

War Hero Receives Justice for Loss of His Loving Wife

Jean Applebaum was born on March 1, 1915, in Brooklyn, NY. She met her husband, Leon, at a resort in the Catskills and they fell in love and got engaged. During their engagement, Jean and Leon knew that Leon was going to Europe to fight in World War II, and he was indeed deployed in that conflict just after they were married. Leon courageously fought for his country and was personally involved with saving Jewish children from the Nazis. Amid the horror that surrounded him, Leon's love for his new bride remained strong. They were reunited after the war and they remained together for the rest of Jean's life.

In addition to proving himself as a committed soldier, Leon was also a devoted husband, father, and eventually a grandfather. His life with Jean revolved around their family as they were blessed with a daughter, Joan, whom they raised in New York, and two grandsons. The whole family spent every summer together in upstate New York, playing tennis, swimming, and engaging in a host of other recreational activities. Years later, Jean and Leon became "snowbirds," and they eventually retired to live full time in Florida.

Unfortunately, as time passed, Jean's mental status began to deteriorate. She was diagnosed with Alzheimer's disease, and it finally became too difficult for her husband to take care of her. Though it was terribly difficult for Leon to relinquish his care for Jean to professionals, he and his family entrusted a

facility called Morse Geriatric Center to take care of Jean's ever-developing needs. Unfortunately, Morse Geriatric violated that sacred trust, causing Jean and Leon irreparable harm.

On March 18, 1996, Jean was admitted to Morse Geriatric. In her care plan, it was noted that she had a potential for wandering and a potential for injury. In fact, the nursing home's records stated that "due to confusion she must be monitored carefully." Consequently, on May 5, 1999, Morse Geriatric performed a Fall Risk Assessment, which determined that Jean was at an extremely high risk for falling. Unfortunately, the nursing home failed to take steps to safeguard Jean from that well-identified risk.

On March 15, 2001, Jean suffered a fall which caused her to seriously fracture her femur. Her injury, in light of her age and mental status, proved to be devastating. Jean developed acute pneumonia shortly after her fall and she succumbed to the illness just two weeks after falling.

It is absolutely inexcusable that there were no safeguards taken to prevent this fall, including bed alarms and additional supervision.

After Jean's death, Leon Applebaum and his daughter, Joan Freemont, who was acting as his guardian, hired attorney Harry Shevin to investigate the care rendered by Morse Geriatric. After an initial investigation, suit was filed alleging that Jean was wrongfully killed due to Morse Geriatric's violations of Florida's Nursing Home Bill of Rights. During the prosecution, the Administrative Head of Morse Geriatric

Center, Teresa Nichols, admitted that the nursing home failed to follow its normal protocols for a resident who had suffered previous falls. Nurse Nichols testified, "We take steps - if somebody is having falls, then we take steps to prevent them from falling: Bed alarms, chair alarms, certain positioning devices in their seats." Unfortunately, Jean was never protected by those preventative measures, nor was she adequately supervised. As a consequence, she suffered a fall that ultimately led to her death.

The case was scheduled for trial in Palm Beach County on an expedited basis due to Leon's poor health and advanced age. However, at mediation on the eve of trial, the case was settled for \$312,500. Leon and Joan were pleased that Morse Geriatric paid for its neglect. After the case settled, Joan stated, "My father and I felt that we owed it to my beloved mother to pursue this matter, and we are very satisfied that this matter was resolved and feel that it has provided my family a sense of justice and closure." Leon was 96-years-old while the case was pending and, sadly, has since passed away.



Decisions...Decisions...Decisions...