

[Pyle](#)

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**Court** Dallas County District Court -162<sup>nd</sup>

**Week of** 04-19-1999

**Judge** Bill Rhea

**B.S. No.** F:99:05927

**Cause No.** DV98-01632-1

**Issue No.** N03-09S

**Style** — Lynn Fitzhugh, Individually and As Representative of All Wrongful Death Beneficiaries of Geraldine Jones Pyle, Deceased vs. Telesis/Walnut Place Nursing Home, Inc. and Telesis/Walnut Place Nursing Home I Ltd. d/b/a/ Walnut Place

**Attorneys P** — David T. Marks & Henry Giessel of The Marks Firm, Houston; J. Thomas Rhodes, III of Lyons & Rhodes, P.C., San Antonio; John Howie of Howie & Sweeney, L.L.P., Dallas (local counsel)

**D** — Mike Hurst & Jon D. Campbell of Cowles & Thompson, P.C., Dallas (primary coverage); Ernest Martin of Haynes & Boone, L.L.P., Dallas (individual counsel); John H. Marks, Jr. of Liddell, Sapp, Zivley, Hill & LaBoon, L.L.P., Dallas (Hartford excess carrier)

**Type of Claim** — **Nursing Home Negligence/Malpractice** – On February 24, 1996, Geraldine Jones Pyle was found dead in her room at Defendant's nursing home facility, Walnut Place, from strangulation due to vest restraints. Mrs. Pyle was a resident at the facility from November 1995 until her death on February 24, 1996. Plaintiffs alleged numerous violations of minimum nursing home regulations and standards of care with respect to application and monitoring of patients in vest restraints.

Defendant denied violations of regulator standards; asserted Mrs. Pyle's death was actually caused by a heart attack or stroke as opposed to the vest restraints themselves.

**Damages** — Geraldine Jones Pyle allegedly died by strangulation.

**Experts P** — Stephen Miles, M.D., geriatrics, Minneapolis, MN, re geriatrics and vest restraints; Vincent J. DiMaio, M.D., pathology, San Antonio, re causes of death; Suzanne Frederick, M.S.N., R.N., C, Waco, re nursing home standards; Erin David Bigler, Ph.D., neuropsychology, Salt Lake City, UT

**D** — Suzanne Marie Carr Kier, Ph.D., R.N., Arlington, re nursing standard of care; Mark Andrew Krouse, M.D., pathology, Fort Worth, re cause of death; James H. Golleher, M.D., F.C.A.P., pathology, Searcy, AR, re cause of death

**Verdict** Case settled for \$4,000,000 (\$3,500,000 paid by Defendant's carriers; \$500,000 paid by nursing home itself).

**Pre-trial demand:** \$6,000,000

**Sidelights** — Case was set for trial in June 1999.

Formal mediation of the case was unsuccessful; however, the mediator continued to work with the parties and an agreement was reached in the end.

Mediator – Judge Harlan A. Martin, JAMS, Dallas