

## Confused and disoriented patient dies when ignored by rehab facility staff

**Not properly supervised, the patient fell three times while trying to get out of bed, finally dying.**

Allen Johnson (not his real name) was only 60 years old when he fell and broke his hip in the shower of his home. Allen suffered from Alzheimer's Disease and was often confused and disoriented. He was rushed to the hospital to have his hip fracture repaired. After a few days in the hospital, he was released to a rehabilitation facility to continue recuperating before going back home. Despite being fully aware of Allen's cognitive impairments, his recent surgery, and the pain medications that he had been given, the rehabilitation facility did not properly supervise the patient. The personnel at the facility left Allen alone for long periods of time and did not take appropriate precautions to ensure that he did not get out of bed and risk a fall.

Although Allen was only at the facility for a few days, he fell three times while trying to get up to use the restroom without waiting for supervision. Each time he fell, he lay helplessly on the floor until a staff member found him. He was never treated for injuries resulting from the falls or sent to the hospital's emergency room. Just three days after being admitted, he was found dead on the floor of his room in a large pool of blood. Allen's family contacted SDSBS attorneys **Karen Terry** and **Andrea Lewis** and asked for their help in holding the facility responsible for Allen's death. Ms. Terry and Ms. Lewis obtained a very sizable settlement for the family just before the case was set to go to trial. ♦

*"You can only protect your liberties in this world by protecting the other man's freedom."*

-- Clarence Darrow



**SDSBS Attorney Matt Schwencke.**

## Law professor awarded \$222,717 for breach of contract

In May 2015, Professor Lee-Ford Tritt and the University of Florida settled a discrimination case that had previously been filed by the professor against UF. In an effort to maintain confidentiality in its payment of the damages owed to Professor Tritt for the discrimination he suffered, UF agreed to provide Professor Tritt with an extra sabbatical for the upcoming Fall 2015 semester, where Professor Tritt was already scheduled to teach as a visiting professor at Boston University. UF told Professor Tritt that Boston University would pay the professor directly, while at the same time he would be permitted to maintain his salary and fringe benefits from UF.

However, when it was found that Boston University's policy was to pay UF directly for the visiting professor, UF backed out of the agreement with Professor Tritt because it was leery of the paper trail that would have negated the confidential nature of the settlement. Professor Tritt sought representation from SDSBS attorney **Matt Schwencke**. The attorney filed a legal action against UF for breach of contract.

During trial, UF adamantly denied that any secret settlement terms existed. Attorney Schwencke confronted UF administrators with internal emails issued after the agreement was executed which proved that the intent of the agreement was, indeed, to pay Professor Tritt the funds from Boston University. After a three-day trial, an Alachua County, Florida, jury agreed with attorney Schwencke, finding that UF had breached the terms of the settlement agreement. Notably, the jury's damage award was more than twice what the attorney had asked for during trial. Post-trial, the court awarded Professor Tritt's attorney's fees and costs, as well. ♦