

Daily Journal

VERDICTS & SETTLEMENTS

Friday, April 6, 2012

PERSONAL INJURY

MEDICAL MALPRACTICE

Failure to Maintain Fall Precautions, Failure to Diagnose.

SETTLEMENT: \$2,300,000

CASE/NUMBER: Robert Vasquez v. Rancho Los Amigo National Rehabilitation Center and County of Los Angeles/VC056933

COURT DATE: Los Angeles Superior Norwalk/ Feb. 26, 2012

ATTORNEYS: Plaintiff – Michael F. Moran, Lisa Trinh Flint (Law Offices of Michael F. Moran, Anaheim); Steven Ibarra (Law Offices of Steven Ibarra, Whittier). Defendant – Clyde Lockwood (Patterson, Lockwood, Harris, Jurich & Hillyer, LLP, Los Angeles).

FACTS: Robert Vasquez, 61 years old, was admitted into Rancho Los Amigos National Rehabilitation Center in Downey on November 5, 2009 for acute-rehabilitative care following a stroke. During his admission, he was assessed as a high fall risk due to his left-sided weakness and gait impairment from the stroke. Plaintiff was assessed by physical therapy to have poor dynamic sitting balance, requiring stand by assist for static sitting balance.

On November 27, 2009 at 8:30 a.m., plaintiff was assisted to the bathroom by the

nursing staff, but was left unattended while sitting on the toilet. Due to plaintiff's left-sided hemiparesis, he was unable to balance himself on the toilet and fell off, hitting his head on the floor. Immediately after the fall, plaintiff was noted with swelling and an indentation to the left parietal area of his head.

PLAINTIFF'S CONTENTIONS: Plaintiff contends that given the severity of the fall and injury, he should have been continuously monitored for signs of neurological changes, but instead was recommended and approved for an overnight home pass and released home on November 28, 2009. While at home, Mr. Vasquez complained of increasing headaches and was taken to Presbyterian Intercommunity Hospital via paramedics. CT Scans taken at Presbyterian Intercommunity Hospital show that Mr. Vasquez had sustained a right frontal temporal subdural hematoma with a midline shift of 17 mm requiring an emergency craniotomy with evacuation of subdural hematoma. Prior to the fall, Mr. Vasquez was progressing well with physical and occupational therapy, and able to ambulate 50 feet using a quad cane.

INJURIES: Plaintiff contends that, as a result of the fall and brain injury, he is in a comatose state.

RESULT: A \$2.3 million settlement was reached, which would include the assumption of Vasquez's Medi-Cal lien of \$377,000 and waive of hospital bills estimated at \$634,026.

OTHER INFORMATION: FILING DATE: Aug. 9, 2010.