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'Drawn-Out' ManorCare Suit Settled

[By Scott Sandlin](#)

Journal Staff Writer

A lawsuit that resulted in a \$53.2 million judgment against a nursing home chain in 2007 was settled Monday on the eve of oral arguments before the New Mexico Supreme Court on one of the many legal issues raised in the case.

Carl Bettinger, an attorney for Lori Keith, who sued after her active, 78-year-old mother bled to death at a ManorCare Inc. nursing home in Albuquerque in 2004, said the case was settled for unspecified "millions."

Keith's lawsuit claimed ManorCare valued profits over adequate staffing, resulting in her mother being unattended at a critical time. An autopsy she demanded within hours of her mother Barbara Barber's death found the cause was gastrointestinal bleeding. Keith also claimed evidence was covered up.

ManorCare said the cause of death was sudden heart events and denied understaffing or destruction of evidence.

A civil jury returned a verdict of \$4 million in compensatory damages — \$3.2 million of it pegged to ManorCare — plus another \$50 million in punitive damages.

A ManorCare statement, e-mailed in response to the Journal's request for comment Tuesday, said: "We are pleased we were able to resolve this with the family. The incident in question occurred years ago, and we feel we have appropriate measures in place to provide quality care in a safe and comfortable environment. In accordance with federal and state regulations, we are not permitted to discuss individual patients who reside or have resided in the facility due to our commitment to patient confidentiality and resident rights. All of us at ManorCare are committed to providing quality care to our patients."

Bettinger said had the settlement not been reached, the parties faced years

more litigation on that and other issues.

"It was a very long and drawn-out battle, and we couldn't have done it without a heroic client," he said. "It (the settlement) stands for the proposition that little people can take on the big corporations and sometimes achieve justice."

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