

**NURSING HOMES****Restraints****Elderly man asphyxiated by nursing home restraints****SETTLEMENT** **\$2,500,000**

CASE Donna Harriet Parks, and Fred Parks, individually as wrongful death beneficiaries, as representatives of all wrongful death beneficiaries, and as heirs at law and representatives of the estate of Robert M. Parks, deceased v. Southwood Nursing Home, No. 02-000817-CV
COURT Brazos County District Court, 272nd, TX
JUDGE Richard Darvis
DATE 02/19/2003

PLAINTIFF
ATTORNEY(S) Jacques G. Balette, The Marks Firm, Houston, TX
Henry P. Giessel, The Marks Firm, Houston, TX
David T. Marks, The Marks Firm, Houston, TX
Jason N. Young, The Marks Firm, Houston, TX

DEFENSE
ATTORNEY(S) Marian J. Wu, Jackson Walker, Austin, TX
Monte F. James, Jackson Walker, Austin, TX

FACTS & ALLEGATIONS On August 10, 2000 the plaintiffs' decedent, Robert Parks, 80, suffered death by strangulation after being strapped into his wheelchair at Southwood Nursing Home in College Station. Parks had been admitted to Southwood seven days earlier for physical therapy, and had attempted to leave. In order to prevent him from attempting to leave again, an attendant strapped Parks into

his wheelchair by putting a belt around his waist. Parks was asphyxiated by the belt.

Parks' family sued Southwood, alleging that neither his physician nor his family had consented to the restraint, that he had not been care-planned for a restraint, that Southwood employees received no training in using restraints properly, and that the use of the restraint violated Southwood's own rules. The plaintiffs contended that the restraint was for the convenience of the employees because the nursing home did not employ enough staff to properly supervise residents. They further contended that Southwood's staff must have been aware of the potential danger, alleging that, shortly before Park's death, a similarly restrained resident was saved at the last minute. The plaintiffs contended that this was especially bad because he had only been there seven days for therapy and his stay was expected to be temporary.

INJURIES/DAMAGES The plaintiffs sought damages for Parks' pain and suffering during asphyxiation and their loss of consortium.

VERDICT INFORMATION The parties reached a settlement for \$2.5 million.

INSURERS Professional Underwriters and Interstate Fire & Casualty