

Sacramento jury slams firm with \$23 million in punitive damages in wrongful death, elder abuse of woman

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A Sacramento Superior Court jury today slammed the Emeritus Corp. for \$23 million in punitive damages in the wrongful death and elder abuse lawsuit filed and won by the family of an 82-year-old woman with Alzheimer's disease who died after spending three months in one of the company's assisted living facilities in Auburn.

It took the panel less than a day of deliberations following two days of testimony to decide what the damages should be in the punitive phase of the trial. The same jury on Monday came back with a finding of liability against Emeritus and found that the Seattle-based corporation acted with malice, oppression and fraud in its treatment of Joan Boice. The woman died in February 2009, three months after she left Emeritus at Emerald Hills in Auburn with bed sores spreading over portions of her body.

"We are extremely thankful and grateful to the jury," said Boice's son, Eric, who was one of three of her children who filed the lawsuit against Emeritus in 2009. "They got it right in their verdicts, and we're hoping that the punitive serves as a wake up call to this company that needs to change."

Testimony at the trial showed that Emeritus at times had no caregivers on duty during the overnight shift during Boice's three-month stay at Emerald Hills.

Emeritus spokeswoman Karen Lucas said the company intends to appeal the award.

"We are extremely disappointed in the outcome of the trial," Lucas said. "We feel it is not a fair reflection of how we handled the care for Mrs. Boice."

At the end of the liability phase of the trial, the jury awarded the plaintiffs \$3.875 million for Joan Boice's pain and suffering. That award, however, had been capped at \$250,000 by Judge Judy Holzer Hersher under state law that applies to medical malpractice cases.

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