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Traub Lieberman Partner Colleen Hastie and Associate Peter Iannace Obtain Motion for Summary Judgment in Favor of Skilled Nursing Facility

Related Attorneys: Colleen E. Hastie

In a case brought against multiple healthcare facilities before the Supreme Court of the State of New York, County of Westchester, Traub Lieberman Partner Colleen Hastie and Associate Peter Iannace won a motion for summary judgment in favor of a Skilled Nursing Facility (the "SNF"). This medical malpractice/negligence case was brought against multiple health care facilities and organizations by decedent's estate, whom alleges decedent's death was the result of the actions or inactions of defendants. Specifically, decedent alleges SNF failed to properly treat decedent's decubitus ulcers and timely diagnosis an infection.

The Traub Lieberman team filed motion for summary judgment in this negligence/medical malpractice case seeking to dismiss the claims against SNF of medical malpractice, negligence, wrongful death, punitive damages and violation of Public Health Law §§ 2801(d) and 2803(c). The Court granted summary judgment dismissing plaintiff's claim for punitive damages as a result of the plaintiff's failure to address this claim substantially with their expert witness. The expert's testimony did not provide adequate information or evidence to establish a basis for punitive damages. Similarly, the court dismissed all claims arising out of the Public Health Law, as the plaintiff's expert once again did not provide adequate information or evidence to support any violation of regulations. The expert failed to mention any specific regulations that were allegedly violated, what rights the decedent was owed that they did not receive, and specifically how the Facility failed to provide adequate and appropriate medical care.

Further, the SNF expert established that the decedent did not contract any infection while a resident of the SNF, nor did decedent's condition worsen. The medical records further confirm SNF's staff conducted regular and skilled assessments, and provided timely and appropriate treatment to decedent. Plaintiff, in opposition, failed to submit any proof that the SNF deviated from any standard of care and/or violated any Public Health Laws or statutes, and summary judgment was granted in favor of the SNF.