



Client Alert

Contact Attorneys Regarding
This Matter:

Jason E. Bring
404.873.8162 - direct
404.873.8163 - fax
jason.bring@agg.com

Erin R. Kendall
404.873.8030 - direct
404.873.8031 - fax
erin.kendall@agg.com

Arnall Golden Gregory LLP
Attorneys at Law
171 17th Street NW
Suite 2100
Atlanta, GA 30363-1031
404.873.8500
www.agg.com

AGG Attorneys Successfully Defend Nursing Home in Liability Action

Jason E. Bring and Erin R. Kendall of AGG's Long-term Care Defense Team recently prevailed in a liability action filed against one of the firm's nursing home clients in Georgia. In the action, the plaintiff, who was the survivor of a deceased nursing home resident, alleged that the nursing facility failed to provide adequate care to the decedent and failed to document the decedent's progress, or lack thereof, in the days preceding her death.

Defending the claims, AGG's attorneys filed a motion to dismiss citing procedural deficiencies in the plaintiff's complaint, including failure to file an expert affidavit. The plaintiff attached a document to her complaint that appeared to be a review of the decedent's medical records by a nurse consultant; however, it lacked the requirements of an affidavit.

Further, AGG's attorneys argued that the wrongful death claim asserted in the complaint was barred by the applicable statute of limitations. The plaintiff filed her action for medical malpractice on the second anniversary of the decedent's death, which is the day after the statute of limitations for such actions expires.

After reviewing AGG's motion to dismiss and brief in support, the court entered an order granting the motion and dismissing the action with prejudice.

Arnall Golden Gregory LLP serves the business needs of growing public and private companies, helping clients turn legal challenges into business opportunities. We don't just tell you if something is possible, we show you how to make it happen. Please visit our website for more information, www.agg.com.

This alert provides a general summary of recent legal developments. It is not intended to be, and should not be relied upon as, legal advice.