

FEBRUARY 2003

SETTLEMENT - KING COUNTY

FREDDIE WATKINS V. STATE OF WASHINGTON, DEPARTMENT OF SOCIAL HEALTH AND SERVICES ("DSHS"); CITY OF SEATTLE, DIVISION OF AGING & DISABILITY SERVICES; CONNIE BOLER; SARAH WATKINS; CHARLENA HEDGEMON; LEE WATKINS; AND ANGELA WATKINS

Number: 01-2-18983-2KNT

Settlement Date: 12/13/02

Plff Atty: David P. Moody of Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim (Seattle)

Def. Atty: Andrew G. Cooley of Keating Bucklin & McCormack (Seattle) for Def. DSHS; Sean Sheehan, Assistant City Attorney, City of Seattle (Seattle) for Def. City of Seattle

Plff Med.: Jeff Victoroff MD (Neurologist) Los Angeles CA; Sebine vonPreyss-Friedman MD (Geriatric Medicine) Seattle

Plff Exp.: David T. Rollins Ph.D. (Vocational Rehabilitation) Portland OR; Alice Mirk (Social Work Standards) Madison WN; Amanda Carmier (Social Standards) Tacoma

Settlement Judge: Hon. Dean S. Lum

STATE & DSHS NEGLIGENCE (FAILURE TO MONITOR)--*SUMMARY JUDGMENT

BEDSORES

12/7/98 - 9/14/99 - Plff, male age 37, quadriplegic, unemployed. At the time of this incident, Plff resided in the Bailey Boushay nursing facility in Seattle, Washington. Plff was completely non-ambulatory and lacked the ability to speak. Plff's wife and daughter petitioned Def. DSHS for permission to remove Plff from the nursing home and care for him in their own home under COPES program. Plff's daughter, Def. Hedgemon, was to be the state-approved and paid caregiver for Plff. Def. DSHS approved Def. Hedgemon as Plff's COPES care provider. Shortly thereafter, Def. DSHS transferred all case management and oversight responsibility to Def. City of Seattle's Aging and Disability Services Division (ADSD). Plff's case was assigned to Def. City of Seattle's social worker Def. Boler. Within two (2) weeks after Plff was moved home, Def. Hedgemon decided she no longer wished to care for Plff under the COPES program and moved to Louisiana. Despite Def. Hedgemon's abandonment of Plff, Def. City of Seattle continued to send mounting paychecks to her for providing care under the COPES program. These checks were fraudulently cashed by Plff's wife Def. Sarah, and used for her own purposes. Plff lived in his own home, without a paid caregiver, for almost nine (9) months. During that 9-month period, Def. City of Seattle social worker Def. Boler visited Plff on one (1) occasion. During that visit, Def. Boler failed to appropriately verify that Plff was receiving adequate

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Facts Cont'd:

care. Def. Boler also failed to discover that Plffs' state-contracted caregiver was living in Louisiana. Plff's counsel believed that Plff would have difficulty establishing the proximate cause of his injuries against Def. DSHS because they transferred his file to Def. City of Seattle immediately.

Injuries: Multiple class 3 & 4 bedsores in each of Plff's extremities and bi-laterally on his heels. Severe contracture of the lower extremities. Lacking a caregiver, Plff was left to lie in his basement for months on end without appropriate care. He developed Class 4 bedsores and contracture in all of his extremities. After nine (9) months, Plff was discovered by extended family members and rushed to the hospital.

Specials: Med. \$80,000 approx.; Lost Wages - none; Days Work Lost - none; Days in Hosp. - 13 days.

Result: PLAINTIFF SETTLEMENT for \$980,000. (During the litigation of this matter, Plff became gravely ill. Because of Plff's rapid decline in health, his counsel contacted Def. City of Seattle and offered to settle his claims for \$830,000. This offer was accepted. Settlement included \$830,000 from Def. City of Seattle and \$150,000 from Def. DSHS. After Plff's discharge from the nursing home, Plff's counsel contacted counsel for Def. DSHS and offered to dismiss them from the case for free if counsel for Def. DSHS brought summary judgment motion on the issue of proximate cause only. Counsel for Def. DSHS refused Plff's offer to dismiss Def. DSHS for free, instead choosing to bring a motion on the issue of duty. The Court denied Def. DSHS' motion. Counsel for Def. DSHS subsequently agreed to pay \$150,000 to be dismissed from the case. *Summary Judgment - Defs. DSHS and City of Seattle brought summary judgment motions seeking to dismiss Plff's negligence and civil rights claims. All motions were denied.)