

Gag Order Sought in Lawsuit Over Death

Nursing Home Firm Cites Pretrial Bias

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A corporation that operates nursing homes in New Mexico is seeking to have a gag order imposed in a lawsuit alleging institutional neglect led to the death of an 82-year-old man at Sandia Manor Nursing Home.

Four Seasons Nursing Centers Inc. and other corporate defendants also want plaintiffs to pay for a survey of potential jurors in Bernalillo, Chaves and Doña Ana counties to make sure the corporate defendants

can get a fair trial.

The company contends pre-trial publicity — news stories by the Albuquerque Journal and two television stations — may have hurt its ability to find an impartial jury.

The family of Ray Overson characterizes the motion as "punitive."

"The motion at issue is an attempt by a multi-billion dollar corporation to force a widow living on \$892 a month to pay for an expensive jury survey," says a written response.

Four Seasons is "grasping at straws," knowing full well it can't provide the factual basis needed for its request because there's no evidence the jury

pool has been poisoned, says the response.

The motion is a direct attempt to keep media from learning the facts of the case — especially curious since the defense law firm also represents the New Mexico Press Association, the motion says.

Carl Bettinger, one of the family's attorneys, told the Journal on Friday, "We find it very disturbing that the nursing home in question wants to muzzle us."

Attorneys for the Journal have formally asked to represent the newspaper's interest at any hearing on the defense request for a gag order.

In its motion, the nursing

home corporation notes tie between the Albuquerque Journal and one of the law firm representing the Oversons.

The defense motion also claims a news story "misstate the report of an investigation by the Adult Protective Services Division of Childre Youth & Families Department stating it 'sustained a finding that Overson had died of institutional neglect.'... What the report actually said was 'observation of Mr. Overson condition indicated that there may have been some neglect at Sandia Manor Nursing Home' however after looking at the

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medical chart from Sandia Manor it also noted that Mr. Overson was suffering from dementia and had been very difficult with staff, refusing to take his medication and striking at nurses."

The defense motion claims Overson attorneys made statements that were "specific and sometimes erroneous, incomplete and/or otherwise misleading" about the corporation's liability.

The corporation wants the court to bar trial participants from saying anything "that is not general public knowledge and that will impose a clear and present danger of prejudicing witnesses or potential jurors," the motion says.