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JURORS AWARD FAMILY MILLIONS

By David J. Lee - *Odessa American*

The children of a Seagraves man who died after a fall in an area nursing home in April 2002 say they're glad "the truth has finally come out about what had happened" to their father. An Ector County jury awarded the family of Requil Coy Smith a \$4.5 million judgment Tuesday.

"As far as in a personal injury case, I've never heard of a verdict this large," said Judge Jay Gibson, who presided over the case. "I think this is largest they've ever had in the county, I believe."

Judy Green, one of Smith's daughters who lives in Odessa, said she was happy with the result.

"Considering the circumstances around what happened in the rest home, that's fair," Green said.

Parks Methodist Retirement Village, 3301 Faudree Road, was ordered to pay the Smith family \$1 million in actual damages and \$3.5 million in punitive damages.

"Parks Methodist Retirement Village was shocked and amazed over the outcome of the eight-day trial," Executive Director Jimmy Johnson said in a prepared statement.

Green said the nursing home was responsible for her father's death because he was not adequately treated for a broken hip he suffered in a fall on March 18, 2002.

"It was established that he laid in the nursing home with no doctor's care or any care for four hours until the family came in and found him on the day of the fall," she said.

Smith, 94, died April 25, 2002. June Smith, the executor of Requil Smith's estate, sued on behalf of his family — wife Gracie Smith and daughters Green, Joyce Estes and herself.

The case was tried by George Chandler and Reich Chandler of Lufkin. Odessa lawyer Allen Moore was the attorney of record in Ector County for Requil Smith's family.

Moore said the nursing home showed gross negligence by not taking adequate care of Smith.

"They let him fall and, from what we can tell, they picked him up and put him in his bed without X-raying his hip," Moore said. "He was blind, and he could not talk. His daughters came to the room 3 1/2 hours later and found him motioning to his hip. They pulled back a sheet and saw his hip was distended or broke"

Johnson's statement said Requil Smith had only been a resident of the nursing home for five days when he "suffered a predictable, unpreventable fall."

"This case involved a 94-year-old man who suffered from a rare, terminal neurological disorder, which had resulted in 36 falls and numerous fractures prior to admission to Parks," he said. "... Testimony at trial from two well-respected physician experts and a local nursing expert ... confirmed that this fall was medically unavoidable." Green, however, said the suit wasn't about the fall.

"We didn't blame Parks for the fall — Daddy was a high risk for falls," she said. "It was what he did not receive after he fell." Johnson said Parks did everything it was supposed to do.

"After the fall, the physician and family were notified, no new orders were issued, and the resident was monitored for changes in condition," he said. "When the resident's condition changed, the physician was again contacted, and the resident was immediately transferred to Medical Center Hospital for evaluation and treatment."

Green said Requil Smith's family believes the nursing home didn't do its job, though.

"He was unable to move unassisted," she said. "He had to have assistance to get up, to dress, to eat, to turn over in bed. My sister did a lot of investigation before choosing a rest home. Parks said they could take care of him. They knew he was high risk; they knew his history of falls.

"Like the attorney said, 'they took your money and said they'd take care of your dad, and they didn't,' " she continued.

Moore said it would probably take three to four years to collect the money — after all Parks' appeals are exhausted.

Green said the money was not as important to the family as "the truth," though.

"It was in our minds that it was never about the money," she said. "We just wanted the truth to come out that there is neglect in rest homes. Things happen to elderly patients that are never reconciled. We wanted in some way to voice that this should never happen to anyone anywhere."

Regardless, Moore said the judgment was just.

"I think the jury was emphatic in what they thought," he said. "It's more than fair. I hope it sends a message out to the nursing home community." Johnson had a different assessment.

"Parks vehemently disagrees with the jury's findings and does not believe the evidence supports such an award," he said in the prepared statement.

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