

WRONGFUL DEATH**Father said facility didn't get his daughter timely medical care**

MEDIATION	Confidential
CASE	Wayne Gant, Individually and On Behalf of the Estate of Cynthia Gant v. Pace Opportunities Centers Inc. d/b/a Purdue House and Jessica DeMoss, LVN, No. Not Given
COURT	Gregg County, Court, TX
JUDGE	Mary Burdin
PLAINTIFF ATTORNEY(S)	E. Michael Grossman; Grossman Law Offices, P.C.; Dallas, TX, John W. Pate, Grossman Law Offices, PC, Dallas, TX
DEFENSE ATTORNEY(S)	Glynis L. Zavarelli, Wentz & Zavarelli, LLP, Irving, TX

FACTS & ALLEGATIONS

In February 2005, plaintiff's decedent Cynthia Gant, 20, became incontinent and could not stand. She began vomiting, and she had a fever and shortness of breath. Ms. Gant had a history of mental retardation, Attention Deficit Hyperactive Disorder, Pervasive Developmental Disorder and depression. She was a resident of an intermediate care facility for the mentally retarded in Longview called the Purdue House, which was owned and operated by Pace Opportunity Centers Inc. (POC) Jessica DeMoss, a nurse at the center, examined Gant. The next day, Ms. Gant was taken to the hospital. Several hours later, she died of influenza combined with community-acquired, Methicillin-resistant Staphylococcus Aureus pneumonia.

Ms. Gant's father, plaintiff Wayne Gant, sued POC and DeMoss for wrongful death, arguing that after she examined his daughter, DeMoss failed to diagnose her condition or quickly return to Purdue House for a follow-up. Gant argued that POC Staffers should have taken Ms. Gant to a hospital sooner.

The defense argued that, because of the type of pneumonia that Ms. Gant acquired developed rapidly, it was difficult to gauge the seriousness of her illness until it was too late. The defense alleged that she was taken to the emergency room, and that these symptoms started about 1.5 hours beforehand. The defense argued that, when the symptoms--one episode of spitting up right after eating a fairly substantial amount of food and breathing difficulties-- occurred, the home's staff notified all necessary individuals, and Ms. Gant was taken to the emergency room immediately. The defense pointed out that Ms. Gant's vital signs were normal, and that neither doctor saw any physical signs of illness. Both attributed her symptoms to her underlying psychological disorders and/or medication. The defense also noted that Ms. Gant was seen two days prior to her death at Sabine Valley Crisis Center, and the evaluation performed there also revealed no illness.

INJURIES/DAMAGES

Ms. Gant died. She saw Mr. Gant about once every four weeks.

Mr. Gant asked for unspecified damages relating to wrongful death, loss of consortium and loss of affection.

VERDICT INFORMATION

Before trial, the case settled for a confidential amount.

PLAINTIFF	
EXPERT(S)	Sid Gerber, Nursing administration, Bellaire, TX Carl Vartian, M.D., infectious diseases, Houston, TX
DEFENSE	
EXPERT(S)	None