

\$1,900,000 Settlement by Elder Law Attorney Felicia Curran Against Integral Senior Living LLC dba The Point at Rockridge for Nursing Home Negligence

Published on October 16, 2017



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I am pleased to announce that the resolution of a lawsuit I filed against Assisted Living giant **Integral Senior Living LLC** on behalf of decedent Olivia Deloney relating to her residence at The Point at Rockridge. The Point at Rockridge is a 196-resident Residential Care Facility for the Elderly in Oakland, California. The lawsuit was settled on non-confidential terms -- meaning I am free to publicize it and discuss it (unlike the majority of lawsuits which settle with some type of confidentiality provision).

Olivia Deloney, 88 years-old at the time, went to live at the Point at Rockridge ("the Point), a 196 bed licensed residential care facility in Oakland, California after she developed short term memory problems that made it unsafe for her to continue to live at home with her daughter. She lived within the memory care unit of the Point. Things went uneventfully for Olivia until the Point decided to admit a 67-year old man who had early onset Alzheimers disease.

On September 8, 2015, the man with early onset dementia stalked Olivia in the unit and then knocked her to the ground as she tried to get away from him, breaking her hip. The staff called for an ambulance but did not separate the man from Olivia, although they knew he had knocked her down. As the paramedics were tending to Olivia, the man tried to kick Olivia in the head.

Olivia was admitted to Kaiser for hip repair surgery, and then returned to the Point in part because The Point's Executive Director told Olivia's daughter that they had no idea the man would do something like this and that he had been removed from the facility.

Olivia was now unsteady on her feet, and disoriented, but staff were not advised to take precautions to prevent another fall. She got out of bed after being left unattended in her room, and fell and broke the same hip. The second surgery to repair the damage was not successful, and Olivia was left immobile and in constant pain. Olivia had been conversant and ambulatory prior to the assault. She quickly became bed bound, despondent, and stopped eating. She died two months later of severe calorie restriction.

history of physical aggression (pushing, shoving, kicking, following too closely, anger) before defendants admitted him to The Point, which disqualified him from admission under The Point's own admission policies due to lack of staffing to deal with that type of individual. At the time he was admitted, The Point was having a problem filling its beds and they charged the man's wife 2 times what Olivia was paying, but did not hire additional staff to supervise him.

Interviews with former employees established that soon after the man was admitted to The Point, he engaged in the very behavior that made him inappropriate for admission to begin with, striking the care givers. The Point **should have reported** all such incidents to the State licensing agency by law, **but they didn't in a deliberate cover up that left no paper trail of the incidents** in case the State came calling or the man injured another resident. "If it's not documented, it didn't happen." **Text messages** between the wife of the man and the Memory Care Director **created a paper trail of some of the incidents.** The Alameda County Superior Court ordered the release of a redacted set of the man's records.

Defendant's Memory Care Director was responsible for vetting the man for admission and for monitoring his behavior after admission. The lawsuit alleged she ignored repeated complaints from staff about the man's behavior.

Tamara Thompson was the licensed private investigator on the case, and did a fantastic job.

The case settled for \$1,900,000 with no confidentiality a few days before the jury trial was to start in Alameda County Superior Court.

Olivia's daughter visited her every day at the Point, and was as conscientious as anyone could possibly be in looking out for their parent in an assisted living facility. **The case shows the vulnerability of elders to injury when the welfare of the elder is at odds with the financial bottom line of the corporation entrusted with their care.** Although we cannot go back and change the sequence of events that **took Olivia's life,** we **can call the corporate owners of such a facility out** and try to make such conduct too expensive for them to risk it in another instance with other elders.



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