

NURSING HOME | ALF

*Plaintiff as Personal Representative of the Estate of Deceased (74-Year Old) v.
Hebrew Home Sinai, Inc., d/b/a Sinai Plaza Nursing and Rehab Center*

Jury Verdict of \$35,122



LUKS, SANTANIELLO
PETRILLO, COHEN & PETERFRIEND

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Plaintiff Counsel: Ford, Dean & Rotundo (William A. Dean and Nicole Masri)

Jury verdict of \$35,122 | In closing argument, Plaintiff Counsel asked for \$510K | Miami Dade

Boca Raton Managing Partner Michael J. Schwartz and Associate Leonard (Wilbert) Sojourner obtained a favorable verdict after three days of trial before Judge Reemberto Diaz in Miami. The case involved the 9/1/2020 alleged choking death of a 74-year-old nursing home resident with two surviving adult children. Central to Plaintiff's case were the 9/1/2020 EMS report stating that Plaintiff Deceased "appeared to be choking on rice and peas," as well as a 3/18/2020 physician's order for a swallow evaluation that was never done, in violation of Sinai Plaza's policies and procedures. Plaintiff's case was supported by a PhD in nursing who opined that Sinai Plaza fell below the standard of care by failing to supervise Plaintiff Deceased while she was eating, and failing to respond appropriately to the emergency when Plaintiff Deceased was found unresponsive. Also testifying for the Plaintiff was a medical doctor who stated that choking was the cause of death. The adult children testified as to the effects on them of the loss of their mother. The defense presented as witnesses three Sinai Plaza staff members, plus three experts: a cardiologist who opined that the cause of death was a pulmonary embolism, a speech language pathologist who opined that Plaintiff Deceased did not choke, and the medical director of a nursing home, who opined that Sinai Plaza did not fall below the standard of care. In closing arguments, Plaintiff's counsel asked for \$510,000. The jury awarded \$35,122 for the survival claim of Plaintiff Deceased, which included her medical bills, and zero dollars for the claims of the adult children and the estate.