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Northwest Personal Injury Litigation Reports

JAY CAULFIELD v. STATE OF WASHINGTON, DSHS; KITSAP COUNTY & JAMES SELLARS

Case No. 98-2-01915-0

Trial Date: January 10, 2000

Date of Publication: May, 2000

*2000 WA Jury Verdicts & Sett. LEXIS 1358*

**TOPIC:** DEPARTMENT OF SOCIAL HEALTH & SERVICES, COUNTY & CAREGIVER NEGLIGENCE; BED SORES, 2 CLASS IV; WEIGHT LOSS; SEVERE DEHYDRATION; GASTRIC ULCERS; COLITIS; ANEMIA; URINARY TRACT INFECTION.

**RESULT:** PLAINTIFF VERDICT for \$ 2,616,000. (The jury found Def. Kitsap County responsible for 60% of the jury verdict or a total of \$ 1,575,600; the jury found DSHS 40% at fault. Immediately prior to closing arguments, Def. Kitsap County finally offered to settle for \$ 250,000. The Plffs refused. On 3/10/00, the Court denied Def. Kitsap County's request to overturn the jury's verdict and the Court also denied Def. Kitsap County's motion for a new trial.).

**INJURY:** On 11/2/95 Plff was rushed to the emergency room at Harrison Hospital with a temperature of 105.8, 2 class IV bed sores (the most severe stage) that cut straight to his spine, green semi-solid urine draining from his catheter and a resting pulse of over 160. He was markedly febrile. The emergency room doctor testified that it was the worst condition he had ever seen in his career. At trial, the evidence demonstrated that Plff could have been successfully treated and rehabilitated had either social worker simply responded to Plff 7 to 8 days earlier. Plff was hospitalized for over 28 days, could not feed himself for over 2 years and was instead fed by a tube placed into his stomach. Plff can no longer ambulate in any manner whatsoever, and only move two (2) fingers and must be moved every two (2) hours of the day by nursing assistants. All of these deficits are attributable to the period of severe neglect he was subjected to in the fall of 1995. The Def.'s did not call a single expert to refute any of the long term impacts of these injuries. Plff had no prospects of walking or standing again and, as a result of these injuries, required surgery to sever the tendons in his legs and arms so that he can simply sit in a wheelchair without contractures.

**SPECIALS:** Med. \$ 120,000; Days in Hosp - 28 days.

**STATE:** Washington

**COUNTY:** Kitsap

**TRIAL JUDGE:** Hon. Jay Roof

**PLAINTIFF ATTORNEY(S):** David Moody of Gordon, Honeywell, Malanca, Peterson & Daheim (Seattle).

**DEFENDANT ATTORNEY(S):** Jacqueline Aufderheide of Kitsap County Prosecutor's Office, Civil Division (Port Orchard).

**SUMMARY:** 9/95 - Plff, male age 52, truck driver. Plff suffered from Multiple Sclerosis. Although afflicted with MS, Plff could stand for periods of time, could feed himself, groom himself and assist in dressing himself. Plff was authorized to receive benefits from DSHS and Kitsap County under the COPES program. DSHS and Kitsap County approved a care provider (Def. James Sellars) to provide 24 hour care for the Plff. Although each government entity was required to monitor the caregiver situation concerning the Plff on a periodic basis, DSHS and Kitsap County failed to do so. In October 1995, a DSHS social worker acknowledged that the caregiver situation for Plff was extremely troubling, including the fact that Plff was beginning to hallucinate, his "skin looked bad" and he was having severe problems with his caregiver. Nonetheless, the Def. DSHS employee caseworker did nothing to look into the problem. Later that week Def. DSHS's caseworker passed off Plff Caulfield's case file to a social worker with Kitsap County, telling the Kitsap County caseworker that the Plff's condition required "immediate attention." In fact, the social worker for Def. Kitsap County participated in a face to face meeting with the social worker for DSHS which lasted over 40 minutes and focused solely upon Plff's rapidly deteriorating condition. Both social workers admitted that it was extremely unusual for a meeting like this to occur. Nonetheless, nothing was done to assist Plff Caulfield in any manner whatsoever. In the meantime, Plff was not being cared for in any manner whatsoever, his temperature was escalating, he was not being moved or bathed and he was developing gaping bed sores which cut to the bone and caused severe delusions and hallucinations. Dr. Jon Conte, a professor of social work at the University of Washington testified that the social worker from Def. Kitsap County was grossly negligent and ignored clear warnings signs of severe neglect and abandonment.

Sabine von Preyss MD, board certified in Geriatric Medicine, testified that Plff suffered from the worst bed sores she has ever seen in her career. Dr. von Preyss is the director of the largest nursing facility in the State of Washington.

**PLAINTIFF MEDICAL EXPERT(S):** Sabine von Preyss MD (Geriatric Medicine) Seattle.

**PLAINTIFF EXPERT(S):** Jon Conte Ph.D (Social Work Standards-Professor of Social Work/ University of Washington) Seattle; Davis T. Rollins Ph.D. (Rehabilitationalist) Portland OR.

**DEFENDANT MEDICAL EXPERT(S):** Douglas Felts MD (Family Practice) Silverdale.

**DEFENDANT EXPERT(S):** None called.

**OFFER:** Def. Kitsap County offered \$ 5,000 before trial. Def. asked jury for Defense Verdict.

**DEMAND:** \$ 250,000 to settle before trial, rejected by Def. Kitsap County. The Plff told Kitsap County that he would settle for \$ 250,000 and that the offer would be in place until the first day of trial. Prior to trial, Kitsap County never responded. On 3/1/00 the Plff reached a settlement with DSHS for \$ 110,000. Plff asked jury for a minimum of \$ 1,600,000 and left general damages completely up to jury to decide.

**TRIAL-TIME:** 8-day trial