

Jonathan Rosenfeld's Nursing Homes Abuse Blog

Wrongful Death Lawsuit Alleges That An Emertus Assisted Living Facility's Gross Neglect Of Dementia Patient Results In Death

Posted by [Jonathan Rosenfeld](#) on October 21, 2010

A wrongful death lawsuit has been filed against Ridgeland Assisted Living (Mississippi) and its parent company Emeritus Corporation following an incident at the facility when a dementia patient fell from a second story window.

The lawsuit, filed by the daughter of the deceased resident, claims that despite multiple assurances from the facility, they failed to supervise and provide necessary safeguards to keep the 83-year-old safe.

According to the lawsuit (see PDF version below: Diane Phillips individually and on behalf of the wrongful death beneficiaries of Merle Fall v. Ridgeland Assisted Living LLC and Emeritus Corp.), Ms. Fall was admitted to Ridgeland on February 25, 2010 with known problems related to Alzheimer's / dementia and a history of wandering from home.

Also at the time of admission, Ms. Phillips was assured by an employee of Ridgeland, Ashley Martin, that the facility was capable of safely caring for her mother and the facility would take the necessary steps to keep her mother safe.

Three days later, Ms. Phillips visited her mother to find her in a filthy condition with dirty clothes and was also informed by Ridgeland staff that her mother attempted to climb out of her second story room. Again, Ridgeland assured Ms. Phillips that it was capable of safely caring for her mother and they would take

Jonathan Rosenfeld represents victims of nursing home abuse and neglect throughout the country. For more information please visit Nursing Homes Abuse Blog (www.nursinghomesabuseblog.com), Bed Sore FAQ (www.bedsorefaq.com) or call Jonathan directly at (888) 424-5757.

the necessary safeguards-- such as installation of window locks-- to keep her mother safe.

Despite the assurances of safety, Merle Fall fell from a second story window on March 6, 2010-- just weeks after her previous attempt to get out of the window. Ms. Fall sustained multiple injuries including: a compound fracture of the left ankle and a subdural hematoma. On March 9, 2010, Ms. Fall died from her injuries at a nearby hospital.

In addition to seeking compensatory damages of at least \$500,000, the Complaint also seeks punitive damages from each defendant for their reckless conduct in failing to take the necessary safeguards to protect an exceptionally vulnerable senior.

The Complaint is filed by my colleague [attorney Philip Thomas](#). Interestingly, at the time this lawsuit was filed, this Emeritus facility failed to provide Ms. Fall's medical records as they were obligated to do under Mississippi law when presented with a valid request.

Broken Promises

Too often facilities--- nursing homes and assisted living--- put their census numbers ahead of the patient's well-being. As Philip does a nice job of articulating this lawsuit, he specifically names the Emeritus employee who assured the family that their loved one would be well cared for.

Time will tell, but if the allegations made in this complaint prove to be true, there certainly appears to be circumstances necessary to incite a jury to award substantial punitive damages due to both the facilities gross negligence and outward assurances.

Related:

Diane Phillips, individually and on behalf of the wrongful death beneficiaries of Merle Fall, deceased v. Ridgeland Assisted Living LLC and Emeritus Corp. (PDF)

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