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Tyson & Mendes defends caregivers against \$9.5M death claim

In defending the case, said Tyson & Mendes partner Harry W. Harrison, his team worked to personalize its corporate defendant by emphasizing their elder care mission.

Santa Ana defense firm Tyson & Mendes LLP successfully defended against a \$9.4 million claim alleging elder abuse by its client, a non-skilled home care company, in the death of a 95-year-old man who fell out of his chair in his own home.

“We extend our sympathies to the family of this elderly gentleman, but are grateful the jury understood the facts and applied the law,” Tyson & Mendes partner Emily S. Beck of Redondo Beach said in a news release Tuesday.

“We trusted them to return to our themes of common sense, reasonableness, and responsibility in reaching a just verdict, and their care in assessing the facts was evident.”

The defense had offered \$150,000 to settle the case, according to the firm’s news release.

Beck was joined in representing the defendant by Tyson partner Harry W. Harrison in La Jolla.

“This is a case where plaintiffs had elected to name an individual caregiver, so we were faced with defending both the corporation and an individual against both, really,” Harrison said in a phone call on Tuesday about the Sept. 20 verdict. “Allegations were levied that we didn’t feel were supported, and fortunately the jury ultimately saw it our way and we were able to secure a defense verdict.”

In defending the case, Harrison said, his team worked to personalize their corporate defendant by emphasizing their elder care mission.

“The company is made up of people ... and they have background, they have personal lives – whether it be their education, whether it be their family lives,” he said. “It is made up of real people doing real work, and in this case, the real work of providing home care for elderly and disabled folks.”

The complaint alleged that the decedent suffered a catastrophic fall in his home when the employee left him unattended in violation of the patient’s care plan. *John Nord et al. v. Assisting Hands Home Care et al.*, 30-2020-01136994-CU-PO-CJC (O.C. Sup. Ct., filed March 6, 2020).

The patient died in the hospital two days later, the complaint said.

“The injuries, cervical fracture, spinal cord damage, and death suffered by decedent were caused by the reckless neglect of all defendants affiliated with Assisting Hands who failed to provide decedent with even the minimum amount of care and services he needed for his health and safety as contracted and as mandated by law,” the complaint read.

“The injuries, cervical fracture, spinal cord damage, and death suffered by decedent were caused by the reckless neglect of all defendants affiliated with Assisting Hands who failed to provide decedent with even the minimum amount of care and services he needed for his health and safety as contracted and as mandated by law,” the complaint read.

“Ultimately the jury found no negligence by the caregiver,” Harrison said in the firm’s news release. “They did find negligence on the part of Assisting Hands (related to record-keeping), but determined it was not causally related to the death of the decedent.”

Kevin S. Conlogue of Conlogue Law LLP in Beverly Hills, who represented the plaintiffs, could not be reached for comment via phone or email on Tuesday.

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