



## Client Alert

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### **AGG Attorneys Successfully Defend Nursing Home in Arbitration Action**

AGG's Long-term Care Defense Team, led by Jason E. Bring, recently prevailed in a liability action filed against one of the firm's nursing home clients in North Carolina. The claim was administered by the American Arbitration Association, with a former judge serving as the arbitrator.

In the arbitration action, the claimants, who were the survivors of a deceased nursing home resident, alleged that the nursing facility failed to monitor the resident appropriately and failed to provide medications as needed. The claimants alleged that the resident's death from congestive heart failure could have been prevented had staff noticed early symptoms and intervened more quickly. The nursing home maintained that it properly followed the attending physician's orders and timely informed the physician of all significant changes in condition.

Defending the claims, AGG's attorneys filed a motion for summary judgment supported by an expert nurse's affidavit, arguing that the claimants could not substantiate a breach of the standard of care and could not show causation. The motion also included arguments for procedural deficiencies in the claimant's case. After reviewing AGG's motion and conducting a telephone hearing, the arbitrator entered a final award in favor of the nursing home and dismissed all of the claimants' claims.

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