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Elderly Residents File Ground-Breaking Class Action Lawsuit Against Brookdale Senior Living Over Financial Abuse and Widespread Violations of the ADA

(San Francisco, CA – July 13, 2017) – Four senior citizens living in California assisted living facilities run by Brookdale Senior Living, Inc., who have significant care needs and disabilities, have filed a class action lawsuit in federal court in San Francisco accusing Brookdale of financial abuse and widespread violations of the Americans with Disabilities Act of 1990 (“ADA”). Brookdale is the largest provider of assisted living for senior citizens and persons with disabilities in the U.S. and its stock trades on the New York Stock Exchange. There are more than 5,000 residents in Brookdale’s 89 assisted living facilities in California. This is believed to be the first class action lawsuit against an assisted living provider to be brought under the ADA.

Plaintiffs and their families came to Brookdale because they required assistance with their activities of daily living including medication management, dressing, bathing, toileting, hygiene, food preparation, laundry and transportation. Rather than finding the care and comfort they needed, plaintiffs, their family members, and the proposed class they seek to represent have all encountered in Brookdale a system of understaffed assisted living facilities that fails to consistently provide even the most basic level of promised care.

“The majority of Brookdale residents have a physical or mental disability that requires accommodation – these are assisted living facilities after all,” said plaintiffs’ co-counsel Gay Grunfeld. “Brookdale promises residents and their families that these needs will be taken care of – they even develop an individual plan to do so – but the reality is that residents are not getting the care that they pay for and those with disabilities are especially at risk.”

According to the complaint: “Brookdale systemically understaffs its facilities, cuts caregiver hours, and fails to train workers, all to boost its profitability, while the residents in Brookdale’s care are forced to endure increasingly expensive monthly charges and worsening care. The results of Brookdale’s callous and profit-driven approach are devastating: as multiple reports by state regulators confirm, residents are left without assistance for hours after falling, they are given the wrong medications, they are denied clean clothing, showers, and nutritious food, and they are left in their own waste for long periods of time.”

Brookdale promises families peace of mind, but instead they find heartache when they learn that their loved ones are not receiving medications they need or even the most basic housekeeping and hygiene—despite monthly fees ranging from \$4,000 to \$5,000 or more for each resident.

“This lawsuit is about broken promises for higher profits,” said plaintiffs’ co-counsel Kathryn Stebner. “There have been scores of family and resident meetings in an attempt to address these problems and hundreds of complaints made to Brookdale management,” added co-counsel Guy Wallace. “When nothing was done to address their concerns, plaintiffs decided to take their case to the courts.”

As alleged more fully in a 70-plus page complaint filed today in the United District Court for the Northern District of California, Brookdale has engaged in a policy and practice of violating Title III of the Americans with Disabilities Act of 1990 (“ADA”), accompanying regulations, and the Unruh Civil Rights Act. Brookdale discriminates against seniors with disabilities in myriad ways, including by failing to address multiple barriers in their living quarters and throughout the facilities, restricting the number of persons in wheelchairs who can take weekly outings, and failing to provide sufficient staff to care for persons with cognitive and other disabilities. The complaint also alleges that Brookdale has engaged in a policy and practice of violating the Consumer Legal Remedies Act, committing Elder Financial Abuse, and engaging in Unlawful, Unfair and Fraudulent Business Practices.

The consequences of Brookdale’s false promises can be devastating, even tragic, as the examples of seniors who have fallen and not received timely caregiver response show.

As set out in the complaint, “[Brookdale] staff failed to monitor residents’ health status as promised, placing residents in danger and distress in situations where the resident was not able to call for help. At Brookdale Fountaingrove, one resident was left in her wheelchair all night because she requires staff assistance to get in and out of her wheelchair, but staff failed to help her into bed and never checked on her during the night. In another case, a resident at Brookdale Scotts Valley fell in his apartment and went without food or water for 24 to 30 hours because staff failed to check on him. The resident was taken to a hospital, where doctors diagnosed him with dehydration and rhabdomyolysis, a condition in which damaged skeletal muscle tissue breaks down and the damaged muscle cells are released into the bloodstream, causing further injury. At Brookdale Riverside, a resident fell while outside and suffered severe sunburns because staff failed to regularly check on him. In November 2016, Community Care Licensing issued a citation to Brookdale Hemet based on an incident in which staff left a

resident with a known risk of falling unattended in a dining room chair. The resident fell and hit his head, requiring ten stitches. Just three days later, Defendants' staff again left the resident unattended, and he fell and re-injured his head."

These and many other examples of neglect, discrimination and poor care, many set out in the complaint, continue to occur at Brookdale facilities throughout California. Plaintiffs seek damages, as well as court orders improving disability access and ensuring staffing is adequate to meet the needs of Brookdale residents.

The case is *Eidler v. Brookdale Senior Living, Inc.*, U.S. District Court, Northern District of California, Case #3:17-cv-03962.

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