

HOW TO DEFEND 15 LAWSUITS IN 7 DAYS



An _____ client, a nursing home, is not unlike thousands of others. Daily, they do their best to provide dignified care that serves the needs and enhances the quality of life of their residents. There are no skeletons in their closet; they've had no serious quality issues, have not been targeted by the CMS Special Focus Facility Initiative, have had no major judgments against them. They work in accord with their mission of caring and continually provide quality care, day in and day out. But then an avalanche hit.

One day, the facility found that a notorious plaintiff firm had erected a billboard in their immediate vicinity. On it, the firm sounded a clarion call for the families of any residents who died at the facility to contact them to discuss bringing suit against the facility for wrongful death. Soon, medical record requests started coming in, and the game was on. The plaintiff firm was successful in reeling in about 15 cases involving the facility.

On a Tuesday afternoon, the facility and its defense team were notified of the intent to bring suit on behalf of each of the 15 families. Medical records had been gathered by the plaintiff firm, and a meeting was called to discuss the facility's liability. . .and it was to take place the following Monday. No allegations or complaints were provided to inform the defense about what to expect.

To the defense team, this seemed a strategy that was clearly intended to overwhelm them with thousands of pages of patient records and no clear direction as to the allegations involved. If the defense couldn't adequately assess the records before the meeting—and it was a fair bet on the plaintiff's part that they wouldn't be able to do so—they could choose to settle quickly, in order to avoid a lengthy and costly spate of litigation. However, the facility was confident in



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the care they had provided, and they had no intention of giving in to a high-pressure tactic designed to garner a quick payout. They and their defense team sought a way to respond, even in spite of their impossible timeframe.

The defense had three realistic choices: 1.) Admit they had no way to review the avalanche of records in a week and provide a quick payout, 2.) Allow the cases to go through the litigation process, where they'd end up paying a substantial amount in legal fees and judgments, or 3.) Find a way to evaluate the merit of each individual case and form a strategic response within the week they were allotted. Not accepting of the plaintiff firm's unethical tactics, the defense chose the third option, but knew they couldn't do it alone.

Enter [redacted] and its team of medical legal analysts. The defense charged [redacted] with the tasks of organizing and reviewing each case: providing an assessment of the standard of care each resident received, identifying any areas of potential liability, and presenting all the objective facts, the pros and the cons, of each case. Spread across an entire team of professionals, even 100,000 pages of records is easily accomplished when given proper priority and dedicated attention.

The following Monday, as requested, the defense and facility representatives walked into their meeting with the plaintiff firm. [redacted] armed with a thorough understanding of each resident's story and a solid response for every allegation made during the meeting. With [redacted] help, the defense was able to take the wind from the plaintiff's sails, saving immeasurable time and cost for the facility and maintaining its positive reputation.

The next time you're hit with a challenge that seems insurmountable, give [redacted] a call. If it involves medical records and analysis, we've got you covered.

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