

Jonathan Rosenfeld's Nursing Homes Abuse Blog

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[Bankruptcy Laws Allow Owners Of Assisted Living Facility To Ignore \\$1.2M Judgment Against Them](#)

The \$1.2 million judgment North Carolina Superior Court Judge, James Ammons handed down in a 2006 negligence trial will literally amount to nothing after the owners of the Countryside Villa run-for-cover under North Carolina's bankruptcy laws.

The large verdict against the assisted living facility was awarded to Joe Cooper, a Marine Corps Veteran, who suffered a concussion, respiratory failure that required a breathing tube and the loss of several teeth in a incident that occurred at the facility in 2003. In addition to the facilities responsibility for Mr. Cooper's injuries related to the specific episode, Judge Ammons also concluded that Countryside Villa's pattern of 'egregiously wrongful acts' further resulted in the aggravation of Mr. Coopers diabetes and other medical conditions.

North Carolina, like the majority of states, does not require the owners of nursing homes and assisted living facilities to carry liability insurance. In this case, and other similar cases, the judgment may attach to the owners of the facility individually, but the enforcement of the judgment remains difficult if-- if not downright impossible-- when the owner deliberately shields his or her personal assets by utilizing bankruptcy laws in their favor.

According to the owners bankruptcy petition, they were barely able to squeeze out a living with an annual income of \$330,706 as their expenses ate into the majority of their take. According to Mr. Cooper's daughter, the doors to this assisted living facility remain open.

As a lawyer who represents people injured in long-term care facilities, I am continually frustrated by the lack of accountability on the part of the owners and operators. What continually impresses me is the sheer greed of many of these people. Rather than make the necessary improvements to their facilities and purchasing adequate insurance coverage to protect their patients, they make a conscious decision to squeeze every last penny of profit out of their facilities. Given the lack of civil enforcement, maybe its time to impose criminal penalties against operators who willfully endanger their patients?

Read more about this North Carolina assisted living facility [here](#).

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