

# Jury Sides With Carlton Fields' Client Kindred Healthcare in \$13M Medical Malpractice Case

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Carlton Fields attorneys obtained a jury defense verdict for their client, Kindred Healthcare, in a long-running medical malpractice trial. Following the jury's finding in favor of defendants, the trial court dismissed charges of medical malpractice and loss of consortium against the plaintiffs' \$13M claim. Carlton Fields will now seek nearly \$500,000 in attorneys' fees and costs, pursuant to Georgia's statutory offer of settlement statute. A former patient, Robert Coker, was alleged to have swallowed his upper dental bridge at some time during his three-day stay at a long-term care facility affiliated with Kindred, and he was alleged to have gone into respiratory distress. His children later sued Kindred Healthcare and others, alleging that the staff failed to diagnose the problem and transfer him to the emergency room in a timely fashion. Coker was diagnosed at another facility and the obstruction was removed at Piedmont Hospital. Since 2014, when the lawsuit was filed, Carlton Fields attorneys successfully whittled down a number of different claims, including simple negligence, gross negligence, wrongful death, and punitive damages, and obtained summary judgment or a directed verdict on these claims, with the charges of medical malpractice and loss of consortium still remaining. After a 6-day trial in Fulton County State Court, the jury dismissed the remaining claims and gave a full defense verdict on Monday. The Carlton Fields team includes attorneys Christopher Freeman and Justan Bounds, as well as paralegal Laura Neubauer. Freeman said, "We thank the jury for their service in this trial and appreciate the decision in favor of Kindred."

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Christopher B. Freeman



Justan C. Bounds

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