was admitted to an adult-care home in June 2007. In September 2007, hospice began to assist with the patient's care. The patient had a history of falls, including multiple falls from bed ...

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**3. NEWS STORY - 05.11.09: - NORTH CAROLINA LAWYERS WEEKLY  
RULE 9(J) EXTENSION SAVES PLAINTIFF'S CLAIM**

Because the plaintiff asked prior to the expiration of the statute of limitations period for an extension to find an expert who would certify his medical malpractice complaint, a Hertford County court should not have dismissed his lawsuit, the Court ...

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**4. VERDICTS & SETTLEMENTS - 11.03.08: - NORTH CAROLINA LAWYERS WEEKLY  
NURSING HOME NEGLIGENCE CLAIM SETTLES FOR \$525,000**

The patient was a 90-year-old long-time resident of the defendant-nursing home with a history of stroke, constipation and urinary tract infections and other conditions, including right-sided paralysis. She was dependent on the nursing home staff ...

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**5. VERDICTS & SETTLEMENTS - 12.17.07: - NORTH CAROLINA LAWYERS WEEKLY  
DECEASED RESIDENT'S ESTATE SETTLES WITH CARE HOME, COUNTY**

Type of action: Wrongful death Family care home Injuries alleged: Pressure sores, sepsis Case name: Gibbs v. Primrose Villa Inc., et al. Case number: 07 CVS 79 Court: Harnett County Superior Court Verdict or settlement: Settlement (mediation) ...

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**6. VERDICTS & SETTLEMENTS - 12.10.07: - NORTH CAROLINA LAWYERS WEEKLY  
ESTATE SETTLES WITH HOSPITAL OVER DEATH OF 72-YEAR-OLD PATIENT IN FALL FROM BED**

Type of action: Wrongful death Hospital fall Injuries alleged: Subdural hematoma Case name: Confidential Case number: Confidential Court: Confidential Verdict or settlement: Settlement (mediation) Settlement date: October 2007 Amount: \$500,00 ...

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**7. NEWS STORY - 02.26.07: - NORTH CAROLINA LAWYERS WEEKLY  
NURSING HOME MUST TURN OVER INCIDENT REPORTS. COURT RULES PEER REVIEW PRIVILEGE DID NOT APPLY**

A Lake Waccamaw nursing home must turn over three incident reports related to the alleged wrongful death of a former patient, the Appeals Court ruled Feb. 20. The appeals panel rejected arguments that the documents were shielded by the peer review ...

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**8. VERDICTS & SETTLEMENTS - 09.18.06: - NORTH CAROLINA LAWYERS WEEKLY  
NURSING HOME SETTLES NEGLIGENT SECURITY CLAIM FOR \$425,000. NURSING HOME NEGLIGENCE - RESIDENT WITH ALZHEIMER'S - VAGINAL BRUISING, TEARS DISCOVERED - DIED OF UNRELATED CAUSES - NEGLIGENT SAFETY, SECURITY ALLEGED - \$425,000 SETTLEMENT**

Type of action: Nursing home negligence Injuries alleged: Bruising and lacerations Name of case: Confidential Court/county: Confidential Case no.: Confidential Tried before: n/a Name of judge: n/a Special damages: Less than ...

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9. VERDICTS & SETTLEMENTS - 08.22.05: - NORTH CAROLINA LAWYERS WEEKLY

**FATAL PRESSURE SORES IN NURSING HOME RESULT IN \$850,000 SETTLEMENT. NURSING HOME NEGLIGENCE - WRONGFUL DEATH ACTION - DECUBITUS ULCERS - HOSPITAL, NURSING HOMES SUED - \$890,000 SETTLEMENT**

Type of action: Hospital/nursing home negligence Injuries alleged: Wrongful death

Name of case: Confidential Court/county: Confidential Case no.: Confidential Tried

before: Mediation Name of judge: Confidential Special damag ...

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10. NEWS STORY - 05.17.04: - NORTH CAROLINA LAWYERS WEEKLY

**NURSING HOME WINS VERDICT IN NEGLIGENCE CASE**

A Franklin County jury has held in favor of a Louisburg nursing home on claims the facility failed to prevent and treat an 81-year-old resident's pressure sores. The sores, called Stage IV decubitus ulcers, became infected and the man later died ...

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11. VERDICTS & SETTLEMENTS - 08.11.03: - NORTH CAROLINA LAWYERS WEEKLY

**ELDERLY MAN SUFFERS NUMEROUS FALLS**

Type of Action: Nursing home negligence Description: According to plaintiff's counsel:

Herman Hoke, an 83-year old who suffered from Parkinson's Disease, Dementia,

Congestive Heart Failure, and multiple other conditions, was admitted to Westwood ...

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12. VERDICTS & SETTLEMENTS - 07.28.03: - NORTH CAROLINA LAWYERS WEEKLY

**NURSING HOME RESIDENT FELL NUMEROUS TIMES**

Type of Action: Nursing Home Negligence Description: An 87-year-old male had been

a resident of the defendant nursing home since 1996. In late 1999, resident began

falling. During the year 2000, resident sustained more than 15 falls. In January 20 ...

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